TOWN OF EDDINGTON

ZONING ORDINANCE

PREPARED BY

EDDINGTON PLANNING BOARD

September 2, 2025

This Ordinance replaces:

Road Design Ordinance
Sign Ordinance
Building Permit/Site Plan Review Ordinance
Zoning Ordinance (prior versions)

TIMELINE

March 20, 2012: ENACTED

April 02, 2015:AMENDED to include Mineral Extraction Operation Addendum at Special Town Meeting

June 15, 2021: REVISED at Town Meeting

October 12, 2022: REVISED District Use Chart to include Solar Energy Projects at Special Town Meeting

September 2, 2025: AMMENDED to include State of Maine H.P. 1489 - L.D. 2003 at Select Board Meeting

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Chapter 1: General Provisions

101 Short Title:
This Ordinance and the accompanying official zoning map or maps shall be known and may be cited as the "Zoning Ordinance, Town of Eddington, Maine".

102 Authority:
This Ordinance has been prepared in accordance with the provisions of Chapter 239, Title 30 of the Revised Statutes of Maine, as amended, and M.R.S.A 30-A Section 3001.

103 Purpose:
The purpose of this Ordinance is to promote the health, safety, and general welfare of the residents of the Town, to encourage the most appropriate use of land throughout the Municipality; to promote traffic safety, to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsuitable areas, to provide an adequate road system; to promote the coordinated development of un-built areas; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; and to provide for adequate public services, as an integral part of a comprehensive plan for municipal development.

104 Applicability:
The provisions of this Ordinance shall govern the use of all land and structures within the Town of Eddington except for areas subject to the Town of Eddington Shoreland Zoning Ordinance and identified on the Official Shoreland Zoning Map.

105 Availability:
A copy of this Ordinance shall be on file with the Town Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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

107 Conflict with other Ordinances:
This Ordinance shall not repeal, annul, or in any way impair or remove the necessity for compliance with any other rule, regulation, by-law, permit or provision of law. Whenever a provision of this Ordinance conflicts with, or is inconsistent with another provision of this Ordinance, or of any other ordinance, regulation or statute, the provision imposing the greater restriction upon the use of the land, buildings or structures shall control.

108 Amendments:
This Ordinance may be amended by a majority vote of a legally called Town Meeting. Such amendments shall be referred to the Planning Board for review. The Board shall have 120 days prior to presentation at a Town Meeting to review the proposed amendment and take action.
Amendments submitted by petition of voters, or those to be voted by referendum shall follow the

procedures required by law.

108.1 Initiation:

A proposal for an amendment to this Ordinance may be initiated by:

108.1.1 The Planning Board, by a majority vote of the Board,

108.1.2 The Municipal Officers, through a request to the Planning Board,

108.1.3 An individual, through a request to the Planning Board, or

108.1.4 A written petition of a number of registered Eddington voters equal to at least 10% of the voters in the last gubernatorial election.

108.2 Procedures:

108.2.1 Any proposal for an amendment shall be made to the Planning Board in writing stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposed, and shall be accompanied by a scale drawing showing the areas to be changed, with dimensions. When an amendment is proposed by other than the Municipal Officers or the Planning Board, a fee shall accompany the proposal to cover the costs of hearings and advertisements.

108.2.2 Within 30 days of receiving a request for an amendment, the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by Municipal Officers or by a petition, the Board shall vote whether to forward, with or without recommendation, the amendment to the Municipal Officers. The Board shall make a written recommendation regarding passage to the Municipal Officers and Legislative Body prior to any action on the amendment by the Municipal Officers.

108.2.3 The Municipal Officers shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least 7 days prior to the hearing. The notice shall contain the time, date, and place of the hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the municipal clerk's office shall be adequate notice. Any suggested changes as a result of this Public Hearing will go back to the Planning Board for consideration and the Board's recommendation for action.

109 Effective Date:

The effective date of this Ordinance is: Enacted March 20, 2012. Revised April 02, 2015, and amended to include the Mineral Extraction Addendum. The Mineral Extraction Addendum and its provisions are effective retroactive to February 22, 2014, and apply to all matters, proceedings,

applications, and actions pending as of, or occurring subsequent to that date, except to the extent restricted or prohibited by the provisions of 30-A M.R.S.A. §3007(6), in which case, as to those matters only, they shall apply to the maximum extent not restricted or prohibited by the provisions of §3007(6). The ordinance was revised June 15, 2021, at Town Meeting.

Chapter 2: Administration and Enforcement

201 Code Enforcement Officer:

201.1 It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he/she shall immediately notify in writing the persons responsible for such violation, indicating the nature of the violation and the action necessary to correct it. Decisions on recommendations to prosecute, time granted for willful compliance and the terms of any consent agreements are not appealable. The Code Enforcement Officer is authorized to order immediate cessation of any development activity, pending action of the Board of Selectmen, as provided in subsection 202 below.

201.2 The Code Enforcement Officer shall maintain a file of all permit applications and maintain a record of all essential transactions of the office, including but not limited to applications submitted, permits granted or denied, variances granted or denied, Planning Board reviews granted or denied, revocation orders violations and fees collected.

201.3 The Code Enforcement Officer may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent to inspect the property or structure for compliance with this Ordinance. If consent is denied, the Code Enforcement Officer may enter the property after obtaining the necessary legal authorization.

201.4 The Code Enforcement Officer shall also administer applications and grant permits within the jurisdiction of Section 606, the District Use Chart, on page 18.

202 Enforcement:

202.1 When any violation of any provision of this Ordinance shall be found to exist, the Board of Selectmen, upon notice from the Code Enforcement Officer, is hereby authorized and directed to institute any and all corrective actions and proceedings, including, to require the removal of illegal buildings, structures, additions, or work being done; or any other action to ensure compliance with, or to prevent violation of, this Ordinance in the name of the Town.

202.2 Any person, firm or corporation being the owner, contractor or having control or use of any structure or premises who violates any provisions of this Ordinance shall upon adjudication be fined in accordance with the provisions of M.R.S.A. Title 30-A Section 4452. Each day such a violation is permitted to exist after notification by the Code Enforcement Officer shall constitute a separate offense. All fines' costs and attorney fees, including the award of any court cost shall be for use and benefit of the Town of Eddington.

203 Planning Board:

203.1 The Planning Board shall hear and decide upon permit applications and perform other duties as authorized by this Ordinance.

203.2 The Planning Board shall consist of 5 primary members and 2 alternate members. When fewer than 5 primary members attend or are recused, the alternate members become voting members as vacancies occur, in order of seniority.

203.3 No meeting of the Planning Board shall be held without a quorum of at least 3 members.

203.4 A legal vote shall consist of a majority of the members present and voting.

203.5 Subject to state law, any questions 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 present and voting, except the member who is being challenged.

204 Board of Appeals:

204.1 The Board of Appeals shall have the following powers:

204.1.1 Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or the Planning Board in the administration of this Ordinance.

204.1.2 Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

204.2 Variance Appeals:

204.2.1 Variances may only be granted from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage and setback requirements. Variances shall not be granted for the establishment of any uses otherwise prohibited by this Ordinance.

204.2.2 The Board of Appeals shall not grant a variance unless it finds that strict application of the terms of this Ordinance would result in undue hardship. The term undue hardship shall mean the following:

204.2.2.1 The land in question cannot yield a reasonable return unless a variance is granted.

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

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

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

204.2.3 The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes 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.

204.2.4 A recordable version of the variance approval shall be filed by the applicant at

the registry of deeds within 90 days of the date of the written approval of the variance or the variance is void.

204.2.5 A variance to a property owner for the purpose of making the property accessible to a person with a disability who is living on the property shall be the authority of the Code Enforcement Officer as per Title 30-A, 4353-A, see below.

Title 30-A: Municipalities and Counties

§4353-A. Code enforcement officer; authority for disability structures permits

Notwithstanding section 4353, a municipality by ordinance may authorize a code enforcement officer to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or extensively uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The code enforcement officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability life in the dwelling. [2013, c. 186, §2 (NEW).]

All medical records submitted to the code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. [2015, c. 152, §2 (NEW).]

For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps. [2013, c. 186, §2(NEW).]

For the purposes of this section, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A. [2013, c. 186, §2(NEW).]

4-A. Disability variance; vehicle storage. A disability variance may be granted pursuant to this subsection.

A. The Code Enforcement Officer may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or extensively uses the dwelling. The Code Enforcement Officer shall restrict any variance granted under this paragraph 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 Code Enforcement Officer may impose conditions on the variance granted pursuant to this paragraph, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure. [2009, c. 342, §1 (NEW).]

B. If authorized by the zoning ordinance establishing the board, the board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a

person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other

purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the board.

The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

For purposes of this paragraph, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, section 521 and owned by the person with the permanent disability. [2009, c. 342, §1 (NEW).]

The Code Enforcement Officer may impose conditions on the variance granted pursuant to this subsection.

All medical records submitted to the Code Enforcement Officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

204.3 Appeal Procedure:

204.3.1 An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such an appeal shall be taken within 30 days of the date of the decision appealed from, and not otherwise, except that the Board, upon showing of good cause, may waive the 30-day requirement. A decision by the Planning Board directing the Code Enforcement Officer to issue a permit shall be deemed the final decision for purposes of appeal.

204.3.2 Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

204.3.2.1 A concise written statement indicating what relief is requested and why it should be granted.

204.3.2.1 A sketch drawn to scale showing lot lines, location of structures and other physical features of the lot pertinent to the relief sought.

204.3.3 Upon being notified of an appeal, the Code Enforcement Officer or the Planning Board, as appropriate, shall transmit to the Board of Appeals all the papers constituting the record of the decision appealed from.

204.3.4 The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.

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

204.3.6 The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision or determination of the Code Enforcement Officer or Planning Board, to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act of the Code Enforcement Officer or the Planning Board only upon a finding that the decision, or failure to act was clearly contrary to specific provisions of this Ordinance.

204.3.7 The Board shall decide all appeals within 35 days after the close of the public hearing and shall issue a written decision on all appeals.

204.3.8 All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis thereof, and the appropriate order, relief or denial thereof.

204.3.9 The Board of Appeals may reconsider any decision within 30 days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

204.3.10 An 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 45 days from the date of any decision of the Board of Appeals.

Chapter 3: Permit and Review Requirements

301 When a Permit is Required:

301.1 A permit is required for the following activities and shall be obtained prior to the start of any construction, site work, development, or commencement of land use activity.

301.2 The construction, erection, improvement, addition, enlargement, alteration, demolition, or movement of any building or structure larger than 100 square feet.

301.2 The installation or construction of a dwelling unit, manufactured home, modular home, or any other form of construction wholly or partially assembled off site.

301.3 The expansion of a non-conforming use or structure.

301.4 Mineral extraction activities.

301.5 Installation of a sign.

301.6 A new or expanded land use activity as listed in the land use table in Chapter 6 of this Ordinance.

301.7 Any change of use to another use as listed in the land use table in Chapter 6 of this Ordinance.

301.8 Any land use activity which involves moving or adding 300 cubic yards of fill, soil, or stone, except for the tilling of soil.

301.9 An annual permit for a Campground, RV Park, or Manufactured Home Park.

302 When a Permit is not Required:

Permits are not required for the following:

302.1 For any use allowed without a permit as indicated in the land use table in Chapter 6 of this Ordinance.

302.2 For normal repair or maintenance.

302.3 For an accessory structure of 100 square feet or less in area and which is not attached to any other structure or building.

303 Permit Review:

303.1 All permits shall be obtained from the Code Enforcement Officer and /or the Licensed Plumbing Inspector after meeting the appropriate review requirements established in this Ordinance. Permits shall be reviewed according to the following:

303.2 Activities listed in the land use table that require Code Enforcement Officer review shall

be reviewed by the Code Enforcement Officer.

303.3 Activities listed in the land use table that require Planning Board review shall be reviewed by the Planning Board.

303.4 Activities listed as allowed in the land use table shall not require review but shall conform to the applicable requirements of this Ordinance.

303.5 Plumbing and subsurface wastewater disposal permits shall be reviewed by the Code Enforcement Officer.

303.6 Expansion or enlargements of a non-conforming structure or use, or a change of non-conforming use to another non-conforming use shall be reviewed by the Planning Board.

303.7 The conveyance of a developed and contiguous nonconforming lot as per the requirements of Chapter 5 of this Ordinance shall be reviewed by the Planning Board.

303.8 Annual permits for Campgrounds, RV Parks or Mobile Home parks shall be reviewed by the Code Enforcement Officer.

304 Activities Which Require Multiple Reviews and Permits:

304.1 Applications for activities which are required to conform to one or more of the following: Shoreland Zoning, Floodplain Management and Subdivision and also require a permit and review under the provisions of this Ordinance may be reviewed concurrently by the Planning Board and/or Code Enforcement as applicable.

305 General Permit Requirements:

305.1 Permits: Applications for any permit required by this Ordinance shall be in writing on forms and in content approved by the issuing authority. Forms shall be signed and be directed to the issuing authority.

305.2 Plumbing Permits: No building permit shall be issued for any structure or use involving construction, installation, or alteration or use involving external plumbing unless a permit for such has been obtained by the applicant or his/her authorized agent from the Local Plumbing Inspector according to the requirements of this Ordinance and the State.

305.3 Fees: A non-refundable application fee is required for all applications. No application shall be reviewed until fees are received. Fees shall be determined by the town.

305.4 All permit applications shall be signed by the owner of the property, or a person with right, title or interest in the property, or a duly authorized agent, and such signature shall certify that the information is complete and correct.

305.5 An applicant shall obtain a permit from the Code Enforcement Officer within 90 days after the Planning Board makes a final decision to approve the application. The applicant shall reapply for Planning Board Review according to the requirements of this Ordinance for a new application if a permit is not obtained within the 90-day period.

305.6 A permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one year of the date on which the permit is granted and if the work or

change is not substantially completed within two years of the date of the permit.

Chapter 4: Review Procedures and Standards

401 General Review Standards:

401.1 On Site Inspection: The Code Enforcement Officer/Planning Board may conduct an on-site inspection of the parcel or buildings connected with the use before considering the application complete as part of the review process. The on-site inspection shall be at a time and in weather conditions which permit adequate inspection of the physical features of the land.

401.2 Public Hearing: The Planning Board may hold a public hearing regarding the application. Notice of said hearing shall be published in a newspaper of general circulation at least 10 days in advance of the hearing. Property abutters shall be notified by first-class mail of the date, time and place of the public hearing at least 10 days prior to the hearing. If such hearing is held, the Board shall schedule the public hearing within 35 days of deciding to hold the hearing. Failure of a property abutter to receive notification shall not require a new public hearing.

401.3 Decisions: After review of a complete application, the Code Enforcement Officer/Planning Board shall determine whether or not the permit application meets the review criteria contained in this Chapter. The Code Enforcement Officer/Planning Board shall make a written finding of fact to support its decision, and vote to approve the application, approve the application with conditions, or deny the application. The Planning Board shall submit its decision on the application to the Code Enforcement Officer.

> **401.3.1** Approval by the Planning Board of an application does not constitute evidence of acceptance by the Town of Eddington of any road, easement, or open spaces shown on a plan.

401.4 Burden of Proof: The applicant shall have the burden of proof to show that the proposal meets the applicable review criteria, and the standards contained in this Ordinance.

401.5 Rights not Vested: The submittal of the permit application to the Code Enforcement Officer or the Planning Board to review for a complete application shall not be considered the initiation of the review process for the purposes of bringing the application under the protection of M.R.S.A. Title 1, Section 302. The formal review process shall begin upon determination by the appropriate reviewing authority that a complete application has been received, any public hearings are held (if applicable), and the appropriate reviewing authority begins substantive review

401.6 Additional Information and Studies: The Planning Board may, at its discretion, retain expert independent technical assistance to supplement the evidence presented by the applicant. The cost of such expertise shall be borne by the applicant in accordance with the terms of an escrow account set up between the applicant and the Planning Board with assistance from the Town Manager. A permit for any approved application shall not be issued until all the applicable fees are fully paid.

401.7 Waivers: The Planning Board may vote to waive any of the review criteria or submission requirements when it finds that one or more of the review criteria or submission requirements are not applicable to the proposal due to the unique circumstances of the project, or when the applicant has proposed an alternative design that meets the intent of this Ordinance.

401.7.1 The applicant may request a waiver and shall submit all the necessary information to support the waiver request.

401.7.2 The Planning Board shall consider the written waiver request after it deems the application complete. The first item of application review shall be to determine whether a waiver shall be granted. If the Planning Board does not grant the waiver, the applicant shall submit any required information as applicable to complete the application. The Planning Board may vote to continue the application review until such time as the applicant submits any required information.

401.8 Conditions: The Planning Board/Code Enforcement Officer may attach conditions to the application that it finds necessary to further the purposes of this Ordinance. Conditions are limited to further address items already contained in this Ordinance. A condition may not be imposed to regulate any item not specifically discussed in this Ordinance.

In determining whether conditions are appropriate or necessary, the Planning Board/Code Enforcement Officer shall consider the unique features of the site and surrounding area, the proposed use and proposed structure. All conditions shall be listed on the permit and shall be enforceable under the provisions of this Ordinance.

402 Review Criteria:

The applicant for a permit review shall demonstrate that the proposed use, project or activity meets the review criteria listed below. The Planning Board/Code Enforcement Officer shall approve an application only after making a written finding that all of the following criteria have been met. Applications subject to the Wind Energy Facility Ordinance shall be reviewed according to the requirements of that ordinance. Further review under this section is not required. (In making their determination they shall be guided by the performance standards in Chapter 7 General, Chapter 8 Environmental, Chapter 9 Roads and Traffic and Chapter 10 Special Activity, as appropriate.):

402.1 The application is complete, and the applicable fee has been paid.

402.2 The proposed activity will not cause significant soil erosion during construction or when complete.

402.3 The proposed activity will not have a significant adverse impact upon wetlands or waterbodies.

402.4 The proposed activity will provide for adequate storm water management.

402.5 The proposed activity will provide for adequate sewage disposal.

402.6 The proposed activity has sufficient water to meet potable and fire suppression requirements. The proposed activity will not pose an undue risk of fire, and the property will be accessible to emergency vehicles.

402.7 The proposed activity will dispose and treat solid and hazardous waste in conformance with all applicable local, state and federal laws and regulations.

402.8 The proposed activity will not significantly affect the quality or quantity of groundwater.

402.9 The proposed activity will not cause unreasonable road congestion or unsafe conditions with respect to existing and proposed roads and access points.

402.10 The proposed activity will not have a significant adverse impact upon scenic, historic or archeological resources, and wildlife and animal habitat.

402.11 The proposed activity shall not have a significant adverse impact upon historic and scenic areas as identified in the Comprehensive Plan or by the Town.

402.12 The proposed activity will not have a significant detrimental effect on the use and peaceful enjoyment of abutting properties as a result of noise, vibration, fumes, odor, dust, glare, or other causes.

402.13 The application conforms to all the applicable provisions of this Ordinance.

403 Code Enforcement Officer Review:

The following requirements shall apply to all those land use activities that require review by the Code Enforcement Officer as listed in the land use table.

403.1 Application Procedure:

Within 14 calendar days of receiving an application, the Code Enforcement Officer shall determine if the application is complete and notify the applicant whether the application is complete, or if incomplete, the materials necessary to make the application complete. The Code Enforcement Officer shall render a final decision on the complete application within 14 calendar days.

403.2 Submission Requirements: A permit application shall contain the following information:

403.2.1 Name, address and telephone number of the applicant and applicant's agent if applicable.

403.2.2 Property location, including map and lot number.

403.2.3 Verification of right, title or interest in the property.

403.2.4 Receipt of the application fee.

403.2.5 Construction schedule, including beginning and completion dates.

403.2.6 Plumbing and subsurface wastewater disposal applications or permits, if applicable.

403.2.7 A complete description of the project, including how the proposal conforms to the review criteria.

403.2.8 A map drawn to scale showing the location, boundaries, elevations, uses and size of the following: site, structures setbacks, parking areas, access points, erosion control, stormwater management, wetlands, waterbodies, easements, rights-of-way, subsurface wastewater test pits and systems, and existing and proposed wells.

403.2.9 A scaled drawing including a floor plan and side, front and rear profiles of any proposed new or enlarged structures.

403.2.10 Any other information necessary to show that the proposal conforms to the applicable review requirements of this Ordinance.

404 Planning Board Review:

The following requirements shall apply to all land use activities that require Planning Board Review as listed in the land use table.

404.1 Application Procedures:

404.1.1 For projects of sufficient complexity, it is advisable to request a pre-application meeting with the Planning Board. This may be initiated by the applicant, the Code Enforcement Officer or the Planning Board.

404.1.2 The applicant shall submit 9 copies of a complete application to the Town Manager or Code Enforcement Officer at least 14 calendar days before a regular scheduled meeting of the Planning Board. The Code Enforcement Officer shall place the application for consideration on the Planning Board agenda and distribute copies of the application to the Planning Board as soon as possible after it is received.

404.1.3 The Planning Board shall first review the application for completeness. If the application is not complete, the Board shall inform the applicant what materials are required and place the application on the agenda of the next meeting to finish the completeness review. If the application is deemed complete, the Planning Board may schedule a public hearing on the application. The Planning Board shall make a final decision within 90 days of beginning substantive review of a complete application. This review will commence no later than at the first meeting following a Public Hearing. When extenuating circumstances such as weather or natural disasters force cancellations of regular meetings, the review timeline is extended accordingly. Or, if the application necessitates outside expertise and additional testing or if, during review, it becomes apparent that additional information is required and the applicant agrees to provide it, the 90 days is suspended until the additional information is provided. Non-compliance by the applicant of the 90-day requirement will result in the application being denied. The applicant can resubmit the application for consideration. If the Planning Board does not act within the 90 days, the application may be deemed denied.

404.2 Submission Requirements:
A permit application shall contain the following information:

404.2.1 All the information required for a Code Enforcement Officer Review.

404.2.2 Waiver request form if applicable.

404.2.3 Engineered drawings showing the location and construction details for all proposed roads.

404.2.4 Traffic data for the site, including an estimate of the amount of traffic to be generated on a daily basis and at peak hour.

404.2.5 Information showing that the applicant has the financial and technical capacity to meet the provisions of this Ordinance and develop the project according to the submitted application.

405 Performance Guarantee:

405.1 The Planning Board shall, as a condition of review approval, require a performance guarantee, as per Section 710, for the construction of a road and may require a performance guarantee for other public improvements such as storm water control features and structures, erosion control, essential services and utilities, buffers and screening and parking when it determines that the construction of such improvements will have an impact upon the development of surrounding area.

Chapter 5: Nonconforming Lots, Structures and Uses

501 Purpose:
It is the intent of this Ordinance to promote land conformities, except that non-conforming conditions that lawfully existed before the effective date of this Ordinance shall be allowed to continue, subject to the requirements set forth in this chapter.

502 General Provisions:
502.1 Except as hereafter 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, moved, or altered and no new lot shall be created unless in conformity with all the regulations herein specified for the district in which it is located.

502.2 Non-conforming structures, lots and uses may be transferred, and the new owner may continue the non-conforming use or continue to use non-conforming structure or lot, subject to the provisions of this Ordinance.

502.3 This Ordinance does not require a permit for the normal upkeep and maintenance of non-conforming uses and structures, including repairs or renovations which do not involve expansion of the non-conforming use or structure and such other changes in a non-conforming use or structure as federal, state or local building and safety codes may require.

503 Non-Conforming Lots:
503.1 A legally non-conforming lot of record that existed on the effective date of this Ordinance can be built upon, providing that setbacks can be complied with, or the Board of Appeals grants a variance for setbacks.

503.2 No portion of a non-conforming lot of record in existence as of the effective date of this Ordinance shall be sold or otherwise conveyed to create further nonconformity.

503.3 Conveyance of Developed and Contiguous Nonconforming Lots of Record:
The Planning Board shall grant a Conveyance Permit to single or joint owners of said lots after review if said lots meet the following conditions:

> **503.3.1** If two or more contiguous and developed lots of record are in the same single or joint ownership of record at the time of adoption of this Ordinance, and if each lot contains a residence built in conformity with existing regulations at the time of its construction, and each lot currently meets the standards of the State Plumbing Code within its boundaries, they may be conveyed separately or together. Any undeveloped lot of record in the same ownership as a contiguous developed lot (or lots) shall be added to one or divided between said lots to bring them into conformity or closer to conformity with lot sizes in the zone. Said dividing of the undeveloped lot shall be in a manner consistent with the development on the lots to maximize their conformity, and so as not to create another nonconforming lot.
>
> **503.3.2** A "developed" lot shall mean one containing a residence. The presence of an accessory building or other structure not containing a dwelling unit shall not constitute development.

503.3.3 The application for a conveyance permit shall contain a plan to show all lots to be conveyed and the dividing of contiguous or intervening vacant lots to said lots drawn to scale, locations of on-site subsurface wastewater disposal systems, a copy of the original deed(s) to the applicant(s) of the lots, and the names of the abutting property owners to all lots on the plan. The applicant shall provide evidence that each lot to be conveyed meets the State Plumbing Code within its boundaries, if requested by the Board.

503.3.4 A developed nonconforming lot of record contiguous to a developed conforming lot of record, both in the same single or joint ownership, may be conveyed separately or together under the provisions of this Section, at adoption of this Ordinance.

504 Non-Conforming Structures:

504.1 A non-conforming structure may be repaired, maintained and improved but shall not be added to or expanded except as follows:

504.1.1 Expansions are permitted if they conform to all the applicable dimensional requirements except lot size and frontage.

504.1.2 Expansions are permitted when they do not cause any further increase in the linear extent of the nonconformity of the existing structure with respect to the required setback from any lot line and will extend no further into a setback area than does any portion of the existing structure.

504.2 A non-conforming structure that is removed or destroyed may be replaced as follows:

504.2.1 The structure shall be replaced to conform to the current applicable dimensional requirements to the greatest extent possible taking into account the existing foundation, topography, water supply and sanitary disposal.

504.2.2 The Planning Board shall make the determination if the proposal meets the dimensional requirements to greatest extent possible.

505 Non-Conforming Uses:

505.1 A non-conforming use that is discontinued for a period of 12 consecutive months may not be resumed. A use shall be considered discontinued if the property owner's intent is to give up legal right to continue the existing non-conforming use. The property owner's intent shall be judged by some overt act such as, but not limited to, removing advertising signs, removing fixtures, equipment, goods, or by allowing the structure to become dilapidated. The use of land, buildings, or structures shall hereafter conform to the provisions of this Ordinance.

505.2 Whenever a non-conforming use is changed to a conforming use, the property shall thereafter conform to the provisions of this Ordinance.

505.3 A non-conforming use may be changed to another non-conforming use by requesting a permit review from the Planning Board. The Planning Board may approve such a change when it finds that the proposed non-conforming use will not create any more adverse impact or nuisance than the original non-conforming use and the proposal conforms to all the applicable provisions of this Ordinance. In making this determination, the Planning Board shall consider all adverse

impacts, including but not limited to the following: noise, lighting, parking, traffic, and environmental impacts.

505.4 A non-conforming use may be expanded by up to 30% in size after obtaining approval from the Planning Board. The Planning Board may approve such an expansion when it finds that the proposed expansion will not create a nuisance or negative impact upon adjacent properties greater than the existing non-conforming use and that the proposed expansion conforms to all the applicable provisions of this Ordinance. Such an expansion must meet the setback requirements for that zone.

Chapter 6: Zoning Districts

601 Establishment of Districts:

601.1 For the purposes of this Ordinance, the Town of Eddington is divided into the following districts:
Mixed Use District
Commercial District
Rural Residential District
Rural Agricultural District
Conservation District
Service District
Shoreland District

602 Location of Districts:

602.1 Said Districts are located and bound as shown on the Official Zoning Map, entitled "Zoning Map for the Town of Eddington, Maine," dated _ or as most recently amended, and on file at the Town Office. The Official Map shall be signed by the Town Manager and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this may be seen at the Town Office. The official zoning map does show Shoreland Zoning Districts, however, said districts are governed by the Shoreland Zoning Ordinance and official Shoreland Zoning Map.

603 Uncertainty of Boundary Locations:

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

603.1 Boundaries indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.

603.2 Boundaries indicated as approximately following well-established lot lines shall be construed as following such lot lines.

603.3 Boundaries indicated as approximately following municipal limits shall be construed as following municipal limits.

603.4 Boundaries indicated as following railroad lines shall be construed to follow such lines.

603.5 Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

603.6 Boundaries indicated as being parallel to or extensions of features indicated above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.

603.7 Where natural or man-made features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered above, the Board of

Appeals shall interpret the district boundaries.

604 Division of Lots by District Boundaries:

604.1 Where a zoning district boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the regulations applicable to the less restricted portion of the lot may not extend into the more restricted portion of the lot. The regulations applicable to the more restricted portion are permitted to extend into the less restricted portion.

605 District Purpose:

605.1 Mixed Use District:

Encompasses land in the more densely developed areas of the town. A variety of commercial, residential, governmental, and institutional uses exist here, offering convenient access to many kinds of activities. Allowable lot sizes are smaller than in other districts to foster compact development patterns and pedestrian access. It seeks to protect the existing character and to ensure that future development is compatible with the scale and size of existing development.

605.2 Commercial District:

Includes land areas of the town where existing businesses and industry are located, and which are well suited to such development due to transportation access. The district seeks to encourage economic development by providing locations appropriate for future business development while setting minimal standards to control the external effects of such activities (noise, dust, fumes, odors, traffic, waste, discharges, etc.) This zone is intended to encourage the concentration of commercial and industrial development to the mutual advantage of customers and merchants, and at the same time, is so located as to prevent undesirable conflict with residential and business uses and reduce traffic congestion in those areas.

605.3 Rural Residential District:

The purpose of this district is to maintain the rural residential character of the Town, to provide open spaces, and provide for single-family residential dwellings. Single family and two family residential units are permitted as well as home occupations. Subdivisions must be designed as Open Space developments to encourage the preservation of rural land areas.

605.4 Rural Agricultural District:

This zone is intended to maintain the rural character of the Town, protect agricultural and forestry uses, provide open spaces for wildlife habitat, and provide for single-family residential dwellings with larger lot sizes. Single-family residential units are permitted, along with home occupations. Subdivisions will have to be designed as Open Space Developments to maximize the preservation of rural land areas. Natural resource-based businesses and/or industries (such as outdoor recreation, greenhouses, and stables) and commercial development of agricultural and commercial forestry operations are permitted.

605.5 Conservation District:

This district is restricted to forestry uses and research.

605.6 Shoreland District:

See separate Shoreland Zone Ordinance

606 District Use Chart

Legend

COM: Commercial District **MD**: Mixed Use District **RR**: Rural Residential
RA: Rural Agricultural District **C**: Conservation District

Y: Allowed without permit **N**: Not allowed **C**: Allowed with CEO Review
P: Allowed with Planning Board Review

ACTIVITY	COM	MD	RR	RA	C
COMMERCIAL AND INDUSTRIAL USES					
Adult Entertainment	P	N	N	N	N
Auction Facility	P	P	N	P	N
Antique Sales	C	C	N	C	N
Bed & Breakfast	C	C	C	C	N
Commercial Greenhouse	P	P	P	P	N
Commercial Kennel	P	N	N	P	N
Commercial/Service Less Than 3,000 Square Feet	P	P	N	N	N
Commercial/Service More Than 3,000 Square Feet	P	N	N	N	N
Essential Services	C	C	C	C	C
Fuel Storage/ Distribution	P	N	N	N	N
Indoor Commercial Recreation/Amusement	P	P	P	P	N
Junk Yards, Auto Graveyard, Auto Recycling	P	N	P	N	N
Light Manufacturing/Assembly Facility	P	P	P	P	N
P-SES (Principal Solar Energy System) Small/Medium	P	P	P	P	N
P-SES (Principal Solar Energy System) LRGE	P	P	N	P	N
Public Accommodation/Hotel/Motel	P	N	P	N	N
Restaurant	P	P	P	N	N
Self-Storage	P	P	P	N	N
Standalone BESS (Battery Energy Storage System)	P	P	P	P	N
Storage/Warehouse	P	P	P	N	N
Transfer Station/Recycling/Waste Handling	P	N	N	N	N
Truck/Freight Terminal	P	N	N	N	N
Utility Scale BESS (Battery Energy Storage System)	P	P	P	P	N
Vehicle Repair/Service	P	P	N	N	N
Vehicle Sales	P	P	N	N	N
Veterinary Clinic	C	C	C	C	N
INSTITUTIONAL, EDUCATIONAL & GOVERNMENT USES					
A-SES (Accessory Solar Energy System)	C	C	C	C	C
Assembly/Meeting Space	P	P	N	N	N
Cemetery and Crematoriums	N	P	P	P	N
Churches	P	P	P	N	N
Day Care or Nursery School	C	C	C	C	N
Community Nonprofit	P	P	N	N	N
Government Offices & Structures	P	P	N	N	N
Hospitals/Clinics	P	P	N	N	N
Nursing Homes & Congregate Care	P	P	N	N	N

Private Scale BESS (Battery Energy Storage System)	C	C	C	C	C
Schools/Educational Facilities	N	P	P	N	N
Social And Fraternal Organizations	N	C	C	N	N

Legend
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ACTIVITY	COM	MD	RR	RA	C
RESIDENTIAL USES					
Accessory Structures	C	C	C	C	C
Accessory Dwelling Units	C	C	C	C	N
Additional Dwelling Units	P	C	C	P	N
Affordable Housing Development	N	P	P	N	N
A-SES (Accessory Solar Energy System)	C	C	C	C	C
Boarding, Rooming or Lodging House	N	C	N	N	N
Community Living Facility	N	C	C	C	N
Home Occupations	C	C	C	C	N
Manufactured Home	N	C	C	C	N
Manufactured Home Park	N	P	N	N	N
Multi-family Dwelling	N	C	C	N	N
Open Space Development	P	P	P	P	N
Private Scale BESS (Battery Energy Storage System)	C	C	C	C	C
Senior Housing Development	N	P	P	N	N
Single Family Dwelling	C	C	C	C	N
Two Family Dwelling	C	C	C	C	N
RURAL USES					
Agriculture (excluding livestock) Non-Livestock	N	Y	Y	Y	Y
Agriculture (including livestock production)	N	C	C	C	N
Agricultural Processing Facility	P	N	N	N	N
A-SES (Accessory Solar Energy System)	C	C	C	C	C
Campgrounds/RV Parks/Sporting Camps	N	P	P	P	N
Earth Moving /Fill 0 To 300 Cu. Yards Cumulative Total Of Material	Y	Y	Y	Y	Y
Earth Moving/ Fill Between 300 & 1,000 Cu. Yards Accumulative Total Of Material	C	C	C	C	C
Earth Moving/Fill More Than 1,000 Cu. Yards Accumulative Total Of Material	P	P	P	P	N
Log Yards	P	N	P	P	P
Lumber Mills/Sawmill, Fixed & Portable (when used as Fixed)	P	N	P	P	N
Mineral Extraction Operation	N	N	P	P	N
Private Scale BESS (Battery Energy Storage System)	C	C	C	C	C
Riding Stables	N	P	P	P	N
Roadside Farm Stands	C	C	C	Y	C
Small Scale Animal Keeping	N	Y	Y	Y	N
Water Extraction	N	N	N	N	N

607 Minimum Dimensional Requirements:

All structures are subject to the following dimensional requirements, except accessory dwelling units.

Legend

COM: Commercial District **MD**: Mixed Use District **RR**: Rural Residential
RA: Rural Agricultural District **C**: Conservation District

	COM	MD	RR	RA	C
Lot Size Acres	1 acre	1 acre	2 acres	4 acres	10 acres
Road Frontage	100 ft.	100 ft.	200 ft.	400 ft.	400 ft.
Front Setback	30 ft.	30 ft.	30 ft.	30 ft.	100 ft.
Side Setback	15 ft.	15 ft.	25 ft.	50 ft.	50 ft.
Rear Set Back	15 ft.	15 ft.	20 ft.	50 ft.	50 ft.
Height-Maximum	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
Shore Frontage	200 ft.	200 ft.	200 ft.	200 ft.	200 ft.

- All dimensions are in feet unless otherwise indicated
- All dimensions to be measured from the applicable boundary property lines
- All side, rear and front setbacks are measured between the property boundary and the closest portion of a structure including eaves, porches, decks, steps, and similar building features.

608 Exceptions to the Minimum Requirements:

608.1 Accessory structures may be set back from side and rear lot lines a minimum of 10-feet.

608.2 The following are exempt from the height requirement: windmills, telecommunication towers, and chimneys.

608.3 Any lot legally existing prior to the enactment of this Ordinance and located in the Rural Residential or Rural Agricultural Districts which is less than the minimum lot size as established in the Minimum Dimensional Table may conform to the setback requirements in effect prior to the enactment of this Ordinance.

609 Dwelling Unit Density

609.1 Mixed Use District

The minimum lot size per dwelling unit in the Mixed Use District is 1 acre for the first dwelling unit and 20,000 square feet for each additional unit.

609.2 Rural Residential District

The minimum lot size per dwelling unit in the Rural Residential District is 2 acres for the first dwelling unit and 1 acre for each additional unit.

609.3 Rural Agricultural District

The minimum lot size per dwelling unit in the Rural Agricultural District is 4 acres for the first dwelling unit and 2 acres for each additional unit.

609.4 Commercial District
The minimum lot size per dwelling unit in the Commercial District is 1 acre for the first dwelling unit and 20,000 sq. ft. for each additional unit.

Chapter 7: General Performance Standards

701 General Lot Requirements:

701.1 If more than one principal building is constructed on a lot, all dimensional requirements shall be met separately for each principal building except as allowed as per section 703 of this chapter.

701.2 No part of a yard or other open space required on any lot for any building shall be included as part of the yard or open space similarly required for another building or lot.

701.3 New lots shall have side lot lines perpendicular to the road to the greatest extent practical.

701.4 Flag lots and other odd-shaped lots in which narrow strips are joined to other parcels to meet minimum lot requirements are prohibited.

701.5 The required road frontage for a corner lot shall be measured along a single lot line separating the lot from one of the roads. All structures placed on a corner lot shall meet the required road front setback from each road.

701.6 Road frontage along a road curve shall be measured along the road curve.

701.7 The required road frontage for a lot shall not be reduced by the location of a driveway, common driveway, entrance, or a road serving another lot.

701.8 The minimum right-of-way for any town approved road, any road seeking town approval, or subdivision road (see Subdivision Ordinance) shall be 60 feet.

702 Dwelling Unit Allowance:

702.1 If a lot does not contain an existing dwelling unit, up to four (4) dwelling units per lot are allowed if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S.Ch. 423-A, and is:

> **702.1.1** Located within a designated growth area, consistent with 30-A M.R.S. §4349 A(1)(A)-(B).
>
> > **701.1.1.1** Designated growth areas are Mixed Use District, Service District, and the Commercial District.
>
> **702.1.2** Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system

702.2 If a lot does not contain an existing dwelling unit and does not meet 702.1 above, up to two (2) dwelling units per lot are allowed, located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two (2) dwelling units may be:

> **702.2.1** One (1) structure with two (2) dwelling units within, or
>
> **702.2.2** Two (2) separate structures.

702.3 If a lot contains one (1) existing dwelling unit, the addition of up to two (2) additional dwelling units are allowed:

702.3.1 One within the existing structure or attached to the existing structure;

702.3.2 One detached from the existing structure; or

702.3.3 One of each.

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

702.5 If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density.

702.6 Lots where a dwelling unit was torn down before July 1, 2023, are categorized as a lot that does not contain an existing dwelling unit.

702.7 Lots where a dwelling unit was torn down after July 1, 2023, are categorized as a lot with one (1) dwelling unit.

702.8 Dimensional requirements or setback requirements for dwelling units allowed pursuant to this Section shall be the same as the dimensional requirements or setback requirements for single-family housing units.

703 Primary Dwelling and Lot Size:

703.1 Owners of single-family dwellings may add a single accessory dwelling unit regardless of the lot size and density requirements for the district in which the property is located, provided compliance with all of the following criteria:

703.1.1 The unit would be created in an owner-occupied single-family dwelling or garage.

703.1.2 The floor area of the accessory unit would be no less than 190 square feet and no more than 800 square feet.

703.1.3 The accessory dwelling unit shall not be deeded separately or converted into condominium ownership.

703.1.4 All applicable requirements of the State of Maine Plumbing Code and Subsurface Wastewater Disposal Rules shall be met. The septic system must be adequate to accept additional living space. All applicable requirements of current State and Federal Electrical and Building Codes shall be met.

704 Accessory Dwelling Units Allowance:

704.1 One accessory dwelling unit can be located on the same lot as a single-family dwelling unit in any area in which housing is allowed, subject to the requirements outlined below. Private,

state or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law will also apply to lots.

704.2 An accessory dwelling unit may be constructed only:

704.2.1 Within an existing dwelling unit on the lot;

704.2.2 Attached to a single-family dwelling unit; or

704.2.3 As a new structure on the lot for the primary purpose of creating an accessory dwelling unit; or

704.2.4 Within an existing accessory structure, as long as the setback requirements of Section 704.4.1 are met.

704.3 An accessory dwelling unit is exempt from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;

704.4 For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements and setback requirements must be the same as the dimensional requirements and setback requirements of the single- family dwelling unit;

704.4.1 For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023, the required setback requirements in local ordinance of the existing accessory or secondary building apply.

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

704.6 An accessory dwelling unit must be at least 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.

704.7 An accessory dwelling unit can be a maximum of 800 square feet in size.

704.8 If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density, except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision.

705 Accessory Structures:

705.1 An attached or detached accessory structure is permitted if it meets all requirements including minimum lot size. Accessory structures that are 100 square feet or less do not require a permit.

706 Water and Wastewater:

706.1 An owner of a proposed additional housing structure or accessory dwelling unit must provide written verification that each proposed structure is 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:

706.1.1 If a housing structure or 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 unit and proof of payment for the connection to the sewer system;

706.1.2 If a housing structure or 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. §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.

706.1.3 If a housing structure or 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

706.1.4 If a housing structure or 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 must indicate that the water supply is potable and acceptable for domestic use.

707 Swimming Pools:

707.1 A fence shall be erected and maintained around every in-ground private or public swimming pool. The fence shall be a minimum of 4-feet in height above ground level and shall have no openings greater than 4-inches in diameter. All gates or doors through the fence enclosure shall be capable of being securely fastened. A structure or building may be used as part of the enclosure.

708 Outdoor Lighting:

708.1 The outdoor lighting standards shall apply to all land use activities except for residential dwellings and agricultural activities.

708.2 Lighting fixtures shall be shielded and hooded so that the lighting fixture is not exposed to normal view by motorist, pedestrians, and buildings located on adjacent properties. Light shall be directed downward so as not to light up the night sky.

708.3 Outdoor lighting shall not produce a strong, dazzling light, flashing or reflection of light beyond the property lines onto adjacent properties. The light level at all property lot lines shall not exceed 0.5 foot-candles as measured at ground level.

709 Outside Material Storage:

709.1 Outside material storage standards shall apply to all land use activities and property within the Town of Eddington and regulated by this Ordinance, whether occupied or un-occupied, and shall meet or exceed the following standards:

709.2 Outdoor storage areas used for the collection of solid waste, vehicles, junk automobiles, vehicle parts, building materials, machinery, sand and gravel, or other such items shall be screened from the view of all property lines. Walls, fences, vegetation or a combination of materials may be used for the screen.

709.3 All exterior areas shall be sanitary and free of trash and garbage. Composting of vegetative materials is allowed provided this it does not create odor, health hazards, or nuisances.

709.3.1 Trash includes materials or items which are not in good repair or are discarded and which are of little or no value, including plaster, paper, wrappings, plant cuttings, household furnishings, used or salvaged building materials, packing or clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry block, disassembled vehicle parts or dismantled portions of vehicles.

709.3.2 Garbage includes any spoiled or discarded animal or vegetative material resulting from the handling, preparation, cooking or consumption of food for humans or animals as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.

709.4 Property Maintenance Standards:
All property, within the Town of Eddington and regulated by this Ordinance, whether occupied or unoccupied, shall meet or exceed the following standards:

709.4.1 Outdoor Storage
Materials of value shall be stored in a safe and sanitary manner, shall not be scattered about and shall not have openings or stacked in a manner which may provide harborage for vermin. Vermin includes, but is not restricted to: rodents, birds and insects that are destructive to real or personal property or injurious to health

709.4.2 Trees and Shrubs
No tree, shrub or other vegetation shall block safe visions of sidewalk, drive or street. No dead trees, dead parts thereof, fallen trees, or fallen parts thereof that threaten adjacent structures of people or property in the public right of way shall be permitted to remain on any property.

709.4.1 Health and Sanitation
Materials All exterior areas shall be sanitary and free of trash and garbage. Composting of vegetative materials is allowed provided that it does not create odors, health hazards or nuisances. Trash includes materials or items which are not in good repair or are discarded and which are of little or no value, including plaster, paper, wrappings, plant cuttings, household furnishings, used or salvaged building materials, packing or clothing, appliances, equipment, machinery or parts thereof, scrap metal, scrap lumber, masonry block, disassembled vehicle parts or dismantled portions of vehicles. Garbage includes any spoiled or discarded animal or vegetative material resulting from the handling, preparation, cooking or consumption of food for humans or animals as well as other organic waste material subject to rapid decomposition, including trash to which such material has adhered.

710 Antennas/ Dishes:

710.1 The location of all freestanding antennas and dishes shall meet the setback requirements of the district in which it is located.

711 Noise Standards:

711.1 The following uses shall comply with the noise standards: all new and expanded or enlarged existing commercial and industrial uses as listed in the District Use Chart; new and expanded or enlarged existing lumber/sawmills, and re-use of existing agriculture buildings.

711.2 The proposed development shall not cause the background noise level to increase by 10 Decibels (DBA) during the day and 5 DBA at night. Sounds emanating from safety signals, warning devices, emergency pressure relief valves, other emergency or public safety devices and temporary noise such as construction activity are exempt from these requirements. In no case shall the ambient noise level as measured from the property boundary exceed the following absolute noise criteria:

711.2.1 The maximum permissible noise from any continuous, regular, or frequent source of sound within a development shall be no more than 60 decibels between the hours of 7: 00 a.m. to 9:30 p.m. and 45 decibels at other times unless more strictly specified elsewhere in this ordinance for a given activity.

711.3 Noise shall be measured by a meter set on the A-weighted response scale, slow response. The meter shall meet the American National Standards Institute (ANSI S1.-1961) "Specification for General Purpose Sound Level Meters." Sound levels shall be measured at least 4 feet above ground level at the property boundary.

711.4 The applicant is responsible for measuring noise levels. Background noise levels shall be measured at each property boundary line. A day and night reading shall be taken at the same location along each of the property boundary lines. Readings shall not be taken when construction activity, abnormal traffic conditions or other extraordinary conditions are occurring within 500 feet of the property boundary.

711.5 The applicant shall modify the development as necessary to ensure that the noise emanating from the project conforms to the noise limits set forth in this section. The applicant shall provide the Planning Board written certification from an engineer or other appropriate professional that the noise measurements are accurate and the noise from the completed development will conform to this section.

712 Performance Guarantee:

712.1 These standards for a performance guarantee shall be followed whenever required by this Ordinance. When required, the applicant shall submit the appropriate performance guarantee to the Code Enforcement Officer or the Planning Board as applicable.

712.2 The performance guarantee shall include one of the following:

712.2.1 A cashier check, in an amount equal to the expense of installing the public

improvements, made payable to the town.

712.2.2 A performance bond, in an amount equal to the expense of installing the public improvements, made payable to the town, issued by a surety company.

712.2.3 A conditional agreement with the Town, in a form suitable for recording at the Penobscot Registry of Deeds, shall be recorded at the registry with the condition whereby no portion of the project may be sold or no building permit or certificate of occupancy issued until the applicant installs all public improvements required by Section 405.1. A phased development plan may be incorporated into the conditional agreement. This agreement shall be binding with all heirs, successors and assigns.

712.2.4 An irrevocable letter of credit from a bank or other lending institution that indicates that funds have been set aside for the construction of the project and may not be used for any other project or loan.

712.2.5 Escrow Account - A certified check, savings account, or CD, for which the municipality must be named as sole owner, and who may withdraw funds only when the reclamation does not follow the agreed-upon plan. In addition, the principal and any earned interest shall be returned to the operator when the reclamation is completed, unless the municipality has found it necessary to draw on the account. In the latter case, the residual from the account, if any, and its earned interest, will be returned to the developer proportionately.

712.3 The Planning Board or the Code Enforcement Officer as applicable, prior to approval of the application, shall consult with the Selectmen on the terms proposed by the applicant for the performance guarantee. The Selectmen may determine that the amount of the cashier check or performance bond or the terms of the performance guarantees be amended or revised. The Planning Board or the Code Enforcement Officer shall require that any determination made by the Selectmen be incorporated into the performance guarantee.

712.4 Prior to the release of the performance guarantee, the Code Enforcement Officer and the Town Manager shall determine that the proposed improvements meet or exceed the design, construction and inspection requirements specified in this Ordinance, development plans and the subdivision Ordinance as applicable.

712.5 The applicant shall submit to the town all inspection reports required by Ordinances of the Town of Eddington indicating that the proposed public improvement complies with all Ordinance requirements.

712.6 If the Code Enforcement Officer or the Selectmen finds that any of the public improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall take any steps necessary to preserve the town's rights, including but not limited to proceeding against the performance guarantee.

Chapter 8: Environmental Performance Standards

801 Erosion Control:

801.1 Purpose: Erosion control measures are necessary to ensure that soil and sediment do not flow into waterbodies, drainage structures, road drainage ditches and structures, and neighboring properties.

801.2 Applicability: All activities which involve filling, grading, excavation, soil disturbance and other similar activities which result in unstable soil conditions shall conform to the requirements of this subsection. Any of the above listed activities which also require a permit according to this Ordinance shall include a written soil erosion control plan with the permit review application.

801.3. Plan: The erosion control plan shall address the following:

801.3.1 Temporary runoff control features.

801.3.2. Permanent stabilization structures.

801.3.3 Mulching and re-vegetation of disturbed soils.

801.4 Maintenance: The applicant, property owner or agent shall be responsible for maintaining all erosion control features until the site is permanently stabilized. Any soil or sediment that flows into a waterbody, drainage structure, road drainage ditches and structures or onto neighboring property shall be removed by the applicant, property owner or agent at the applicant's expense.

801.5 Standards: All erosion control measures shall conform to the "Maine Erosion and Sediment Control Best Management Practices," published by the Maine Department of Environmental Protection, March 2003, as revised.

801.6 Additional Standards:

801.6.1 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 slope where high cuts and fill may be required shall be avoided where possible, and natural contours shall be followed as closely as possible.

801.6.2 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.

801.6.3 Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, using riprap, sod, seed and mulch, or other effective measures. In all cases, permanent stabilization shall occur within 9 months of the initial date of exposure.

802 Stormwater:

802.1 General Standards:

All new construction and development shall be designed to minimize storm water runoff from the site in excess of natural predevelopment conditions, and to prevent off-site damage to public or private property. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of storm waters. When the storm water is directed off-site, adequate provision shall be made for disposal of all storm water and any drained ground water through a management system of swales, culverts, under-drains and storm drains.

802.2 Additional Standards:

802.2.1 The additional standards shall apply to all developments that have a cumulative total of 3,000 square feet of all structure footprints, contains more than 10,000 square feet of impervious area or are a subdivision.

802.2.2 A storm water control plan shall be designed by a professional engineer. All storm water features shall be designed in conformance with "Stormwater Management for Maine: Best Management Practices," published by the Maine Department of Environmental Protection, 1995 or as most recently amended. A stormwater control plan that is developed according to the requirements of the Department of Environmental Protection Regulations, Chapter 500, Stormwater Management and Chapter 502, Direct Watersheds of Waterbodies Most At Risk from New Development, shall be deemed to be a suitable equivalent to these standards with the approval of the Code Enforcement Officer.

802.2.3 All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and 25-year, 24-hour duration frequencies based on rainfall data for Bangor, Maine.

802.2.4 The stormwater system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.

802.2.5 Downstream drainage requirements shall be studied to determine the effect of the proposed development. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the development. The applicant shall be responsible for financing any improvements to the existing drainage system required to handle the increased storm flows.

802.2.6 The developer shall not increase the rate of or obstruct the flow of drainage into any adjacent land, any ditch or drainage structure existing on any road or other location within the jurisdiction of the town by the construction of any development including a driveway, entrance, or road.

802.2.7 The minimum pipe size for any storm drainage pipe shall comply with current state statute or regulation. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. The pipe shall be bedded in a fine

granular material, containing no stones larger than 3 inches, lumps of clay, or organic

matter, reaching a minimum of six inches below the bottom of the pipe and extending to six inches above the top of the pipe. The minimum culvert pipe length shall be 20 feet.

803 Waterbodies:

803.1 The location of all rivers, streams, brooks, ponds, wetlands and drainage ways shall be identified on all permit applications. Beginning with Habitat Maps, Shoreland Zoning Maps, Topographic Maps, and data form the most recent comprehensive plan shall be used to identify waterbodies.

803.2 All structures and impervious areas shall be set back from all waterbodies in conformance with applicable requirements of the Town of Eddington Shoreland Zoning Ordinance, and all state laws and regulations.

803.3 Waterbodies shall not be developed or disturbed unless the applicant obtains all necessary permits from state and federal agencies. The applicant shall include evidence that all necessary state and federal permits have been obtained prior to a permit being issued.

803.4 Additional Standards:

803.4.1 The additional standards shall apply to all subdivisions and any other development which requires additional stormwater measures as per section 802.2

803.4.2 An on-site wetland delineation shall identify all wetlands on the property regardless of size. The wetlands shall be shown on a site map of the proposed development indicating their boundaries.

804 Subsurface Waste Disposal:

804.1 The installation of all water supply and subsurface wastewater disposal systems shall conform to the most recent edition of the Maine State Plumbing Code. Plumbing and sewage disposal systems shall be installed only after a plumbing permit has been obtained.

804.2 Whenever a subsurface wastewater system is proposed, the applicant shall submit a disposal permit application (form HHE-200 and any other applicable data) for any new lot or expansion of an existing system in order to obtain a permit.

804.3 An application for a subdivision which requires subsurface wastewater disposal shall include evidence that each proposed lot has suitable soils to support the proposed development. A test pit location shall be shown for each lot and marked on the subdivision plan. Soil data for each test pit location shall include all the pertinent information contained on page one of the HHE-200 subsurface wastewater application form.

804.4 Central subsurface wastewater collection systems may be used in conformance with the Maine Subsurface Wastewater Disposal Rules and the following: The ownership, maintenance, future replacement and liability of the central collection system shall be included with the

application. An ownership association shall be developed whenever different owners use a

common disposal system. Deed covenants for each lot owner shall require mandatory membership in the association.

805 Potable Water Supply:

805.1 An adequate supply of potable water shall be supplied to all buildings and structures used for human habitation and whenever required by town or state requirements.

805.2 Water proposed to be used for structure fire prevention/suppression shall be designed by appropriate professionals and shall be reviewed and approved by the Eddington Fire Department.

805.3 All Site Plan applications shall include documentation from a hydrologist or a well driller familiar with the area, stating that adequate water is available to meet the projected demands of the project.

806 Phosphorus Control:

806.1 These standards shall apply to campground proposals, all developments that contain structures with a footprint greater than 3,000 square feet and/or more than 10,000sqft of impervious area, and subdivisions or developments that are wholly or partially located within the direct watershed of a Great Pond.

806.2 A phosphorus control plan shall be developed in accordance with the design criteria contained in the most recent edition of "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development," published by the Maine Department of Environmental Protection, revised September 1992.

807 Solid Waste Provisions:

807.1 All activities shall provide for the disposal of all solid wastes on a timely basis and in an environmentally safe manner.

807.2 At the time of application, the applicant shall specify the amount and exact nature of all waste to be generated and indicate how the materials will be disposed. A plan to dispose of all industrial or chemical wastes shall also be submitted indicating how the materials will be stored, handled and disposed to an approved facility in conformance with all applicable state and federal regulations.

807.3 All outdoor refuse containers shall be kept in such a manner as to prevent the breeding and harboring of insects, rats, or other vermin. This shall be accomplished by enclosures, raising materials above the ground, separation of material, prevention of standing water, extermination procedures or similar means.

808 Historic, Archeological, Wildlife Habitat, Scenic Area, and Rare and Natural Area Provisions:

808.1 All proposed new development shall show the locations of any historic and archeological sites, wildlife habitat, scenic areas and rare and natural areas. If any of these areas are on the site, a protection plan shall be developed according to the following:

808.1.1 If any portion of the site is designated as a significant archeological or historic site

by the Maine State Historic Preservation Commission, Comprehensive Plan, or listed on the National Register of Historic Places, the applicant shall develop appropriate measures for the protection of these resources according to local, state and federal regulations. The applicant shall review the archeological predictive maps, and historic areas identified by the Maine State Historic Preservation Commission to determine the status of the development site.

808.1.2 The Natural Areas Program data and scenic areas identified by the Town of Eddington shall be reviewed to determine the status of the site. If any portion of the site is within an area designated as a scenic area or a unique natural area by the Maine Natural Areas program, the applicant shall develop appropriate measures for the preservation of the values which qualify the site for such designation.

808.1.3 The Code Enforcement Officer or the Planning Board may require the applicant to consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist to further evaluate the site or to develop a habitat protection plan for the site. If any portion of the site is within a wildlife habitat area, the applicant shall develop measures to protect these areas from environmental damage and habitat loss. The applicant shall review the wildlife data as identified by the Beginning with Habitat Maps for the Town of Eddington to check the status of the site.

808.1.4 Wildlife habitat areas shall include the following:

808.1.4.1 Habitat of endangered species appearing on the official state or federal list of endangered or threatened species.

808.1.4.2 High or moderate value waterfowl and wading bird habitats as defined by the Maine Department of Inland Fisheries and Wildlife.

808.1.4.3 Deer wintering areas as identified by the Maine Department of Inland Fisheries and Wildlife.

809 Earth Moving, Excavation, Removal of Fill or Land:

809.1 General:

809.1.1 The following provisions shall apply to excavation, removal of fill or soil, earth loam, sand gravel, rock, peat, and/or other deposits. Excavation, removal, fill of land, or other earth moving activity which would result in erosion, sedimentation, impairment of water quality, or fish and aquatic life is prohibited. All land filling or deposit of demolition debris, hazardous waste, industrial waste, sludge, petroleum products, tires, radioactive waste and white goods are prohibited without prior approval by the Maine Department of Environmental Protection.

809.1.2 Excavation, removal or fill activities not requiring a permit. The following activities shall be allowed without a permit.

809.1.2.1 The excavation, removal or fill of 0 to 300 cubic yards accumulative total of material from or onto any lot.

809.1.2.2 Excavation, removal or fill activities associated with the construction of any structure for which a valid building permit or a valid plumbing permit has been issued.

809.2 Review and Permit Required:

809.2.1 All excavation, removal or fill activities not exempt in Section 809.1.2 of this Ordinance shall require a permit before the activity is commenced. In addition to the information required for a permit, the applicant shall conform with the provisions of the Mineral Extraction Operation (MEO) Addendum to this ordinance.

809.2.2 Issuance by the CEO of a permit in the 300-1,000 cubic yard range represents a finding by the CEO that all pertinent standards and criteria applicable to projects of that size have been met.

Chapter 9: Traffic Access, Roads, and Parking Standards

901 Traffic Access Standards:

901.1 Applicability: The traffic access standards shall apply to all new or expanded driveways, entrances, and roads. All driveways, entrances and roads that access onto a state road shall also comply with all applicable Maine Department of Transportation (MDOT) design standards.

901.2 Standards:

901.2.1 The number of access points shall be the minimum necessary to assure safe and proper vehicular access to the site. No more than two access points onto a single roadway will be allowed unless the Planning Board finds that additional access is necessary based upon the results of a traffic study. Where more than one road abuts the development, the Planning Board may require the developer to access the site exclusively from only the road with less potential for congestion and traffic hazard.

901.2.2 All roads which can be expected to carry traffic from the development shall have sufficient capacity or be suitably improved to accommodate the amount and types of traffic generated by the development.

901.2.3 Access points shall be designed to have sufficient capacity to avoid the stopping or standing of vehicles attempting to enter the development from the road. Where necessary the developer shall install turning lanes, traffic directional islands, frontage roads, signalization, or other traffic controls within the road. All such installations shall conform to the standards in the "Manual on Uniform Traffic Control Devices" published by the American Traffic Safety Services Association.

901.2.4 All access points shall be located to provide sight distance of 10 feet for each mile per hour of posted speed limit in both directions. Sight distance is measured from a point 10 feet behind the edge of the traveled way, with the height of the eye at 3 ½ feet, to the top of an object 4 ½ feet above the road surface.

901.2.5 All access points shall intersect the road at an angle as nearly to 90 degrees as site conditions permit, but in no case less than 75 degrees.

901.2.6 The curb radius for two-way entrances and roads shall be at least 20 feet. The curb radius for one-way entrances and roads with median islands shall be between 5 and 10 feet on the inside corner and at least 30 feet on the outside corner.

901.2.7 The width of an entrance and road shall be between 20 and 26 feet. For entrances and roads with a median island, the width shall apply to each side. Where truck traffic is a major element, the width may be increased to 40 feet.

901.2.8 From the edge of the traveled way, the access point should not exceed a grade of 3% for a minimum of 20 feet as site conditions permit, but in no case shall the grade exceed 8%.

901.2.9 All driveway and entrances shall be designed so that all maneuvering and parking of any vehicle shall take place outside of the right-of-way of the road and such that vehicles may exit the premises without backing onto the shoulder of the road.

902 Property Access Standards:

902.1 Applicability: All lots, developments and property shall have an access provided by a driveway, entrance, or road as defined in this section. No access may be granted on a lot that would make that lot non-conforming due to resulting insufficient frontage or acreage.

902.1.1 Road Cut and Driveway Standards + Permits/Fees Required For Town Ways

902.1.1.1 Permits will be issued by the Road Commissioner, Code Enforcement Officer, Town Manager, or his/her designee.

902.1.1.2 Permits are required for the following activities:

a. Private Driveway entrance to a Town Way

b. Private Road Entrance to a Town Way

c. Road Cut or Opening of a Town Way by any of the following:

i Utility Company
ii Business
iii Property Owner
iiii Contractor working for a property owner

902.1.1.3 Fee Amounts

See Town of Eddington Fee Schedule

902.1.1.4 Standards as Follows:

a. Private Driveway Entrance

i. Sight Requirement – as per current version Title 23, Section 704
ii. Culvert Size –as per current version Title 23, Section 704
iii. Culvert Replacement
Landowner responsible for initial culvert.
Replacement culverts responsibility of Town of Eddington

b. Private Road Entrance

i. Sight Requirement – as per current version Title 23, Section 704
ii. Culvert Size – as per current version Title 23, Section 704
iii. Culvert Replacement
Road Owner (or Association) responsible for original and replacement culverts

c. Road Cuts/Openings

i. Pavement to be cut
ii. Excavated material to be replaced with similar material to ensure stability. Styrofoam may be used if appropriate. Backfilling will be adequate to prevent depression of road surface.
iii. Hot top will be required to match existing surface for a minimum of 3 years. In case of failure repairs of road will be responsibility of permittee subject to Town inspection and approval.

902.2 Driveway and Common Driveway Standards:

902.2.1 A driveway or common driveway may serve a residential dwelling which also includes a home occupation.

902.2.2 A driveway may serve one residential dwelling and shall have a minimum width of at least 10 feet.

902.2.3 A common driveway may serve up to two residential dwellings and shall have a minimum width of 12 feet and a minimum right-of-way of 30 feet.

902.3 Entrance:

An entrance shall serve a commercial and other nonresidential development and only provide access to a parking area or similar area designed for vehicle parking.

902.4 Rural/Woodlot Way:

A right-of-way or similar way providing access to an undeveloped lot or lots which contain no buildings may be used but shall be upgraded to a driveway, common driveway, entrance or road when improved or developed.

902.5 Roads:

A road shall provide access to any property, lots or development not served by a driveway or entrance and shall be designed according to one of the following:

902.5.1 Rural road shall serve up to 10 residential dwellings or a development creating no more than 120 vehicle trips per day.

902.5.2 Local road shall serve between 11 and 30 dwellings or a development creating no more than 330 vehicle trips per day.

902.5.3 A major road shall serve more than 31 dwellings or a development creating more than 330 vehicle trips per day.

903 General Road Design Standards:

903.1 The centerline of the road shall be the centerline of the right-of-way to the greatest extent possible.

903.2 Any subdivision of 20 or more housing units and any commercial development expected to generate at least 200 vehicle trips per day shall be designed whenever possible to have at least two improved connections with existing or planned road.

903.3 Dead end roads shall be constructed to provide a cul-de-sac or T-type turnaround. A cul- de-sac shall be designed with a minimum pavement radius of 50 feet to the outer edge and 30 feet to the inner edge. A T-shaped turnaround shall be designed with two pavement extensions perpendicular to the road and extending a minimum of 60 feet from the centerline.

903.4 The Planning Board may require the reservation of a 50-foot right-of-way easement at the turnaround to provide for future continuation of the road.

903.5 All roads shall be designed to provide safe vehicular travel and traffic patterns. Insofar as possible, roads shall conform to existing topography, and excessive cuts and fills shall be avoided.

903.6 The intersections and common boundaries of subdivision roads shall be continuous and in alignment with existing roads whenever possible. New roads shall be designed to provide for the continuation of the road into adjoining land unless topography or other environmental features preclude future expansion.

903.7 All road names shall be subject to approval by the Board of Selectmen.

903.8 Drainage for all roads shall be designed in accordance to the stormwater standards in this Ordinance. Drainage shall be designed to prevent standing water on the road surface or the shoulder. No surface drainage shall be conveyed across a road surface or shoulder from another connecting road, driveway or entrance.

903.9 All subdivisions consisting of 4 or more lots shall contain provisions for vehicular connections to future projects on adjacent properties or the same lot whenever feasible.

903.10 The applicant is responsible for selecting the appropriate road classification for the size and density of the development. Future development which depends on the road for access is limited based upon the road classification.

903.11 The developer or applicant shall be responsible for upgrading and improving an existing road to these standards to accommodate any proposed expansion or new development which will be served by the existing road.

903.12 Driveways, Common Driveways, Private Roads and Entrances shall not be eligible for consideration for public acceptance. Only subdivision, rural, local and major roads designed and constructed according to the requirements of this Ordinance and with a bituminous pavement surface shall be eligible for consideration for public acceptance.

903.13 All new paved roads shall have striping applied to the centerline and along the shoulder.

903.14 Major roads shall be designed for a design speed of 45 miles per hour and all other roads shall be designed for a 35 mile per hour design speed.

904 Road Design and Construction:

904.1 Road Construction Standards Table

	Major Road	Local Road	Rural Road
Right-of-way	60 feet	60 feet	60 feet
Travel Way width	24 feet	22 feet	20
Shoulder width	4 feet	3 feet	3 feet
Roadway crown	2%	3%	3%
Minimum centerline radii on curves	350 feet	250 feet	250 feet
Minimum tangent length between reverse curves	200 feet	150 feet	150 feet
Minimum grade within 75 feet of all intersections	3%	3%	3%
Maximum grade centerline	8%	8%	8%
Minimum fill slope	3/1 rear slope 4/1 front slope	3/1 rear slope 4/1 front slope	3/1 rear slope 4/1 front slope
Shoulder grade	1/2 inch per foot	½ inch per foot	1/2 inch per foot
Minimum culvert	18 inch dia.	15 inch dia.	15 inch dia.

904.2 Road Construction Materials Table:

	Major Road Note # 1	Local Road Note # 2	Rural Road Note # 2
Subbase course	18 inches	18 inches	18 inches
Base course	6 inches	6 inches	6 inches
Surface course for a gravel road	n/a	4 inches	4 inches
Surface course for a bituminous surface	Base 2 1/2 Surface 1 ½	Base 2 Surface 1 ¼	Base 2 Surface 1 ¼

Note # 1 All major roads shall have a bituminous road surface.

Note # 2 Unpaved Local and Rural Roads are not eligible for public acceptance. See 903.12.

904.3 Gravel Subbase Materials Specifications:

The gravel subbase shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below. The maximum stone size shall be 6- inches.

Sieve Designation	Percentage by Weight Passing Square Sieve
¼ inch	25% – 70%
No. 40	0% - 30%
No. 200	0% - 5%

904.4 Gravel Base Material Specifications:

The gravel subbase shall be gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious matter. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below. The maximum stone size shall be 4-inches.

Sieve Designation	Percentage by Weight Passing Square Sieve
½ inch	45% - 70%
¼ inch	30% – 55%
No. 40	0% - 20%
No. 200	0% - 5%

904.5 Surface Gravel Material Specifications:

Surface gravel for use on gravel roads shall have no stone larger than 2- inches in size and shall meet the grading requirements below. The gradation of the part that passes a 3-inch square sieve shall meet the grading requirements below.

Sieve Designation	Percentage by Weight Passing Square Sieve
2-inch	95% - 100%
½ inch	30% – 65%
No. 200	7% - 12%

904.6 Bituminous Pavement Specifications:

The minimum standards for the base layer of pavement shall be MDOT specifications for plant mix grade “B” with an aggregate size of no more than ¾ maximum. The minimum standard for the surface layer of the pavement shall meet MDOT specifications for plant mix grade “C” or “D” with an aggregate size of no more than ½ maximum.

905 Road Construction Details:

905.1 Before any clearing has started on the right-of-way, the centerline and sidelines of the road shall be staked or flagged at 50-foot intervals.

905.2 Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush and other similar materials. All ledge, large boulders and tree stumps shall be removed from the right-of-way.

905.3 All organic materials shall be removed to a depth of 2-feet below the subgrade. Rocks and boulders shall be removed to a depth of 2-feet below the subgrade.

905.4 On soils which have been identified as not suitable for roads, the subsoil shall be removed to a depth of 2-feet below the subgrade and replaced with material meeting the specifications for the gravel subbase course. Road fabric material shall be used as deemed necessary by the Road Commissioner.

906 Submission Requirements:

906.1 The applicant shall submit detailed construction drawings showing a plan view, profile, and typical cross- section of the proposed road. The plan shall be at a scale of one inch equal to no more than 50 feet. The vertical scale shall be one-inch equal to no more than 5 feet. The plan shall include the following information:

(1) Date, scale and north point.
(2) Intersections of the proposed road with existing roads.
(3) Roadway and right-of-way limits, including edge of pavement and edge of shoulder.
(4) Kind, size, location, material, profile and cross section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
(5) Complete curve data shall be indicated for all horizontal and vertical curves.
(6) Turning radii at all intersections.
(7) Centerline gradients.
(8) Size, type, and locations of all existing and proposed utilities.

907 Road Maintenance:

907.1 All roads that are not dedicated to the Town or during such time prior to the actual acceptance by the Town shall be maintained by the subdivision owners or developer. A legal agreement indicating how the road will be maintained shall be submitted to the Planning Board. The Planning Board shall review the maintenance plan to ensure that sufficient provisions have been incorporated to maintain the road for the applicable time period.

907.2 A mandatory road maintenance agreement shall be developed for all properties to have access from the proposed road. The maintenance agreement shall be included on the property deed of each applicable property and shall include provisions for road maintenance, ownership of the road, and fees.

908 Road Inspection Requirements:

908.1 All roads shall meet the following inspection requirements:

908.2 The applicant shall at his/her expense hire a Professional Engineer licensed in the State of Maine to inspect the roadway construction. The engineer shall inspect the roadway during construction and certify in writing that the road was installed according to the road plans and the requirements of this Ordinance.

908.3 The applicant shall submit to the Road Commissioner and the Planning Board the engineer's report certifying that the road meets or exceeds the road design plans and Ordinance requirements. The engineer's report shall include a sieve analysis and compaction test results.

908.4 The Road Commissioner or designee shall maintain a record of all road inspections and shall inspect the following:

- The right-of-way staking/flagging and clearing
- The road subbase course
- The road base course
- Road drainage structures and features
- The road surface course

908.5 The applicant is responsible for notifying the Road Commissioner or designee when the road is ready for the applicable inspection.

908.6 The town may assign/hire a designee for the road commissioner to perform all the required road inspections.

908.7 The developer or applicant shall be responsible for making sure the road conforms to all inspection requirements and all road construction and design requirements.

908.8 If the road fails inspection, no building permits shall be issued until the road passes inspection. See Section 202, Enforcement.

909 Road Acceptance:

909.1 A road may be considered for town acceptance only if the road conforms to the applicable standards of this section, the Selectmen vote to submit a warrant to the Town Meeting to consider dedication of a public way, and the Town Meeting votes to accept the road. Until such time that a road is accepted by a vote of the Town Meeting, the road shall be considered private and shall conform to the requirements of section 902.7.

909.2 The applicant shall petition the Board of Selectmen of the Town of Eddington to accept a road pursuant to Title 23 MRSA section 3025 and shall provide proof of the following:

909.2.1 The road has been designed, constructed and inspected in compliance with this Ordinance.

909.2.2 The road has a bituminous road surface.

909.2.3 The applicable requirements of the performance guarantee have been satisfied.

909.2.4 The road commissioner has submitted in writing a statement indicating the road complies with all Town ordinances and requirements and is eligible for consideration for acceptance.

909.3 The Board of Selectmen may submit a warrant to the town meeting containing an article for the purposes of accepting a dedication of a public way if the Board votes that the applicant has complied with the requirements of Chapter 9 of this ordinance.

910 Road Completion:

The road subbase, base and surface shall be completed and inspected before a building permit can be issued for any lot. The completed road shall extend across the full frontage of the lot. A bituminous surface shall be considered complete when both the asphalt base and asphalt surface materials are installed.

911 Parking Standards:

911.1 All development shall provide suitable off-road parking to serve the needs of the project.

911.2 The access to parking areas shall be designed to allow continuous and uninterrupted traffic movement on the public road, through the provision of adequate throat length, deceleration lanes, or other measures. No parking space shall be directly accessible from the public road.

911.3 Parking stalls shall be a minimum of 9 feet in width by 18 feet in length.

911.4 Loading bays shall be provided as necessary and shall be designed so as not to interfere with traffic flow.

911.5 Adequate off-road parking shall be provided according to the following:

Activity	**Number of Spaces**
Motel, Hotel	1 space per room
Nursing Care, Group Home	1/3 space per room
Detention Facility	1 space per employee at maximum shift
Place of Assembly	½ space per seat, based upon maximum capacity
Industrial & Manufacturing	1 space per 1,000 sq. feet of gross floor area
Retail & Office	3 spaces per 1,000 sq. feet of gross floor area
Warehouses	1 space per 1,000 sq. feet of gross floor area
Hospitals	6 spaces per 1,000 sq. feet of gross floor area

911.6 For uses not listed, the publication "Parking Demand ITE," 1987 or most recent edition shall be used.

912 Pedestrian Circulation

912.1 The Planning Board may require pedestrian ways be installed in subdivisions and other proposed developments based upon the size, density, and traffic of the proposed development or subdivision. When required by the Planning Board, the pedestrian ways may be located either in the road right-of-way or outside of the right-of–way. The pedestrian way may consist of an asphalt, concrete, stone, wood chip or other similar surface and shall be designed to meet the circulation demands of the development. Materials selected for the surface shall be suitable for year-round pedestrian access. Sidewalk maintenance is the responsibility of the property owner for the length that goes through or abuts their property.

Chapter 10: Special Activity Performance Standards

1001 Home Occupations:

1001.1 Purpose: Whereas the Town of Eddington recognizes that a home occupation is the preferred way for some persons to work, but also recognizes the rights of property owners to be free of possible nuisances caused by certain home occupations, the following performance standards shall be observed by all home occupations.

1001.2. Performance Standards:

1001.2.1 The home occupation shall be carried on wholly within a residence, or a building accessory to said residence, by a member of the family residing in said premise or with the assistance of not more than one additional person other than occupants of the dwelling. A Home Occupation will not occupy more than 33% of the floor area of all structures on the property.

1001.2.2. No exterior storage of material and any other exterior evidence of the home occupation shall be allowed.

1001.2.3. No nuisance such as waste discharge, offensive noise, vibration, smoke, dust, obnoxious odors, heat, glare, fumes, traffic, parking, or radiation shall be generated. Such Home Occupation shall not produce electrical interference detectable beyond the property lines.

1001.2.4. For information on signs for Home Occupations, refer to Section 1005, Signs.

1001.2.5 Retail sales of goods shall not be allowed except for items that have been made onsite or are incidental to the home occupation.

1001.2.6 A minimum number of off-street parking spaces shall be provided as follows: Two off-street spaces per on premise dwelling unit and two additional off-street parking spaces for the home occupation or as determined by the Planning Board.

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1001.2.7 A home office is a use by a resident of a portion of a residence that does not create additional traffic, does not have a sign, and does not change the external character of the building, and has no public presence (i.e. no office open to the public on the premises). A home office does not require a permit.

1002 Commercial Standards:

1002.1 Parking areas shall have a minimum buffer strip 10 feet wide extending along the side and rear property boundaries. The buffer shall be landscaped with vegetation or landscape materials. Parking areas containing more than 100 parking spaces shall increase the buffer width by an additional 10 feet.

1002.2 A screen shall be required whenever a proposed development abuts a residential development or pre-existing residence. The screen shall consist of natural or man-made materials sufficient to form an effective visual barrier to the proposed activity from the neighboring property.

1002.3 The entrance to the commercial activity shall be paved with bituminous pavement extending from the road onto the site for a minimum distance of at least 30 feet for the width of the required opening.

1003 Adult Entertainment:

1003.1 In districts where allowed, the adult business shall not be located within 1,000 feet of an educational, day care facility or place of worship, nor within 1,000 feet of any other adult business.

1003.2 In addition to any sign requirements contained in this Ordinance, signs for an adult business shall not depict the human figure in any unclothed or suggestive manner. No sexually explicit message, materials, or activity shall be visible outside the building.

1004 Signs:

1004.1 All signs shall conform to these standards, and they shall comply with the MRSA Title 23 section 1901-1925, Maine Traveler Information Service Law.

1004.2 General Standards:

1004.2.1 No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or were, by reason of its position, shape, color., illumination or wording, obstruct the view of, or be confused, with any authorized traffic sign, signal, or device or otherwise constitute a safety risk or distraction to pedestrian or vehicular traffic.

1004.2.2 No sign shall be located within a town, county, or state right-of-way or other lot line. Exceptions apply to political signs.

1004.2.3 Free standing and building mounted flashing, moving or animated signs are prohibited.

1004.2.4 Free standing and building mounted neon signs are prohibited. Exception is made for signs mounted in a commercial property window indicating “Open” for business during business hours of operation.

1004.2.5 All sign lighting shall be installed so as to direct light away from abutting roads and properties. Illuminated signs must be designed in such a way as to avoid glare.

1004.2.6 Signs relating to trespassing, access and hunting shall be permitted without restriction providing that no sign shall exceed 2 square feet in area.

1004.2.7 Signs relating to public safety shall be permitted without restriction.

1004.3 Discontinued Sign: Any discontinued, unused, or damaged signs shall be removed by the property owner upon notice by the Code Enforcement Officer that the sign constitutes a nuisance or is a hazard due to structural condition.

1004.4 Contractor Sign: One sign advertising the contractor's name performing temporary services at the premises is permitted for the duration of the work but not longer than 30 days after completion of the work

1004.5 Home Occupation Sign: One sign a maximum of 2 square feet shall be permitted or a home occupation. The sign may be double sided and mounted on the building or free standing. The sign shall be located on the premises and removed if the home occupation is discontinued.

1004.6 Residential Sign: One name sign, a maximum of 2 square feet shall be permitted per residential premise. The sign may be placed on the building or at the intersection of a private road and the right-of way.

1004.7 Political Sign: Signs shall not be placed within 8 feet of a fire hydrant or on private property without the permission of the property owner.

> **1004.7.1** Signs bearing a political message relating to an election, primary, or referendum shall be permitted and may be placed in the right-of-way provided they are removed by the candidate or political committee not later than one week after the election, primary, or referendum.

1004.8 Temporary Sign: One temporary sign, for a period not to exceed 4 months, either freestanding or attached to a building and no larger than 9 square feet is permitted as part of a use requiring a permit as per this Ordinance.

1004.9 Sign Requirements for Commercial, Industrial, Retail, Institutional Public, Religious, Civic and Government

> **1004.9.1** No sign shall be located so as to obstruct sight distance of traffic entering or exiting from the premises.
>
> **1004.9.2** One free standing sign is permitted per lot. No freestanding sign shall extend more than twenty five (25) feet above grade at its point of installation. Maximum display area of the freestanding sign shall be fifty (50) square feet on each side.
>
> **1004.9.3** Signs may be attached to the building identifying goods sold or services rendered on the premises. No sign mounted on a building shall be higher than 6' from the point of attachment and no sign mounted on the building shall exceed 60% of the width or length of the wall on which it is mounted.
>
> **1004.9.4** On premises traffic or directional signs to control and direct customer access and parking are permitted.

1005 Manufactured Homes:

1005.1 All newly sited manufactured homes shall be installed according to the "Manufactured Housing Installation Standards" developed by the State of Maine Manufactured Housing Board as most recently amended.

1005.2 All newly sited manufactured homes shall comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code Title 42, Chapter 70. (Modular homes shall be constructed in conformance with 10 MRSA Chapter 951) Units constructed prior to the enactment of these standards shall be made to conform to the standard. The owner shall provide a written statement from a professional engineer licensed in the State of Maine indicating that the mobile home has been upgraded and is in compliance with the standard.

1006 Manufactured Home Parks, RV Parks, and Campgrounds:

1006.1 Purpose: These regulations have been drafted to define and regulate Manufactured Home Parks, RV Parks, and Campgrounds; to establish minimum standards governing the site requirements, construction, and maintenance of said uses; to establish minimum standards governing utilities and required facilities; and to establish the duties of owners and operators of said uses and to establish penalties for violations.

1006.2 Existing Use: All lawful existing Manufactured Home Parks, RV Parks, or Campgrounds at the date of adoption of this Ordinance shall be permitted to continue in their existing configuration with regard to size of park spaces, number of spaces authorized, setbacks, road locations and widths.

1006. 3 Expansion of Existing Use: Any expansion shall comply with the requirements of this Ordinance.

1006.4 Application Submission Requirements: Application for initial permits and any subsequent changes shall be in writing on forms approved by the Planning Board and shall include the following materials in addition to those required by this Ordinance.

> **1006.4.1** The location, number, and size of all park or campground spaces within the tract.
>
> **1006.4.2** Location of common utility areas and structures.
>
> **1006.4.3** Copies of approved subsurface wastewater disposal systems on forms as provided by the State.

1006.5 First Renewal Permit: The first renewal permit applied for shall have attached a plan drawn to scale of the entire parcel, the location of each space on the parcel, any structures or buildings and their use, and the setbacks from parcel property lines of all said spaces and buildings from all lot lines, and normal high water marks. Fees for renewal permits shall apply.

1006.6 Annual Renewal Permits: Permits must be renewed annually. Applications for renewal shall be made no later than July 1st of each year to the Code Enforcement Officer.

A renewal permit shall be issued contingent with compliance with all regulations in this Ordinance. The applicant shall provide a written statement that no changes have been made to the most recently reviewed permit application, or apply to the Planning Board for review of any changes proposed before a renewal permit is due or issued.

1006.7 Inspection: The Code Enforcement Officer is authorized and directed to make periodic, annual, minimum inspections of all Parks and Campgrounds in order to determine compliance with this Ordinance and the safekeeping of health, safety, and welfare to the occupants of said parks and campgrounds. The CEO shall have the right to enter, at reasonable hours, any private or public property relating to uses governed by this Ordinance in the pursuit of his/her responsibilities herein.

1006.8 Specific Regulations for Campgrounds (RV's and Tents): Campgrounds shall conform to the minimum requirements imposed under State Licensing Procedures, Town ordinances, including Shoreland Zoning, and the following:

1006.8.1 Recreational Vehicle and tenting areas shall contain an approved sewage facility.

1006.8.2 Each RV, tent, or shelter site shall contain a minimum of 2,000 square feet of suitable land, not including roads and driveways, for each site, except it shall be 5,000 square feet when within the Shoreland Zone.

1006.8.3 Each RV, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace and/or barbecue facility.

1006.8.4 The area intended for placement of the RV, tent, or shelter and utility and service buildings, shall be set back a minimum of 100 feet from the exterior lot lines of the camping area.

1006.8.5 All campgrounds shall be screened from adjacent land areas by a continuous landscaped area containing evergreen shrubs, trees, fences, walls, or any combination which forms an effective visual barrier of not less than 6 feet in height.

1007 Open Space Standards:

1007.1 Purpose: The purpose of these provisions is to allow for new concepts of development where variations of design may be allowed, if the net residential density shall be no greater than is permitted in the area in which the development is proposed. Notwithstanding other provisions of this Ordinance relating to dimensional requirements, the Planning Board, in reviewing and approving proposed residential developments may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards:

1007.2 Design Requirements:

1007.2.1 The open space design development shall meet all the requirements for a subdivision and other applicable provisions of this Ordinance.

1007.2.2 Each proposed building site and building shall be an element of an overall plan for the site development. Only developments having a total site plan for structures shall be considered. The developer shall illustrate the placement of buildings and the treatment of spaces, roads, services, and parking and in so doing, shall take into consideration all requirements of this section and of other applicable sections of this Ordinance.

1007.2.3 The minimum land area necessary for an Open Space Design shall be at least two times the minimum lot size of the district where development is proposed multiplied by the number of proposed lots.

1007.2.4 Any reduction in lot size, density, setbacks, or standards which are part of meeting the design criteria of this Ordinance shall be approved by the Planning Board and will not require a variance.

1007.2.5 The area suitable for development shall be calculated by subtracting the following; wetlands, rivers, streams, brooks, stormwater drainage features, resource protection areas, areas within the 100-year floodplain and areas within roads and other rights-of-way.

1007.2.6 To determine the maximum number of dwelling units or structures permitted on a tract of land, the land suitable for development shall be divided by the minimum lot size required in the district in which it is located.

1007.2.7 Lots served by a public sewer system, and lots served by an individual or cluster subsurface wastewater system may be reduced to 20,000 square feet.

1007.2.8 The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below minimum lot size requirements.

1007.2.9 Every building lot reduced in size below the amount required shall be within 1,000-feet of common land.

1007.2.10 No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of the development.

1007.2.11 Shore frontage shall not be reduced below the minimum required in the applicable Shoreland Zoning District.

1007.2.12 Where the development abuts a body of water, a usable portion of the shoreline, and reasonable access to it, shall be part of the common land.

1007.2.13 Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for the site development.

1007.2.14 The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. A restriction prohibiting any structures or building on the reserve area for a replacement system shall be included on the subdivision plan.

1007.3 Requirements for Open Space Areas:

1007.3.1 The areas selected for open space shall be based upon the requirements of this subsection and the overall design plan for the development. Open space areas shall be selected based upon the following priorities:

- Existing recreational areas or trails.
- Scenic areas as identified by the Town and the Comprehensive Plan.
- Existing agricultural fields, pastures, or orchards.
- Significant wildlife and plant habitat areas.
- Archeological or historic sites.
- Existing undeveloped forest areas.

1007.3.2 All open space areas shall be designed as continuous tracts of land. Narrow strips of land or collections of small tracts are not permitted unless designed as part of a trail system connecting larger parcels.

1007.3.3 The open space land may utilize, or feature areas designated as unsuitable for development, however, in no case shall land unsuitable for development be counted as the required open space area.

1007.4 Dedication and Maintenance of Common Open Spaces and Facilities:

1007.4.1 Common open space shall be dedicated upon approval of the project. There shall be no further subdivision of this land, which shall be used only for noncommercial recreation, agriculture or conservation. However, easements for public utilities or utility structures may be permitted.

1007.4.2 The common open space shall be shown on the development plan with the notation on the face thereof to indicate

- The common open space shall not be used for future building lots.
- Any part or all of the common open space proposed to be dedicated for acceptance by the Town.

1007.4.3 If any or all of the common open space is to be reserved for use by the residents, the by-laws of the homeowner's association shall specify maintenance responsibilities and shall be submitted to the Planning Board prior to approval.

1007.4.4 Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association, common facilities and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.

1007.4.5 The association may levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities, and town assessments.

1007.5 Density Bonus:

1007.5.1 The number of dwelling units may be increased by 20% over the number of units allowed in the district in which the development is located provided that at least one of the following conditions is met:

- At least 10% of the dwelling units are affordable housing as defined by Title 30- A, MRSA, subsection 4301.
- Common shoreland with access to the water is available for the use of the general public.
- Common land which includes at least one of the following: parks, trails, recreation facilities or ponds in excess of 5 acres, is available for use by the general public.

1007.5.2 The Planning Board shall incorporate the applicant's proposal for the density bonus as a condition of the subdivision plan. The proposal shall be reviewed by the Planning Board and revisions incorporated into the proposal based upon the Board's review. The town may set conditions on the density bonus proposal to ensure that the intent of this Ordinance is followed.

1008 Junk Yards, Auto Graveyards & Auto Recycling:

1008.1 Planning Board review shall be required for any new or the expansion of a legally existing junkyard, auto graveyard or recycling. All new and existing operations shall also obtain an annual permit from the Board of Selectmen.

1008.2 Any new or expanded junkyard, auto graveyard or recycling facility shall conform to all applicable State laws and regulations, the applicable provisions of this Ordinance and the following standards.

1008.2.1 The junkyard, auto graveyard, or recycling facility shall have a minimum lot area of 10 acres.

1008.2.2 The junkyard and any other outside storage or similar area shall be setback a minimum of 100 feet from all property lines.

1009 Low Intensity Re-use of Agriculture Structures:

1009.1 The purpose of this section is to allow some low intensity uses to take place within existing unused agricultural structures such as barns, dairy barns, chicken barns and similar structures. Whenever a proposal to reuse an agricultural structure cannot conform to the standards of this section, it shall conform to another allowed use for the district in which it is located as specified in the district use chart.

1009.2 The following standards shall apply to all low intensity re-use of existing agriculture structures:

1009.2.1 All activity shall take place within the structure and no outside storage is allowed.

1009.2.2 The activity shall not generate more than 20 vehicle trips per day.

1009.2.3 No more than 2 employees are allowed

1009.3 In addition to the Noise standards contained in this ordinance, activity shall not produce any noise more than 50 decibels between the hours of 7:00 am and 9:30 p.m. and 40 decibels at other times as measured at the property line.

Chapter 11: Housing Opportunity Program

1101 Affordable Housing Density:

1101.1 General: This Section requires municipalities to allow automatic density bonus for certain affordable housing developments approved on or after July 1, 2023, as outlined below. This section only applies to lots in zoning districts that have adopted density requirements.

1102 Eligibility for Density Bonus:

1102.1 The CEO and Planning Board shall verify that the development:

1102.1.1 Is an affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable;

1102.1.2 Is in a designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A)

1102.1.3 Is located in an area in which multifamily dwellings are allowed per municipal ordinance;

1102.1.4 Complies with minimum lot size requirements in accordance with Title 12 Chapter 423-A; and

1102.1.5 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:

1102.1.5.1 If a housing 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 unit and proof of payment for the connection to the sewer system;

1102.1.5.2 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.

1102.1.5.3 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; and

1102.1.5.4 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.

1103 Long-Term Affordability:

1103.1 Prior to granting a certificate of occupancy or other final approval of an affordable housing development, the owner of the affordable housing development must:

1103.1.1 execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and

1103.1.2 record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

1103.1.2.1 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; and

1103.1.2.2 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.

1104 Density Bonus:

1104.1 If the requirements in Section 2(B)(1) and (2) are met:

1104.1.1 Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and

1104.1.2 Require no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.
If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded up to the nearest whole number.

Chapter 12: Definitions

1201 Definitions:
Words and terms not defined shall have their customary dictionary meanings.
The following words and terms, for the purpose of this ordinance, shall be defined as follows:

Abutters: All property within 500 feet of subject property lines, including property owners across roadways and bodies of water.

Accessory or Adjunct: Commonly associated with or in support of the primary or principal use of a lot or structure.

Accessory Dwelling Unit: A self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and no more than 800 square feet.

Accessory Structure: An accessory structure is one that is customarily incidental and subordinate to the principal building on the property and is physically attached or detached from the principal building.

Active Extraction Area: The extraction area including side slopes and adjoining areas with overburden removed, excluding roads, structures, stockpiles, etc. not part of the active mineral extraction operation.

Active Recreation: Recreational activity which necessitates some degree of structural or mechanical components for participation in the activity, such as ball fields, playgrounds, and tennis courts.

Adult Entertainment: A sexually oriented business including adult amusement stores, adult movie theaters, adult entertainment cabarets, or adult spas or any business where erotic materials and activities are displayed, depicted, described, or simulated as a regular and substantial part of its operation.

> **Adult Spa:** An establishment or place primarily in the business of providing services of an erotic nature.
>
> **Adult Entertainment Cabaret:** A public or private establishment used regularly or occasionally, which features entertainers or employees who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interests of the patron.
>
> **Adult Movie Theater:** An establishment used regularly or occasionally for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on erotic material for observation by patrons.
>
> **Adult Amusement Store:** An establishment having a substantial or significant portion of its sales or stock in trade, erotic material or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising,

displays, actual sales, presence of video preview or coin operated booths, the exclusion of minors from the establishment's premises, or any other factors showing that the establishment purpose is to purvey such material.

Affected Land: All reclaimed and un-reclaimed land, land that has or will have the overburden removed, land on which stumps, spoil, or other solid waste has or will be deposited and storage areas, all roadways or other and, except natural buffer strips, that will be or has been used in connection with an MEO.

Affordable Housing Development:

1. **For 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 a majority of the units that the developer designates as affordable without spending more than 30% of the household's monthly income on housing costs; and
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 a majority 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, "**majority**" means more than half of proposed and existing units on the same lot.
4. 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 (electric, 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, homeowner's insurance, condominium fees, and homeowners' association fees.

Aggrieved Party: A person who demonstrates standing to appeal from a decision rendered under this Ordinance.

Agricultural Land: Land in excess of one acre, which has been tilled, harvested, mown (except lawns and similar which are customarily incidental to residential use), and/or used for the production of field crops, including commercial orchards, pasture, and pick-your-own crops, which use has been within 5 years of the date of application for development under these provisions.

Agricultural Processing Facility: A building or structure in excess of 1000 square feet designed to take plants, livestock or fish and process these raw materials into a food product for human or animal consumption

Agriculture – Non-livestock: Shall mean the cultivation of soil, producing or raising crops for personal consumption.

Agriculture – Non-Livestock, Commercial: …requiring CEO review.

Agriculture – Livestock: See animal husbandry.

Airblast means an atmospheric compression wave resulting from the detonation of explosives, whether resulting from the motion of blasted materials or the expansion of gasses from the explosion.

Ambient Sound: includes all sound present in a given environment. It includes intermittent sounds, such as aircraft, barking dogs, wind gusts, mobile farm or construction machinery, and vehicles traveling along a nearby road. It also includes insect and other nearby sounds from birds, animals, or people.

Animal Husbandry: The keeping of any domesticated animals other than household pets.

Animal Unit: 1,000 pounds. A minimum of one acre/animal unit is required, excluding land occupied by structures not specifically used for housing such animals, and excluding un-vegetated land.

Aquifer: An underground bed or stratum of earth, gravel or porous stone that contains water.

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.

Assembly/Meeting Space: A building or facility used to provide rented space for educational, business, social events, or meetings. Food preparation may be included but it is limited to serving only events at the facility.

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

Auction Facility: A building or facility in which periodic or regular public sales of property to the highest bidder are held.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner, signed by the property owner and notarized.

Automobile Graveyard and Junkyard: a yard, field or other area used to store 3 or more unserviceable, discarded, worn-out or junked motor vehicles.

1. "**Automobile graveyard"** does not include any areas used for temporary storage by an establishment or place of business that is primarily engaged in doing auto body repair work to make repairs to render a motor vehicle serviceable.
2. "**Automobile graveyard**" includes an area used for automobile dismantling, salvage, and recycling operations. (Revised March 18, 2002)

Automobile Recycling Business: A business premises of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, provided that 80% of the business premises specified in the site plan is used for automobile recycling operations. (March 18, 2002)

Average Daily Traffic (ADT): The sum of average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Base Density: The maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Bed and Breakfast: A dwelling with a minimum of two and a maximum of 6 guest rooms are offered for rent and with only a breakfast meal served only to persons renting rooms.

Bedrock: The solid rock that underlies loose material, such as soil, sand, clay, or gravel

Blaster: A person qualified to be in charge of or responsible for the loading and firing of a blast.

Blasting: The use of explosives to break up or otherwise aid in the extraction or removal of a rock or other consolidated natural formation.

Blast Site: The area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blast holes and 50 feet in all directions from loaded blast holes.

Boarding, Rooming or Lodging House: A use adjunct to the primary use of a building as a single family residence in which transient guests are furnished sleeping accommodation for a fee in residence bedrooms. Guest may be furnished meals, which are prepared in the residence kitchen facility only.

Boat Landing: A facility, either paved or gravel, which provides public access to a body of water.

Body of Water: Shall include the following:

1. Pond or Lake - any inland impoundment, natural or man-made, which collects and stores surface water.
2. Stream or River - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and flowing water for more than three months during the year.

Borrow Pit: A mining operation undertaken primarily to extract and remove sand, fill, or gravel. Does not include any mining operation undertaken primarily to extract or remove rock or clay.

Camping: The occasional use of land on a temporary and intermittent basis for cooking and sleeping and using temporary shelter customarily associated with such activity. Included is the occupancy of a recreational vehicle parked on any lot.

Campground: Land upon which one or more tents are erected or trailers or RVs are parked for temporary recreational use on sites arranged specifically for that purpose. The word "campgrounds" shall include, but not be limited to, the words "tenting grounds" and "trailer

parks", or "RV parks".

Centrally Managed Water System: A water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water. This water system may be privately owned.

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.

Cluster Development: See Open Space Development.

Code Enforcement Officer: A person appointed by the Town Manager to enforce the Ordinance(s) of the Town. Also referred to as CEO.

Commercial: An activity, other than a Home Occupation, as elsewhere defined. The intent and/or result of which activity is the production of income from buying and selling of goods and/or services. Rental of residential building and/or dwelling units is excluded.

Common Scheme of Development: The process whereby contiguous parcels with existing or proposed mineral extraction operations where the applicant or property owner has at least a 30% share in ownership or where mineral extraction operations owned by a relative (as commonly defined) are reviewed as a single license application.

Community Living: As defined by M.R.S.A.30-A 4357-A

Community Nonprofit: A building or buildings that contain public or private non-profit facilities to provide educational, recreational, or informational services to the general public.

Comparable Sewer System: Any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, 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.

Complete Application: An application form, including the required fee, and all information required by this Ordinance, determined to be complete by the Code Enforcement Officer or Planning Board.

Conforming Use: A use of buildings, structures, or land, which complies with all applicable provisions of all Ordinance(s) of the Town of Eddington.

Congregate Care: Residential housing consisting of private apartments and central dining facilities and within which a supportive services program is available to meet the needs of

residents.

Corner Lot: A lot that abuts two or more public or private ways. Frontage shall be defined as total aggregate frontage on all public or private ways.

Crematory: A building or portion thereof designed for the cremation of a corpse and located in a cemetery having a minimum land area of 20 acres.

Day Care Facility: An establishment, including a private residence, where there will be three or more children under the age of six cared for in return for compensation.

Deck: Any platform adjacent to, or attached to the exterior of a structure, including steps or ramps necessary to provide access.

De novo hearing: Authorizes the Board of Appeals to reverse a decision by the Code Enforcement Officer or Planning Board only if it finds that the decision is contrary to specific provisions of the ordinance or unsupported by substantial evidence in the record.

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 a municipality's or multi-municipal region's 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. If a municipality does not have a comprehensive plan, “designated growth area” means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Detonating Cord: A flexible cord containing a center core of high explosives that may be used to initiate other explosives.

Development: Any man-made change to improved or unimproved real estate, including but not limited to building, or other structures, mining, dredging, filing, grading, paving, excavation, drilling operations, or storage of equipment or materials.

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

Direct Watershed of a Pond: That portion of the watershed, which drains directly to the pond without first passing through an upstream pond or river.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or liquid waste into or onto any land or water so that the waste or any constituent thereof may enter into the environment or be emitted into the air, or discharged into any waters, including

round waters.

Driveway: 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, serving not more than two residences.

Dwelling Unit: A building, or portion thereof, used for living quarters for one family; 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.

Dwelling, Single-family: A structure containing one (1) dwelling unit and shall include a community living use as defined in M.R.S.A. Also referred to as Single-family dwelling unit.

Dwelling, Two-family: A structure containing two (2) dwelling units, for habitation by not more than two families.

Dwelling, Multi-family: A structure containing three (3) or more dwelling units. Also referred to as Multifamily dwelling.

Earth: Topsoil, sand, gravel, clay, peat, rock, or other minerals.

Earth Moving: Any removal of earth from its original location and not defined as resource extraction/mining.

Easement: A right of use over the property of another.

Environmentally Sensitive Areas: Wetlands, swamps, wildlife habitat areas delineated by the Dept. of Inland Fisheries and Wildlife (IF&W), prime agricultural areas as delineated by US Dept. of Agriculture, areas with steep slopes as shown on the Shoreland Zoning map, areas with poorly drained soils as identified in the USDA NRCS soil survey, and flood plain areas (subject to a 100 year flood) as shown on the FEMA FIRM maps. Also to include Protected Natural Resources.

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.

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. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

Existing Right-of-Way: Land, which is dedicated for the sole purpose of providing access to a parcel or parcels of land abutting and described on a deed recorded prior to the effective date of

this Ordinance.

Expansion of Existing Operation: Excavation operations, including active extraction areas and affected lands that exceed the footprint of an approved operation.

Explosive: Any chemical compound or other chemical substance that contains oxidizing or combustible materials or other materials or technologies used for the purpose of producing an explosion intended to break or move rock, earth, or other materials.

Family: One or more persons occupying a premise and living as a single housekeeping unit.

Firewood Processing: The preparation of raw trees to firewood for use in a fireplace, wood stove, or another wood-burning device. This involves cutting, splitting, and seasoning the wood to make it more efficient and convenient for burning.

Flyrock: Rock that is propelled through the air or across the ground as a result of blasting and that leaves the blast area.

Frontage, Road: The horizontal distance between the intersections of the side lot lines with the right-of-way line of any road, public or private.

Government Offices and Structures: Any building or land held, used, or controlled exclusively for public purposes by any department or branch of government, federal, state, county or local.

Grandfather Clause: See non-conforming lots of record and non-conforming Structures.

Gravel Pit: See Borrow Pit

Great Pond: See the Shoreland Zoning Ordinance

Ground water: All the waters found beneath the surface of the earth which are contained within or under this State or any portion thereof, except such waters as are confined and retained completely upon the property of one person and do not drain into or interconnect with any other waters of the State.

Hazardous Waste: As currently defined by the Maine Department of Environmental Protection.

Height of a Structure: The vertical distance between the mean original grade at the downhill side of a structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area.

Highwall: The unexcavated face of exposed overburden and material on an open face or bank.

Housing: 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. For purposes of this rule, this does not include dormitories, boarding houses, or other similar types of housing units. This also does not include transient housing or short-term rentals unless these uses are otherwise allowed in local ordinance.

Indoor Commercial Recreation/Amusement: A building or structure designed and equipped for the conduct of sports, leisure time activities. Performances and other customary recreation activities which take place indoors. Activities include but are not limited to amusement centers, arcades, gyms, health clubs and bowling alleys. Restaurants which are incidental to the primary use of the structure or building are allowed. This does not include Adult Entertainment as defined elsewhere.

Junkyard: Junkyard, a yard, field, or other area used to store:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture.
2. Discarded, scrap and junked lumber.
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel, and other scrap ferrous or nonferrous material; and
4. Garbage dumps, waste dumps and sanitary fills. (Revised March 18, 2002)

Kennel, Commercial: A place, building or structure where three or more dogs, cats or other similar household pets are kept for breeding, training, exhibition, grooming or temporary housing for a fee.

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.

Light Manufacturing/Assembly Facility: A light industrial business where all processing, fabricating, assembly or disassembly of items takes place wholly within an enclosed building. The manufacturing process is the adding of value by the application of skill to physical or raw materials. This facility will have no on-site retail, outside display, or a sign that would create traffic demands beyond the necessary delivery of products.

Log Yard: An area used primarily for the receipt, storage, sorting and preparation of logs after being removed from cutting places in the logging area before their entry to, or transport to a sawmill. It is also known as a landing yard.

Lot: A single parcel of developed or undeveloped land; an area of land in single ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the planning board and recorded in the County Registry of Deeds.

Lot Lines: The lines which define a lot.

1. **Lot Line, Front:** The line separating the lot from the road. On a corner lot the line separating the lot from either road.
2. **Lot Line, Rear:** The line opposite the front line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than 10 feet along. Lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front line with the least dimension.
3. **Lot Line, Side:** A lot line other than the front lot line or the rear lot line.

Lot of Record: A parcel of land, the dimensions of which is defined on a document or map on

file with the County Registry of Deeds.

Lumber Mill/Sawmill, Fixed & Portable: A machine or plant with power-driven machines for sawing logs into rough-squared sections or into planks and boards. A sawmill may be equipped with planing, molding, tenoning, and other machines for finishing processes.

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 that 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 definition, two types of manufactured housing are included. These two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile home," that 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, that in the traveling mode are 14 body feet or more in width and are 750 or more square feet, and that 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 that meets all the 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, Section5401, et. seq.,
2. Those units commonly called "modular homes," that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one or more sections, that 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 system contained in the unit.

Manufactured Home Park: A parcel of land, under single ownership, approved by the municipality for the placement of three (3) or more manufactured houses.

Mineral Extraction Operation (MEO): Any excavation or removal, handling or storage of sand, gravel, borrow, rock, clay, minerals, or topsoil including but not limited to sand or gravel pits, clay pits, borrow pits, quarries, mines, and topsoil mining or other like material from its natural location and that transports the product removed away from the extraction site. The incidental removal of material necessary for construction is not included.

Mineral Extraction Site or Area: All of the land area disturbed or otherwise developed for the extraction, handling, removal, processing, or storage of sand, gravel, clay, minerals, stone, rock, or topsoil; including any access roads and cleared areas adjacent to a pit or excavated area.

Native: Indigenous to the local forests

Natural Buffer Strip: An undisturbed area or belt of land that is predominantly covered with trees or other vegetation.

Non-Conforming Lots of Record: A single lot of record which, at the effective date of adoption, or amendments to, this Ordinance, does not meet the area, frontage, width or depth requirements of the District in which it is located.

Non-Conforming Structure: A structure that does not meet one or more of the following dimensional requirements: setbacks, height, and lot coverage. It is allowed solely because it was in lawful existence, at the time this Ordinance or subsequent amendments took effect.

Non-Hazardous Solid Waste: Solid waste, which does not present a potential or present danger to people, animals, or the natural environment.

Non-Hazardous Solid Waste Facility: Any land, buildings, structures, or combination thereof used for disposal of non-hazardous solid waste, excluding all municipally operated facilities for disposal of nonhazardous used building materials and discarded vegetation resulting from normal residential maintenance activities.

Normal High-Water Line: That line, which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. 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 Repair or Maintenance: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. Normal repairs are nonstructural repairs and do not include additions or alterations.

Official Business Direction Signs: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. Section 1901 et. seq. which points the way to public and/or private accommodations and facilities.

Open Space: Undeveloped land, including but not limited to, woodland, fields, agricultural land, and wetlands.

Open Space Use: A use not involving a structure, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds of fish or aquatic life, bird and other wildlife habitat.

Open Space Development: A development in which dimensional requirements may be reduced in order to promote the retention of open space.

Passive Recreation: Outdoor recreational activities which involve no structural or mechanical components or facilities, or earth moving, such as hiking, fishing, hunting, etc.

Peak Particle Velocity: The maximum rate of ground movement measured by any of the 3 mutually perpendicular components of ground motion.

Period of Operation: The opening and closing times of certain businesses or activities regulated as a Special Exception under this Ordinance. This term may apply to hours of the day or night, and/or days of the week, and/or months of the year.

Person: As used in this Ordinance, persons, partnerships, firms, corporations, owners, lessees or licensees or their agents.

Place of Worship: A building or structure, or group of buildings and structures designed and used for the conduct of religious services.

Planned Residential Development: A project comprehensively planned as an entity via a unitary site plan, which is permitted as per the Open Space standards contained in this Ordinance.

Portable Sawmill: sawmills small enough to be moved easily and set up in the field.

Potable: 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 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.

Preblast Survey: Documentation, prior to the initiation of blasting, of the condition of buildings, structures, wells, or other infrastructures; protected natural resources; historic sites; and unusual natural areas.

Principal Structure: A structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

Private drinking water supply: A surface water supply, a dug well, a spring or a hole drilled, driven, or bored into the earth that is used to extract drinking water for human consumption and that is not part of a public drinking water supply.

Processing: Any screening and/or mixing of sand, gravel, stone, rock, clay, or topsoil.

Production blasting: Blasting conducted for the purpose of extracting or removing natural materials for commercial sale or beneficiation.

Protected Locations: "Occupied Building or Structure" means a building that is a residence, school, hospital, house of worship, public library, hotel, motel, B&B, nursing home, seasonal residence, daycare centers, elder care facilities, places of seated assemblage, nonagricultural businesses or other building that is occupied or in use as a primary residence or is customarily frequented by the public or has been legally permitted for construction at the time when the permit application is submitted.

Protected Natural Resource: a river, stream, brook, great pond, coastal wetland or freshwater wetland as defined in Title 38 M.R.S.A., Section 480-B, significant wildlife habitat as defined

herein, fragile mountain areas, bogs, or marshes, as the terms are defined in applicable state law.

Public Accommodation/Hotel/Motel: A building or group of buildings intended to accommodate for a fee, travelers and other transient guests, who are staying for a limited duration, with sleeping rooms (with or without cooking facilities) which may include restaurant facilities where food is prepared, and meals served to its guests and other customers.

Public drinking water source: A groundwater well or a surface water source that directly or indirectly serves a water distribution system that has at least 15 service connections or regularly services an average or at least 25 individuals daily at least 60 days of the year.

Public Facility: Owned by the state, county or municipality or quasi-municipal entity as defined under Maine Law.

Public Park: An area designed specifically for recreational use by the public and involving minimal structural development, as determined by the Planning Board.

Public Safety Officer: an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew.

Quarry: A place where rock or large stone is separated from the bedrock

Quarry Face: see Highwall

Reclamation: The rehabilitation of the area of land affected by mining, including, but not limited to, the stabilization of slopes and creation of safety benches, the planting of forests, the seeding of grasses and legumes for grazing purposes, the planting of crops for harvest, the enhancement of wildlife and aquatic habitat and aquatic resources and the development of the site for permitted residential, commercial, recreational, or industrial use. “Reclamation” does not include the filling in of pits and the filling or sealing of shafts and underground workings with solid materials unless necessary for the protection of groundwater or for reasons of safety.

Reclamation Plan: A plan, as defined in 2008.2.14 which depicts how the project will be restored, or maintained, after excavation is complete. Such a plan usually includes final grading and revegetation plans, of any given phase.

Recreational Vehicle (RV): A vehicle, or vehicular attachment, designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling, and which may include, but is not limited to, a pick-up truck camper, travel trailer, tent trailer, camp trailer, or motor home.

Resource Extraction/Mining: Any operation within any 12-month period where the principal use is the removal of more than 100 cubic yards of soil, topsoil loam, sand, clay, rock, peat or other like material from its natural location and that transports the product removed away from the extraction site. The incidental removal of material necessary for construction is not included.

Restrictive Covenant: A provision in a deed, or other covenant conveying real property,

restricting the use of the land.

Retail and/or Wholesale Business Establishment: A commercial activity engaged in for primarily selling tangible goods, which includes, but is not limited to, grocery stores, gift shops, restaurants, take-out foods, clothing stores, antique shops, pet shops, kennels, or similar.

Right of Way: The term used to describe a deeded right belonging to a party to pass over the land of another. As used with reference to right to pass over another's land it is only an easement.

Road: A highway; an open way of public or private passage; a strip of land appropriated and used for purposes of travel and between different places. 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.

Road, Interior Access: A road constructed on the interior of a lot which provides access to an RV, Mobile Home or Campground space, or service within the Park or Campground.

Roadside Stand/Farm Stand: A temporary market located on a property, intended for the sale of agricultural products. Farm Roadside Stands are seasonal in nature and feature products from the property.

Rock: A hard, nonmetallic material that requires cutting, blasting or similar methods of forced extraction.

RV Park or Campground: Land upon which one or more tents are erected or RVs are parked for temporary recreational use on sites arranged specifically for that purpose. The words "campgrounds" shall include, but are not limited to, tenting grounds" and "trailer parks".

Screening: (1) A method of visually shielding or buffering one abutting or nearby structure or use from another by fencing, berms, walls, or densely planted vegetation.
(2) Removal of relatively course floating and/or suspended solids by straining through racks or screens.

Seasonal High-Water Table: That part of the year when the water table is at its highest level.

Seasonal Residence: A protected location which is occupied for less than six months of the year.

Self-Storage: A building or group of buildings that contain individual compartmentalized and controlled separate storage spaces leased or rented on an individual basis and accessible through individual doors. The space is intended only for storage and not for occupancy.

Senior Housing Development: A housing development designed for persons over the age of 50 years without residential care or similar services.

Service Business/Establishment: A commercial activity primarily providing services, as opposed to one primarily providing or selling tangible goods, which selling of goods, is defined as a "retail business". By way of example, professional, real estate sales, securities dealers,

insurance agencies, auto repair, body shops, appliance repair, small engine repair, furniture refinishing or repair, welding service for fabricating products for sale.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure, or from a lot line to the perimeter of a parking space or storage area, or from a lot line to the perimeter of a prescribed land area, the setback for which area or parking space is defined in this Ordinance. The horizontal distance from a lot line or referred location to the nearest part of a structure or activity.

Setback Requirements: The minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Setback from Water: The horizontal distance from the normal high water mark to the nearest part of a structure or activity.

Sheet flow: shallow-depth, slow-velocity flow of water over the landscape

Sign: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly on a building, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises. A sign, which requires location in the ground or attachment on the ground, is a structure. A temporary sign is one that is movable or readily removable by non-mechanical means.

Significant Wildlife Habitat: all areas listed under 2008.2.1.1 a) through g).

Small Scale Animal Keeping: The keeping of animals exclusively for the personal use of the property owner and not for breeding, or any other commercial use.

Social and Fraternal Organizations: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests, which includes, but is not limited to, fraternities, sororities, churches and social organizations.

Stemming: Inert material used in a blasthole to confine the gaseous products of detonation.

Stockpile(s): Area(s) where either man-made or natural materials are being piled up temporarily, either undercover or exposed to the elements, for future processing. These piles are only for materials that are necessary for quarrying activities and associated uses which have been approved by the Planning Board.

Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation or by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock.

Street: See Road.

Structure: Anything temporarily or permanently located, built, constructed, or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12). Anything constructed or erected, including manufactured housing and including, but not limited to, mobile

homes, box trailers, signs which requires location in the ground or attachment to something on the ground. The following are not considered as structures: fences, boundary wall, unattached buildings 100 square feet or less in area and subsurface wastewater disposal systems.

Subdivision: A defined in Title 30-A MRSA Section 4401.

Surface Water: Any water flowing on the surface, either channelized or by sheet flow including, but not limited to, rivers, streams, brooks, ponds, lakes and any swamp, marsh, bog or other contiguous lowland where water is periodically ponded on the surface.

Underground production blasting: A blasting operation carried out beneath the surface of the ground by means of shafts, declines, adits, or other openings leading to the natural material being mined or extracted.

Variance: A variance is an allowed deviation from the terms of this ordinance and is limited to lot area, frontage, and setback requirements. No variance shall be granted for the establishment of any use otherwise prohibited, nor shall a variance be granted because of the presence of non-conformities in the immediate or adjacent areas.

Vehicle Sales, Service or Repair: Any business which involves automobiles, trucks, farm equipment, motorcycles, campers, recreational vehicles, motor homes, boats, and mobile homes.

Veterinary Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations.

Warehousing: The receiving, storage, housing, or stockpiling of goods, and/or finished merchandise either inside or outside of a structure prior to their redistribution.

Water Extraction: Commercial removal of ground water.

Water Table: The upper surface of groundwater, or that level below which the soil is seasonally saturated with water.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support and under normal conditions does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, vernal pools, forested wetlands, and similar areas. The parameters that characterize wetlands area:

1. The vegetation is predominantly wetland or aquatic.
2. The soils are predominantly un-drained Hydric or wetland soils; and
3. The substrate is non-soil such as sand, gravel or rock and the area is saturated with water or covered with water at least 2 months during each year.

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.

Chapters 13-19: Reserved For Future Use

Chapter 20: Mineral Extraction Operation Addendum

2000 Effective Date

This addendum and its provisions are effective retroactive to February 22, 2014 and apply to all matters, proceedings, applications and actions pending as of, or occurring subsequent to that date, except to the extent restricted or prohibited by the provisions of 30-A M.R.S.A. §3007(6), in which case, as to those matters only, they shall apply to the maximum extent not restricted or prohibited by the provisions of §3007(6).

2001 Exemptions

This Addendum shall not apply to the following:

2001.1 Mineral exploration whose sole purpose is the determination of the nature and/or extent of mineral resources, accompanied by hand-sampling, test boring, or other methods which create mineral disturbance. Test holes shall be filled in immediately after use.

2001.2 Mineral extraction operations that affect less than five thousand (5,000) square feet of surface area, or the removal or handling of less than three hundred (300) cubic yards of material in less than twelve (12) months.

2001.3 Storage or Stockpiles of winter abrasives (sand) used for the maintenance of private or public roads. This applies to the stockpile or storage area itself and not any associated mineral extraction activity or area.

2001.4 Removal or filling of material incidental to construction, alteration, or repair of a structure, or in the landscaping incidental thereto, pursuant to work legally permitted and authorized by the proper authorities.

2001.5 Construction of farm and fire ponds; and water management berms; and

2001.6 Any active existing mineral extraction operation that has been in operation in the twelve months prior to adoption of this Addendum, except the operation must register in accordance with 2002.1 below.

2002 Application

2002.1 Existing Operations

Within one hundred and eighty (180) days of the approval of this Addendum, all MEOs existing as of that date, shall register with the Planning Board, and submit the following:

2002.1.1 Registration fee.

2002.1.2 Names and addresses of the current owner of the MEO and the operator, and a copy of the deed or lease, if the operator is not the property owner.

2002.1.3 Evidence that the MEO qualifies as an existing operation, boundaries of the tract of land showing lot lines, total acreage of entire parcel, existing excavation areas, depth and height of existing excavation, structures on property, area used for storage of topsoil and other overburden, location of hazardous material storage areas, location of existing

public and private streets, roadways, rights of way, and access roads, the amount of earth material annually extracted, whether processing of materials is done on the site, the nature and amount of that processing, the average daily number of trucks taking material in or out of the site, and the number of employees.

Any operation not registered, or which fails to qualify to be registered, pursuant to this section, shall be considered closed, and may not, after such 180 day period, continue or resume operation.

2002.2 New Operations and Expansion of Existing Operations

2002.2.1 Requirements:

No new MEO or a pre-existing operation which failed to meet registration requirements of 2002.1, may commence operation, without first obtaining from the Planning Board approval of a new MEO permit. No MEO existing at the time of passage of this Addendum may expand without first obtaining approval from the Planning Board for an Expansion of an Existing Mineral Extraction Operation. Once an existing mineral extraction operation has reached a cumulative affected area of five (5) acres, no expansion is allowed until a new permit application has been approved by the Planning Board, and reclamation protocols from 2008.2.14 have been met.

2002.2.2 The applicant shall submit the following to the Planning Board:

2002.2.2.1 Application fee.

2002.2.2.2 Names and addresses of current owners of the property and the current operator. A copy of the deeds or lease agreements, if the operator is not the owner, with copies of all covenants, deed restrictions, easements, rights of way, or other encumbrances, including, but not limited to liens and mortgages currently affecting the property.

2002.2.2.3 A site plan, prepared by a Maine licensed Professional Engineer, showing the following:

a) Date plan prepared, scale of drawings, with north arrow (indicate true or magnetic).

b) Boundaries of land showing lot lines, total acreage, existing and proposed excavation areas, existing and proposed structures both temporary and permanent on the property, anticipated depth and height of final excavation, areas to be used for storage of topsoil and other overburden for reclamation, limits of area(s) to be used for stockpile(s), location of proposed hazardous material storage areas, location of public and private streets, parking areas, roadways and rights of way, location of proposed access roads, estimated time schedule of future excavation, reclamation and closure, exposed ground water on site, and depth of ground water at representative points throughout site as determined by test borings and other geotechnical methods.

c) Present uses of the entire property, including existing excavated area, and present uses of adjacent properties.

d) Contours of the parcel at five (5) foot intervals for all areas proposed for development.

2002.2.2.4 A plan showing how security at the site will be controlled.

2002.2.2.5 Location of residences and wells within 1,500 feet of property boundaries for borrow, clay, and silt MEOs. The distance is increased to 2,640 feet for rock quarry MEOs.

2002.2.2.6 Operations statement, including the approximate date of commencement of excavation, duration of operation, proposed phasing of operation, proposed hours and days of operation, estimated volume of the excavation, method of extracting and processing (if applicable), disposition of topsoil or overburden, equipment proposed to be used in operation, and operational practices to be used to prevent surface or groundwater pollution, and minimize noise, dust, air contaminants and vibration.

2002.2.2.7 Blasting plan, if any.

2002.2.2.8 A plan showing, in addition to location of hazardous materials, provisions for safe storage of such material. No hazardous materials shall be located or stored such that they will enter the ground and surface water.

2002.2.2.9 A Preservation of Natural & Historic Features map.

2002.2.2.10 Maps and narrative description of the impact on significant wildlife habitat as outlined in 2008.2.1 below, including any proposed mitigation plan. Letters from the appropriate authoritative agencies shall be required as proof of compliance with performance standards for significant wildlife habitat.

2002.2.2.11 A Spill Prevention, Control & Countermeasure Plan (SPCC).

2002.2.2.12 Plan for screening the operation from abutters and public roads.

2002.2.2.13 An erosion and sedimentation control plan, prepared with standards contained in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, current edition.

2002.2.2.14 Reclamation Plan: In the same scale as the site plan, prepared by a licensed professional engineer or licensed landscape architect, requiring, at a minimum, the following:

a) Final contours of site after reclamation at two (2) feet or less contour intervals.

b) Areas which will be backfilled and restored with topsoil and other overburden, and depth of same.

c) Areas which will contain water with measures to be taken to avoid stagnation and erosion.

d) Phasing program of reclamation and timing.

e) Landscape plan, indicating location and type of proposed landscape features including plant list.

f) Location of driveways, roads, fences, and gates to be part of restoration program.

g) Description of proposed final care of site.

Reclamation plan must comply with 2008.2.14 of this Addendum.

2002.2.2.15 Identification of all required state and/or federal permits, including, if applicable, a Department of Environmental Protection permit as well as copies of all submissions made to any federal or state agency concerning the operation.

2002.2.2.16 A proposed performance guarantee in accordance with Section 710 of this Zoning Ordinance and as deemed satisfactory by the Town Select Board, covering the cost of the reclamation plan or next phase when reclamation plan is divided into distinct sections. This guarantee shall be in place upon approval of the application and prior to granting of operation permit.

2002.2.2.17 A list of all abutting property owners.

2002.2.2.18 For new or expanding MEOs which will create a mineral extraction operation with a cumulative affected area of over five (5) acres, the following additional submissions are required:

a) A hydrogeological evaluation, prepared by a qualified professional, which shows the depth of ground water throughout the site and establishes that the MEO will not cause any pollution to ground water and/or surface water, or negatively impact existing wells.

b) A traffic study which sets forth what the maximum estimated volume of traffic into and out of the MEO will be, which describes the kinds of trucks and equipment which will be going into and out of the MEO, which describes any existing or potential traffic hazards on roads servicing the site, and applicant's plans to address them, and which describes the ability of such roads physically to withstand the additional traffic generated by the site. The study shall consider the actual existing traffic condition in the vicinity of the MEO.

c) Sound study to be reviewed under 2008.2.11.

2002.2.2.19 Any other pertinent information the Planning Board may require.

2003 Adjoining Mineral Extraction Activities That Join Under a Common Scheme of Development

Adjoining mineral extraction activities that join under a common scheme of development separated by less than 500 feet of unaffected land shall be required to fulfill all the requirements as established in this Ordinance for the total size of the extraction area, including the adjoining site.

2004 Waiver of Submission

Where the Board makes written finding of the fact that there are special circumstances of a particular MEO, and in MEOs that affect an area less than one (1) acre and over five thousand (5,000) square feet, it may waive portions of the submission requirements, providing the public health and safety and welfare are protected, and the waivers do not have the effect of nullifying the intent and purpose of this Addendum.

2005 Application Procedures

2005.1 Application forms for MEOs shall be provided by the Town of Eddington, and submitted to the CEO, pursuant to Chapter 4 of this Zoning Ordinance. The application shall be accompanied by a fee pursuant to Section 305.3 Fees of this Zoning Ordinance.

2005.2 Public Hearing

Mineral extraction applications for new operations and expansion of previous operations, of one acre or more in size, shall require a Public Hearing. Mineral extraction applications for new operations and expansion of previous operations, of one acre or less in size, may require a Public Hearing. Notifications shall be mailed to all abutters within 1,000ft of the subject parcel(s) property lines.

2006 Annual Inspections

The CEO, or his/her designee, shall conduct an annual compliance inspection prior to the anniversary date of the original permit, to determine whether the permit holder has complied with, or deviated from, the approved plan. An annual compliance fee is required. The CEO may also require at his/her sole discretion, for the MEO operator to cover the cost of 3rd party inspections such as sound or environmental studies if in his/her opinion such studies are required to verify compliance with the applicable performance standards contained in this ordinance.

Reports shall be provided to the Planning Board, Select Board, and permit holder. In case of non-compliance, the CEO shall notify the permit holder via phone call and certified mailed letter and allow the permit holder 48 hours to correct any issue(s). If compliance cannot be achieved within 48 hours, the permit holder shall notify the CEO via phone call and certified mailed letter, explaining the reason(s) for the delay. If the delay is reasonable, such as due to weather conditions or shipping delays for new/replacement equipment, the permit holder shall have an additional 48 hours to correct the issue(s). Thereafter, the CEO may issue a STOP WORK ORDER, EXCEPT FOR REMEDIAL ACTION, until such time as compliance is achieved.

2007 Conditions and Limitations

2007.1 General

Before any mineral extraction activity begins, the applicant shall obtain all applicable permits required by town, state, or federal regulations, laws, or ordinances regulating such developments. Violation of other permits necessary for operation shall be considered a violation of this Addendum.

Before a Final Plan has been approved, the following is not permitted:

1. No material from any MEO may be sold.

2. Development of the infrastructure of the MEO is not permitted, including buildings, roads, and utility installations, except for:

    a) To gain reasonable access to the site to undertake the studies and tests and survey required to become permitted.

    b) A legal purpose other than mineral extraction; or

    c) Another authorized use.

2007.2 Expiration/Cease/Lapse in Activity

Mineral Extraction initial permits shall expire two years from the date of issuance, unless the construction of mineral extraction activity has commenced. Thereafter, MEO operation permits shall expire if the MEO activity has ceased for a period of two years.

2007.3 Plan Revisions

Plan revisions, after approval, shall be made as provided for in 2010.2 of this Addendum.

2007.4 Expert Consultant

In the event that expert consultation is determined to be necessary under this Addendum, the charges for same shall be the responsibility of the applicant/operator.

2007.5 Transfer of Mineral Extraction Permit

When an MEO ownership is transferred:

1. The transferor shall notify the CEO of the transfer five business days prior to execution, who if applicable, shall notify the Planning Board of said transfer.

2. The transferee shall file a Notice of Intent to Comply similar to that required by the MDEP - 38 M.R.S.A. §490-C (borrow pits) and §490-R (quarries); and

3. The transferee must provide a new performance guarantee acceptable to the Select Board. The performance guarantee provided by the transferor must remain in force until the transferee's performance guarantee has been accepted and is in force.

2008 Performance Standards

2008.1 General Requirements

2008.1.1 Mineral extraction operations shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this article conflict with specific provisions of State laws or other town ordinances, the stricter provisions shall prevail.

2008.1.2 The owner and/or operator of a mineral extraction activity shall be responsible, both jointly and severally, for ensuring the maintenance of all infrastructure, structures and their sites in a safe manner as outlined in state and local building codes, other applicable state regulations, and state and local land use ordinances.

2008.1.3 In all cases, the applicant shall have the burden of proof that all requirements, standards, and conditions of this Addendum and Planning Board conditions of approval are met.

2008.1.4 Where the Code Enforcement Officer and/or Planning Board determine there is a need for testing or measurements of standards during the application review phase, all reasonable testing shall be at the operator's expense.

2008.1.5 The Planning Board shall consider financial capacity, technical ability, and prior performance in its review of any application. If the applicant is found to be deficient in any of these areas, it may deny the application.

2008.1.6 The Planning Board may deny the application if the application is not in compliance with other town, state, or other regulations.

2008.2 Performance Standards

Unless otherwise noted, and not required in the application requirements, these standards apply to all mineral extraction operations 5,000 square feet and above.

Existing mineral extraction operations, after registering with the Town, may continue to operate at their present size. However, any expansions or new operations shall be regulated by the standards of this Zoning Ordinance and Addendum.

2008.2.1 Significant wildlife habitat.

Objective: To ensure that significant wildlife habitat is adequately protected. No mineral extraction operation may cause any unreasonable detrimental effect to significant wildlife habitat.

Letters from the appropriate authoritative agencies shall be required as evidence of compliance with performance standards for significant wildlife habitat.

2008.2.1.1 No mineral extraction site or area may be located within any of the significant wildlife habitat areas identified below. (see 2008.2.13 for required setbacks):

a) Habitat for species appearing on the most recent official State or Federal lists of endangered or threatened species.

b) High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas.

c) Shorebird nesting, feeding, and staging areas, and seabird nesting islands.

d) Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission.

e) High or moderate value fish spawning and nursery areas that have been identified by the Maine Department of Inland Fisheries and Wildlife.

f) High or moderate value deer wintering areas or travel corridors that have been identified by the Maine Department of Inland Fisheries and Wildlife.

g) Any other important habitat areas identified in the Eddington Comprehensive Plan, as adopted; and as defined in Maine Title 38 M.R.S.A. Section 480-B or in an area listed pursuant to the Maine Natural Areas Program, Title 12, Section 544.

2008.2.1.2 If any one of the above will be impacted, then secondary documentation required by the Planning Board or CEO may include, but is not limited to:

a) An impact assessment report prepared by the appropriate authoritative agency or a qualified professional.

b) A mitigation plan prepared by a qualified professional, such as a wildlife biologist, fisheries biologist, or botanist as appropriate.

2008.2.2 Solid waste and sewage disposal

Solid waste, including stumps, wood waste and land- clearing debris generated on the affected land must be stored or disposed of in accordance with Maine Department of Environmental Protection (MDEP) Regulations, Chapter 404. See also Sections 804 and 807 of this Zoning Ordinance.

2008.2.3 Groundwater protection

Objective: To provide an adequate buffer for ground water and allow for filtration of impurities from surface water.

2008.2.3.1 No mineral extraction activity, including blasting, excavation, processing, storage or any related on-site activity, may cause the discharge of any liquid, gaseous or solid materials into surface or subsurface waters, if such discharge is of a nature, quantity, toxicity or temperature that may contaminate,

pollute or harm such waters or cause nuisances, such as floating or submerged debris, oil or scum, discoloring, objectionable odor or taste, or that may be harmful to human, animal, or plant life.

2008.2.3.2 No mineral extraction activity, including blasting, excavation, processing, storage or any related on-site activity, may cause any pollutant to be deposited on or into the ground or discharged into the waters of the State, if such deposit or discharge, by itself or in combination with other activities or substances, will impair designated uses or the water classification of any water body, tributary stream, or wetland.

2008.2.3.3 Extraction may not occur within 5 feet of the seasonal high water table, except as noted in the table in 2008.2.13.1 Minimum Setbacks. At the applicants' expense, a benchmark sufficient to verify the location of the seasonal high water table must be established and at least three test pits or monitoring wells to measure both quantity and quality, must be established on each five acres of un-reclaimed land, to assure there are no adverse impacts to any water supplies or wells, public or private, off site. These wells shall be located as one upgradient and two downgradient.

2008.2.3.4 No mineral extraction may reduce the quantity or quality of any public or private drinking water supply. Predevelopment water quantity and quality data must be collected for a year in accordance with MDEP regulations, prior to operation, to establish reference values for any public or private water supply within 1,000 feet of a mineral extraction.

2008.2.3.5 A mineral extraction activity must not withdraw more than 5,000 gallons of ground water per day, unless a hydro geologic evaluation performed by a qualified professional, determines this will not represent an environmental hazard or threaten drinking water supplies.

2008.2.3.6 All storage facilities for fuel or chemicals must comply with the applicable rules and regulations of the Maine Department of Environmental Protection and the State Fire Marshal's Office.

2008.2.3.7 Refueling operations, oil changes, other maintenance activities requiring the handling of fuels, petroleum products and hydraulic fluids and other onsite activity involving storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the SPCC Plan and follow Performance Standards for the Storage of Petroleum Products as outlined and included in the most recent MDEP guidelines.

2008.2.3.8 Routine maintenance operations are allowed for fixed equipment such as screeners provided that precautionary measures such as portable drip pans or vacuum devices are used.

2008.2.3.9 If the Planning Board reasonably determines that independent evaluation and consultation would assist it to determine if the applicant has met

the standard regarding risks of pollution, it may require additional information or

evidence, either from the applicant, or by one or more of the following means:

a) Review of the applicant's hydrogeology study or assessment prepared by a qualified professional.

b) A design for the handling and storage of materials at risk of polluting surface or subsurface waters, prepared by a qualified professional

c) A professional review of any private or public water supply system

d) A water quality or quantity test.

The cost of these items shall be borne by the applicant, but the Planning Board shall have authority to determine which professionals to undertake any such investigation or consultation.

2008.2.3.10 Standards for Ground Water Impacts

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

b) No mineral extraction activity shall increase any predevelopment contaminant concentration in the ground water to more than one half of the Federal Primary Drinking Water Standards at the property boundary. No mineral extraction activity shall increase any contaminant concentration in the ground water to more than the Federal Secondary Drinking Water Standards at the property boundary

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

2008.2.4 Natural buffer strip

Existing vegetation within a natural buffer strip may not be removed. If vegetation within the natural buffer strip has been removed or disturbed by the excavation or activities related to the mineral extraction operation prior to submission, that vegetation must be reestablished as soon as practicable.

2008.2.5 Protected natural resources

2008.2.5.1 A natural buffer strip must be maintained between the working edge of an excavation and a river, stream, brook, great pond, coastal wetland or freshwater wetland as defined in Title 38 M.R.S.A., Section 480-B. The width requirements for natural buffer strips are as follows:

2008.2.5.2 A natural buffer strip at least 100 feet wide must be maintained between the mineral extraction operation and the normal high water line of any permanent surface water body or wetland.

2008.2.5.3 A natural buffer strip at least 75 feet wide must be maintained between the mineral extraction operation and the normal high water line of a seasonal water body or wetland.

2008.2.6 Public and private roads

A natural buffer strip at least 150 feet wide must be maintained between the working edge of an excavation and any public road right of way and a strip at least 50 feet wide must be maintained from the edge of any off-site private road. No below grade excavation or mining shall be allowed within 200 feet of any public road right of way.

2008.2.7 Property boundary and buffers

2008.2.7.1 All buffers must be preserved in their natural vegetative state as existed six months prior to an application for a new mineral extraction operation, or for an expansion to an existing mineral extraction operation, in the natural vegetative state that existed at time of initial licensing by the Town. If the natural buffer has been disturbed, the disturbance shall be explained to the Board and the Board shall determine if any replanting is necessary.

2008.2.7.2 To minimize visual impacts and provide for wildlife, a natural buffer strip at least 50 feet wide must be maintained between property boundaries.

2008.2.7.3 A natural buffer strip at least 300 feet wide must be maintained between all mineral extraction operations and the closest edge of an existing residence, business, or farm building used for livestock on abutting properties at the time of the application.

2008.2.7.4 A natural buffer strip at least 100 feet wide (quarries) and 50 feet wide (borrow pits) must be maintained between an excavation and any property boundary.

2008.2.7.5 The natural buffer strip between excavations owned by abutting owners may be eliminated with the abutter's written permission, provided the elimination of this buffer strip does not increase the runoff from either excavation across the property boundary.

2008.2.7.6 To protect abutters from dust, noise and unsightly appearance, the Planning Board shall require the applicant to provide screening to shield all operations from surrounding property where there is inadequate natural buffer. Trees may be required for a buffer. The buffer material must be effective all year round. Buffers must be complete before excavation begins.

2008.2.7.7 A physical barrier, in the form of a vegetated buffer or screening or a

combination of both, must be provided to minimize any detrimental effect of a mineral extraction operation beyond its property lines, to the greatest practical extent. The barrier must be long enough, wide enough, high enough and sufficiently dense or otherwise appropriately designed to serve its intended purpose.

2008.2.7.8 Buffers adjacent to a protected natural resource must comply with the requirements of the Natural Resources Protection Act.

2008.2.7.9 Buffer strips must be comprised of vegetation species that the Planning Board or CEO find suitable and sufficient to accomplish the required mitigation. The buffer strip is intended to be effective year round. Plant material should be comprised of a variety of native deciduous and evergreen species. All buffer strips must be maintained by the owner.

2008.2.7.10 Except for buffers subject to requirements of 2008.2.7.7 and 2008.2.7.8, buffer strips may be replaced by screening if the screening provides at least an equivalent level of mitigation as a buffer strip for the relevant detrimental effects. Screening must comply with the following requirements:

a) Screening may be comprised of man-made objects such as buildings, structures, earth berms or fences. Any such object must be in good repair and maintained as required. Mobile homes, vehicles, box trailers and similar structures may not be used for screening purposes.

b) Screening may be comprised of natural features in the topography of a site such as hills, gullies, or rock outcrops.

c) Fencing must be constructed with materials designed for such use. The installation must be designed to resist the effects of frost.

d) Fences must be properly maintained by the owner. Structures and fences used for screening should be located at a sufficient distance from property lines to allow access for maintenance on all sides without intruding upon abutting properties.

2008.2.8 Erosion and sedimentation control

2008.2.8.1 All reclaimed and un-reclaimed areas, except for access roads, must be naturally internally drained unless an engineering plan is provided and approved by the Planning Board.

2008.2.8.2 All erosion and sedimentation plans must conform to standards outlined in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, most recent edition.

2008.2.8.3 Stockpiles consisting of topsoil to be used for reclamation must be seeded, mulched or otherwise temporarily stabilized.

2008.2.8.4 Sediment may not leave the parcel or enter a protected natural

resource.

2008.2.8.5 Grubbed areas not internally drained must be stabilized.

2008.2.8.6 Erosion and sedimentation control for access roads must be conducted in accordance with MDOT best management practices for erosion and sedimentation control.

2008.2.8.7 Land shall be restored and stabilized according to the Reclamation Plan

2008.2.9. Surface water protection and storm water management

2008.2.9.1 Surface water discharges from areas not required to be naturally internally drained may not be increased as a result of storm water runoff from storms up to a level of a 25-year, 24-hour storm as defined by the US Geological Survey. Accumulated water from precipitation must be put into sheet flow whenever possible. Any discharge points must be directed to an undisturbed natural buffer strip. The discharge point must be at least 250 feet away from a protected natural resource. The slope of the discharge area shall be less than or equal to15%.

2008.2.9.2 For projects exceeding 1 acre, a volume calculation shall be provided demonstrating that the area(s) will safely handle a volume of precipitation at least equal to that which may be expected in the area from the 25-year, 24-hour storm event for the region, such that post-development stormwater runoff rates may not exceed pre-development stormwater runoff rates.

2008.2.9.3 No Mineral extraction may increase or alter storm water flows without first implementing appropriate storm water management controls to prevent environmental damage, flooding, property damage, or the overburden of existing storm water management systems or features.

2008.2.9.4 No grading or other construction activity may alter existing natural drainage to the extent that drainage will adversely affect adjacent property or that drainage ways flowing from adjacent parcels of land to the project will be impeded.

2008.2.9.5 The Planning Board or CEO may require storm water to be externally-drained from the working pit of any rock excavation if there is reasonable concern that groundwater pollution would occur from stormwater that is internally- drained, or if the working pit extends below the annual high-water table.

2008.2.9.6 External drainage of stormwater from excavation MEO is subject to compliance with the following requirements:

a) Stormwater intended to be externally drained from a working pit or related impervious areas must be drained to an engineered storage facility for required treatment and disposal.
b) Stormwater must be discharged from a storage facility at a rate that may not exceed the pre-development stormwater runoff rate for storms up to

a level of intensity of a 25-year, 24-hour storm.

c) The design of stormwater storage facilities must address safety, appearance, and the cost and effectiveness of maintenance operations, in addition to the primary storage function.

d) Any drainage variance required by MDEP must be granted.

e) All stormwater facilities must be properly maintained. Stormwater management plans must define maintenance requirements and identify parties responsible for the required maintenance.

2008.2.9.7 The disposal of stormwater on-site must use existing natural runoff control features of the site to the greatest extent possible. Natural runoff control features include, but are not limited to, earth berms, swales, terraces, and wooded areas.

2008.2.9.8 Natural and man-made drainage ways and drainage outlets must be stabilized with vegetation or riprap to prevent erosion caused by water flowing through them.

2008.2.9.9 Easements must be provided to the municipality where appropriate to ensure proper maintenance of drainage ways. Easement widths must be sufficient to allow access for maintenance and repairs to the drainage way or any structures therein, and in no case may the width be less than 30' wide. If the municipality needs to perform this work, it shall be at the operator's expense.

2008.2.9.10 A stormwater management plan must be submitted to the Planning Board or CEO for any mineral extraction subject to State permitting in accordance with 38 M.R.S.A.§ 420-D (the Stormwater Management Law), 38 M.R.S.A.§481 (the Site Location of Development Law) or any mineral extraction that is within the watershed of a great pond at risk from development, as identified by the Maine Department of Environmental Protection. A stormwater management plan is also required for any other mineral extraction if external drainage of stormwater is required in accordance with section 9.3, or if the Planning Board or CEO has determined by majority vote that the risk of detrimental effects to abutting properties or the environment warrants an engineered design for the management of stormwater.

2008.2.9.11 Stormwater management plans must be prepared by a Maine licensed Professional Engineer.

2008.2.10 Traffic

The following provisions govern traffic.

Objective: To ensure that any detrimental effects to the safety and sufficiency of streets are adequately mitigated.

2008.2.10.1 Any street providing direct access to a mineral extraction must have

the capacity to accommodate expected traffic flow increases, so as to avoid unreasonable congestion or safety hazards.

2008.2.10.2 Where necessary to safeguard against hazards to traffic or to avoid traffic congestion, provision must be made for turning lanes or traffic controls.

2008.2.10.3 Entrances and exits of the mineral extraction operation onto a public way must be located, posted, and constructed in accordance with standards for roadways adopted by the Town of Eddington Zoning Ordinance and the DOT. Adequate distances for entering, exiting and stopping must be maintained in accordance with these standards.

2008.2.10.4 A traffic study may be required at the discretion of the Planning Board, when there are documented concerns from MDOT, the municipal road commissioner, the municipal public safety department, a qualified traffic engineering professional or local residents, about traffic safety or capacity deficiencies of a public road that may occur due to increased truck traffic to and from the mineral extraction operation. The public road must provide direct access to the entrance for the mineral extraction operation in order to warrant a traffic study.

2008.2.10.5 Full traffic study requirement:

If the operator will meet a) or b) below, the operator shall provide a full traffic impact study at his or her own expense. This study is subject to review by another consultant of the Town's choosing at the operator's expense. The safety and congestion mitigation measures recommended shall be followed by the operator.

a) Volume. If during any one hour period, traffic attributable to the development equals or exceeds 35 trips at the project driveway(s). A trip can be either inbound or outbound.

b) Safety or capacity deficiencies. The Planning Board, in consultation with the Maine Department of Transportation, determines that a traffic impact study must be conducted because of traffic safety or capacity deficiencies in the vicinity of the development.

c) Content of full traffic study. If a full traffic study is required under paragraph i., as determined by the Planning Board, the developer/operator shall follow the procedures and requirements as detailed in "Access Management Standards, Access Management: Improving the Efficiency of Maine Arterials, A handbook for Local Officials", Maine Department of Transportation, most recent edition, Appendix A.

Any study is at the property owners' expense and such study is subject to review by another consultant of the town's choosing.

Proposed improvements to existing public streets must be approved in writing by the Town of Eddington Select Board, the town road commissioner, or the Maine Department of Transportation, as applicable.

2008.2.11 Noise

Objective: To ensure that any detrimental effects from noise are adequately mitigated and abutters may continue the peaceful enjoyment and use of their entire property.

2008.2.11.1 The maximum permissible sound level of any continuous, regular, frequent, intermittent or periodic source of noise produced by any mineral extraction activity must comply with the requirements of this section.

2008.2.11.2 Exemptions

Sound associated with the following shall be exempt from regulations by the Planning Board:

a) Warning signals and alarms.

b) Safety and protective devices installed in accordance with code requirements.

c) Test operations of emergency equipment occurring in the daytime and no more frequently than once per week.

2008.2.11.3 The sound level limits contained in this regulation apply to all property lines of the proposed mineral extraction site or area, or contiguous property owned by the operator, whichever are further from the proposed operation's regulated sound sources.

2008.2.11.4 The sound level limits contained in this regulation do not apply to noise within the mineral extraction site, area, or operation boundary.

2008.2.11.5 Information to be supplied by applicant:

a) List of equipment types and number of each piece of equipment.

b) Manufacturer specifications for dB levels for each piece of equipment.

c) Any additional information deemed necessary to fulfill the requirements of this section.

2008.2.11.6 An independent third-party sound study shall be conducted by a qualified consultant of the Board's choosing. The cost of the study shall be borne by the Applicant. Alternatively, prior to commencement of the study, the Applicant may submit the credentials of an independent third-party consultant of their choosing, for the Board's review and approval. The study shall include written certification from a Qualified Independent Acoustical Consultant that the noise measurements are accurate and the noise from the completed development will conform to this section.

2008.2.11.7 All instruments and other tools used to measure audible, inaudible and low frequency sound shall meet the requirements for ANSI or IEC Type 1 Integrating Averaging Sound Level Meter with one-third octave band analyzer with frequency range from 6.3 Hertz (Hz) to 20 Kilohertz (kHz) and capability to simultaneously
measure dBA LN and dBC LN. The instrument must also be capable of measuring low level background sounds down to 20 dBA, and must conform, at a minimum, to the requirements of ANSI S1.43-1997. Measurements shall only be made with the instrument manufacturer's approved wind screen. A compatible acoustic field calibrator is required with certified ± 0.2 dB accuracy.

2008.2.11.8 Predevelopment background noise levels shall be measured at each property boundary line of the proposed development, as well as representative Protected Locations within a one-mile radius of the property boundary of the proposed development. Readings shall be taken at representative times throughout the proposed hours of operation, including at night if any equipment is proposed to run after operation hours (i.e. pumps, generators, etc.), at the same location along each of the property boundary lines. Readings shall not be taken when construction activity, abnormal traffic conditions or other extraordinary conditions are occurring within 500 feet of the property boundary.

2008.2.11.9 The duration of each measurement shall be ten continuous minutes at each location. Longer-term tests are not appropriate. The duration must include at least six minutes that are not affected by transient sounds from near-by and non-natural sources. Multiple ten-minute samples over longer periods may be used to improve the reliability, in which case the quietest ten-minute sample will be used.

2008.2.11.10 Measurements shall be taken during the time of day (or night, if applicable as described above) expected to have the quietest background sound level, as appropriate for the site.

2008.2.11.11 Measurements must be made on a weekday of a non-holiday week.

2008.2.11.12 Measurements must be taken at a height of four feet above the ground and at least fifteen feet away from any reflective surface, following ANSI S12.9 Part 3 protocol together with any other requirements found in this Addendum or Zoning Ordinance.

2008.2.11.13 Measurements taken when the wind speeds exceed 4.5 miles per hour at the microphone location are not valid. A windscreen of the type recommended by the monitoring instrument manufacturer must be used for all data collection.

2008.2.11.14 Sound Level Limits:

Except as allowed for production blasting, the hourly sound levels resulting from the mineral extraction operation shall not exceed the following limits:

a) The proposed development shall not cause the predevelopment

background noise level to increase by 10 decibels (dBA) during the day and 5 decibels (dBA) at night. In no case shall the ambient noise level as measured from the property boundary exceed the following absolute noise criteria:

b) The maximum permissible noise from any continuous, regular, or frequent source of sound at a project property boundary shall be no more than 60 decibels between the hours of 7:00 a.m. to 5:00 p.m. and 45 decibels at all other times unless more strictly specified elsewhere in this addendum for a given activity.

c) When a proposed mineral extraction operation is to be located in an area where the daytime pre-development ambient hourly sound level at a Protected Location is equal to or less than 45 dBA and/or the nighttime pre-development ambient hourly sound level at a Protected Location is equal to or less than 35 dBA, the hourly sound levels resulting from routine operation of the mineral extraction operation shall not exceed: 55 dBA between 7 a.m. and 5 p.m. and 40dBA at all other times.

d) The applicant shall modify the development as necessary to ensure that the noise emanating from the project conforms to the noise limits set forth in this section.

2008.2.11.15 Sound from Production Blasting

Sound exceeding the preceding limits and resulting from production blasting at a mineral extraction site or area shall be limited as follows:

Sound from blasting shall not exceed the following limits at any Protected Location:

Number of Blasts Per Day	Sound Level Limit
1	129 dB
2	126 dB
3	124 dB
4	123 dB

Blast sound shall be measured in peak linear sound level, decibel (dB) with a linear response down to 5 Hz.

Refer to Bureau of Mines Report of Investigations 8485 for information on airblast sound levels and pertinent scaled distances.

2008.2.11.16 The Planning Board may, as a term or condition of approval, establish any reasonable requirement to ensure that the mineral extraction operator has made adequate provision for the control of noise from the operation, and to reduce the impact of noise on protected locations. Such conditions may include, but are not limited to, enclosing equipment or operations, imposing limits on hours of operation, or requiring the employment of specific design technologies, site design, modes of operation, or traffic patterns.

2008.2.11.17 The sound level limits prescribed in this regulation shall not preclude the Planning Board from requiring a mineral extraction operator to demonstrate that sound levels from a mineral extraction operation will not unreasonably disturb wildlife or adversely affect wildlife populations.

2008.2.11.18 The burden is on the Applicant to provide sufficient information to establish that the mineral extraction operation will meet the requirements of this Addendum and Zoning Ordinance.

2008.2.12 Dust and Air Pollution

Air pollution in the form of dust and dirt shall be kept to a minimum by the use of modern equipment and methods of operation designed to avoid excessive dust, dirt or other air pollution injurious or substantially annoying to adjoining property owners. Emission of dust and dirt at any point beyond lot lines may not exceed the guidelines set forth in this section.

2008.2.12.1 All air pollution control shall comply with minimum State requirements and all applicable equipment must have a current MDEP Air Emissions License.

2008.2.12.2 Dust generated by activities at the MEO site, including dust associated with traffic to and from the MEO site, must be controlled by a vacuum sweeper, paving, watering, or other best management practices for control of fugitive emissions, pursuant to Maine DEP Erosion and Sediment Control BMP guidelines. Dust control method may include the application of calcium chloride, providing the manufacturer's labeling guidelines are followed. Visible emissions from a fugitive emission source may not exceed an opacity of 20% for more than 5 (five) minutes in any one hour period.

2008.2.12.3 All access/egress roads leading to/from the extraction site to public ways shall be treated to reduce dust and mud for a distance of at least 100 feet from such public ways.

2008.2.12.4 Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Planning Board to keep trucking off residential streets whenever possible. Vehicles must abide by weight load limits on streets and ways. Spillage of extracted materials on public streets shall be removed by the licensee or his/her agent and /or the trucking operation(s) having any liability for such spillage, as soon as possible. Liability for violations deemed a nuisance shall be assigned to those truck operators and owners responsible and carry fines as set by the Select Board, especially to compensate the Town for any expenses incurred in ensuring safety of the area and traffic flow.

2008.2.12.5 No mineral extraction may emit smoke or dust beyond the property boundaries in such concentration and duration that causes any detrimental effects including, but not limited to:

a) Excessive soiling or staining of property

b) Excessive surface accumulation of particulates

c) Hazardous reduced visibility for motorists

d) Breathing difficulties or other adverse health effects

2008.2.12.6 The Planning Board or CEO may consider the direction of prevailing winds, and existing vegetation and topography in determining the risk of detrimental effect of smoke or dust on abutting properties and the public

2008.2.12.7 If the Planning Board or CEO reasonably determines that additional evidence would assist it to determine if the applicant has met the standard regarding risks of smoke or dust pollution, then it may require additional information or evidence, either from the applicant, or by one or more of the following means:

a) Baseline air quality review findings, and a possible second review after operations have commenced if a problem has been reported.

b) A mitigation plan prepared by a qualified professional.

2008.2.12.8 No mineral extraction may emit putrid, fetid or noxious odors beyond the property boundaries in such concentration and duration that causes a detrimental effect to the use and enjoyment of property or to the public health and safety.

2008.2.12.9 The Planning Board or CEO may consider the direction of prevailing winds, and existing vegetation and topography in determining the risk of detrimental effect of odors on abutting properties and the public.

2008.2.12.10 The Planning Board or CEO may require secondary documentation of any mineral extraction that may be a source of putrid, fetid or noxious odors.

2008.2.12.11 Secondary documentation required by the Planning Board or CEO may include, but is not limited to:

a) An analysis or study of the detrimental effects of specific nuisance odors prepared by a qualified professional

b) An odor mitigation plan prepared by a qualified professional.

2008.2.13 Dimensional Standards

2008.2.13.1 Minimum Setbacks

MINIMUM SETBACK OF → FROM ↓	A STONE EXCAVATION	A GRAVEL OR SAND EXCAVATION	A CLAY, PEAT, OR SILT EXCAVATION	A TOPSOIL EXCAVATION	A PROCESSING OR STORAGE AREA
1. THE PROPERTY LINES OF:					
1.A. A PROTECTED LOCATION LOT	100' [1]	100' [1]	100' [1]	100' [1]	100' [1]
1.B. ANY OTHER LOT	100'	100'	100'	100'	100'
1.C. A CEMETERY OR BURIAL GROUND	100'	50'	50'	50' [1]	50'
2. STRUCTURES	1,500' [1]	1,000' [1]	1,000' [1]	1,000' [1]	1,000' [1]
3. THE SHORELINE OF:					
3.A. A GREAT POND, OR RIVER OR STREAM FLOWING TO A GREAT POND	250' [1]	250' [1]	250' [1]	250' [1]	250' [1]
3.B. ANY OTHER RIVER OR STREAM, AS DEFINED	250' [1]	250' [1]	250' [1]	250' [1]	250' [1]
3.C. ANY FRESHWATER WETLAND, AS DEFINED	250' [1]	250' [1]	250' [1]	250' [1]	250' [1]
4. THE RIGHT OF WAY OF:					
4.A. A PUBLIC ROAD	100' [1]	100' [1]	100' [1]	100' [1]	100' [1]
4.B. A PRIVATE ROAD	100' [1]	100' [1]	100' [1]	100' [1]	100' [1]
4.C. A PUBLIC WAY WITHOUT A ROAD	100' [1]	100' [1]	100' [1]	100' [1]	100' [1]
4.D. A PRIVATE WAY WITHOUT A ROAD	100' [1]	100' [1]	100' [1]	100' [1]	100' [1]
5. A PREDEVELOPMENT PRIVATE DRINKING WATER SUPPLY THAT IS:					
5.A. A POINT-DRIVEN OR DUG WELL.	1,500' [1]	1,000' [1]	1,000' [1]	1,000' [1]	1,000' [1]
5.B. A DRILLED WELL	1,500' [1]	1,000' [1]	1,000' [1]	1,000' [1]	1,000' [1]
6. A PUBLIC DRINKING WATER SOURCE	1,500' [1]	1,000' [1]	1,000' [1]	1,000' [1]	1,000' [1]
7. THE SEASONAL HIGH WATER TABLE	NONE [2]	5' [1]	5' [1]	5' [1]	5' [1]
8. SIGNIFICANT WILDLIFE HABITAT	250' [1]	250' [1]	250' [1]	250' [1]	250' [1]

[1] The setback may not be reduced by variance.

[2] Excavation below the seasonal high water table must be approved by DEP.

2008.2.14 Reclamation

The affected land must be restored to a condition that is similar to or compatible with the conditions that existed before excavation. Extraction operations shall be considered completed when there has been no activity for 731 days, and reclamation activities shall begin. Reclamation shall be conducted in accordance with the MDEP's best management practices for erosion and sedimentation control and must include the following:

2008.2.14.1 Highwalls, or quarry faces, must be treated in such a manner as to leave them in a condition that minimizes the possibility of rock falls, slope failures and collapse. A highwall that is loose must be controlled by the use of blasting or scaling, the use of safety benches, the use of flatter slopes or reduced face heights or the use of benching near the top of the face or rounding the edge of the face.

2008.2.14.2 Side slopes of gravel pits must be regraded to a slope no steeper than four (4) feet horizontal to one (1) foot vertical.

2008.2.14.3 Within six months of the completion of extraction operations, ground levels and grades shall be established in accordance with the reclamation plan; within 30 days of final grading, topsoil must be placed, seeded and mulched; all dependent upon seasonal weather conditions. Vegetative cover must be established on all affected land, except for quarry walls and flooded areas. This requirement may be waived if the CEO determines that the slope(s) exhibit substantial vegetation and are stable.

2008.2.14.4 Vegetative cover is acceptable if within one year of seeding:

a) The planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession sufficient to ensure a 75% survival rate; and

b) The planting of all material results in permanent 90% ground cover.

2008.2.14.5 Vegetative cover used in reclamation must consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture of these. These should be native to the area where the project is located.

2008.2.14.6 All access roads, haul roads and other support roads must be reclaimed, unless reserved for future productive use of the land, as described in the reclamation plan.

2008.2.14.7 All structures or temporary shelters and equipment used in active extraction operation shall be removed within 30 days following completion of active extraction operations.

2008.2.14.8 All affected lands must be reclaimed within 2 years after final grading.

2008.2.14.9 Topsoil that is stripped or removed must be stockpiled for use in reclaiming disturbed land areas unless the applicant demonstrates that the soil is not needed for reclamation purposes. Stockpiles must be seeded, mulched or otherwise stabilized. Whenever practical, at least 4 inches of topsoil should be used for final cover.

2008.2.14.10 The site must be reclaimed in phases so that the active extraction area does not exceed 5 acres at any time. This refers to the area of extraction and does not include roads, structures, stockpiles, etc. not part of the active mineral extraction operation.

2008.2.14.11 A notice must be recorded at the Registry of Deeds, indexed to the current record owner, that states that the property is a mineral extraction operation and is subject to reclamation provisions.

2008.2.14.12 Upon completion of the reclamation, or the reclamation phase, a written reclamation certificate, signed by a registered professional engineer, shall be provided to the Select and Planning Boards.

2008.2.15 Blasting

Blasting shall be conducted in accordance with Maine DEP regulation Article 8-A Performance Standards for Quarries most current version, for all MEO's of any size, with the following additional restrictions:

2008.2.15.1 The maximum allowable airblast at any inhabited building not owned or controlled by the developer may not exceed 129 decibels peak when measured by an instrument having a flat response (+ or - 3 decibels) over the range of 5 to 200 hertz

2008.2.15.2 If necessary to prevent damage, the Planning Board may specify lower maximum allowable airblast levels than those in 2008.2.15.1 of this section for use in the vicinity of a specific blasting operation.

2008.2.15.3 A preblast survey is required for all production blasting for all MEOs of any size and must extend for a minimum radius of 1/2 mile from the blast site. The preblast survey must document any preexisting damage to structures and buildings and any other physical features within the survey radius that could reasonably be affected by blasting. Assessment of features such as pipes, cables, transmission lines and wells and other water supply systems must be limited to surface conditions and other readily available data, such as well yield and water quality. The preblast survey must be conducted prior to the initiation of blasting at the operation. The owner or operator shall retain a copy of all preblast surveys for at least one year from the date of the last blast on the development site. Any person owning a building within a pre-blast survey radius may voluntarily waive

the right to a survey. If there is a change in homeowner during the duration of the MEO and the previous owner rejected a pre-blast survey, the new homeowner has the right to request a pre-blast survey.

2008.2.15.4 The owner or operator is not required to conduct a preblast survey if the Board determines that no protected natural resource within the limits of the otherwise required survey is likely to be affected by blasting and production blasting will not occur within a half mile of any building not owned or under the control of the developer.

2008.2.15.5 Blasting may not occur in the period between 3:00 p.m. and 10:00 a.m. of the following day.

2008.2.15.6 Routine production blasting is not allowed on Saturday, Sunday, and holidays as specified in 2008.2.16. Detonation of misfires may occur outside of these times but must be reported to the Town Office within 5 business days of the misfire detonation.

2008.2.15.7 Blasting may not occur more frequently than 4 times per day.

2008.2.15.8 Under no circumstances shall the Planning Board permit any blasting within one hundred fifty (150) feet of an adjoining property line.

2008.2.15.9 The maximum peak particle velocity at inhabitable structures not owned or controlled by the operator may not exceed the levels established in MDEP Article 8-A, Performance Standards for Quarries, current version, 38 M.R.S.A. § 490-Z.14.K. (Blasting), including Table 1 and the graph published by the U.S. Dept. of the Interior in "Bureau of Mines Report of Investigations 8507," Appendix B, Figure B-1.

2008.2.15.10 Either of the above referenced guidelines must be used to evaluate ground vibration effects for those blasts for which a preblast survey is required and/or when blasting is to be monitored by seismic instrumentation.

2008.2.15.11 The maximum allowable ground vibration may be reduced by the Planning Board beyond the limits otherwise provided by this section, if determined necessary to provide damage protection.

2008.2.15.12 A record of each blast must be compiled in accordance with the specifications in the above mentioned Article 8-A, current version. In addition, pre-blast, blast, and post blast linear- peak sound levels in decibels shall be included for each airblast.

2008.2.15.13 The records for each blast, including all monitoring records, shall be filed with the Town no more than ten (10) calendar days after each blast.

2008.2.15.14 Blasting Schedule and Notification. A blasting schedule shall be prepared by the blaster and be published in a newspaper of general circulation in the locality, at least 10 days, but not more than 30 days, before beginning a blasting program. Copies of the schedule shall be distributed via first-class mail at

least ten days before beginning the blasting program, to the Town, public and private utilities and quasi-utilities, schools and to all abutters and residences within one mile of the proposed blasting site described in the schedule and, as outlined in 30 CFR 816.64, shall contain, at a minimum:

a) Name, address, and telephone number of operator.

b) Identification of the specific areas in which blasting will take place.

c) Dates and time periods when explosives are to be detonated.

d) Methods to be used to control access to the blasting area; and

e) Type and patterns of audible warning and all-clear signals to be used before and after blasting.

24 hours prior to the blast date(s), information shall be distributed via phone calls by the MEO Operator to the above-mentioned parties. MEO Operator shall maintain a written call log of date and time parties were called, whether the receiving party answered, or a message was left.

2008.2.15.15 Blasting will only occur at times when weather conditions will not cause adverse effects of surrounding properties, i.e., wind velocity that would carry dust to other properties. If weather or other site conditions inhibit the ability to blast between the above hours, the Town Manager or a Public Safety Official may grant the operator the ability to blast outside these times in order to ensure public safety. The operator and Town Manager or Public Safety Official shall jointly determine if the operator must notify by phone all parties as required per 2008.2.15.14.1

2008.2.16 Hours of Operation

The following shall apply to specific applications of the operation:

Blasting	10 am – 3 pm	Monday – Friday
Drilling	7 am – 5 pm	Monday – Friday
	7 am – noon	Saturday
Processing	7 am – 5 pm	Monday – Friday
Loading & Trucking	7 am – 5 pm	Monday – Friday
	7 am – noon	Saturday

2008.2.16.1 No operations are allowed at night, on Sunday or on the following holidays: Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.

2008.2.16.2 In the case of emergency requests for sand or gravel from public safety officials, the above hours may be waived.

2008.2.16.3 The Planning Board/Select Board may impose more restrictive operating hours pursuant to Section 402 of this Zoning Ordinance, if warranted by site conditions, or if the operation interferes with existing adjacent land uses.

2008.2.16.4 If weather or other site conditions inhibit the ability to blast between the above hours, the Town Manager or a Public Safety Official may grant the operator the ability to blast outside these times in order to ensure public safety. The operator and Town Manager or Public Safety Official shall jointly determine if the operator must notify by phone all parties as required per 2008.2.15.14.

2008.2.17 Fencing and Security

Fencing around dangerous excavations, pits, and pond areas shall be required at the Planning Board's discretion, to maintain public safety. Access to the mineral extraction operation shall be strictly controlled with locking gates at the entrance of access roads. When the pit is not being operated, all vehicular entrances shall be made impassable. The CEO will enforce any special conditions arising from the site plan review.

2008.2.18 Signs and Lighting

Signs and lighting must comply with the standards of this Zoning Ordinance.

2008.2.19 Preservation of Natural and Historic Features

The scenic, historic or environmentally sensitive areas or any areas identified in the Comprehensive Plan or by the Maine Natural Areas Program as rare and irreplaceable areas shall be preserved.

2008.2.20 Stockpiling

Stockpiling of excavated materials subject to the definition in Chapter 11 of this Zoning Ordinance, is allowed subject to the following requirements:

2008.2.20.1 Total cumulative stockpile area may not exceed two acres in footprint size, or twenty percent of the total area of the Mineral Extraction Site or Area, whichever is less.

2008.2.20.2 Stockpiles consisting of materials that pose a sediment or erosion control issue shall be stabilized or covered at all times in accordance with standard Maine DEP Best Management Practices.

2008.2.20.3 The limits of the stockpile area shall be clearly marked in a manner acceptable to the CEO, may include but is not limited to bollards or measurements of offsets from nearby structures or landmarks, in order to establish the maximum extent of the pile area.

2008.2.20.4 Stockpile areas shall be screened so as not to be visible to abutting properties.

2009 Performance Guarantees

A performance guarantee must be required for improvements to public property that are required for a mineral extraction operation, including but not limited to road repairs, turning lanes, traffic signals, and signage.

A performance guarantee must be required for required reclamation.

Other performance guarantees may be required pursuant to Section 405 of this Zoning Ordinance.

2009.1 Types and Contents of Guarantees

Accompanying an application for Final Plan of new or enlargement of existing MEOs, one of the performance guarantees as outlined in section 710 of this Ordinance must be submitted for an amount adequate to cover the total cost of all required reclamation and improvements, taking into account the timespan of the production schedule and the inflation rate for construction costs. Any costs incurred by the municipality in reaching the appropriate number amount for the Performance Guarantee shall be borne by the applicant. It should contain the reclamation schedule, with date after which the permit holder will be in default, with estimates for each plan of reclamation, including inspection costs. The amount shall be determined by the Select Board after consultation with the Planning Board, Road Commissioner, Town Attorney, and/or other appropriate consultants.

2009.2 Phased Guarantees

The Board may approve Phased Performance Guarantees when an MEO is approved in separate distinct phases.

2009.3 Release of Guarantees

Prior to the release of any part of the performance guarantee, the Planning Board must determine that the improvements or reclamation subject to the guarantee meet or exceed the design and construction requirements for that portion or phase of the project for which the release is requested. The determination must be based on the report of a certified engineer or other consultant(s) retained by the municipality and any other agencies and departments that may be involved.

2009.4 Default

If, upon inspection by the CEO, or his/her designee, it is determined that the reclamation has not followed the previously approved plan, he/she shall so report to the Select Board, Planning Board, and permit holder. The permit holder shall have thirty (30) days, unless otherwise notified, to remedy any deficiencies.

2009.5 Return of Guarantees

Any guarantee remaining at the end of a project shall be returned to the permittee, plus any accrued interest.

2010 Miscellaneous

2010.1 Costs

The applicant shall be required to bear full costs of all inspection, consultants, and all enforcement. If the Planning Board determines the need of expert advice, applicant will be notified of name, qualifications, purpose for needing expert, and approximate cost for expert's services. Please see section 401.6 of this Zoning Ordinance

2010.2 Amendment after Approval

No modifications shall be made in an approved Final Plan unless they have been resubmitted to and approved by the Planning Board. Applications to modify will be handled in the same manner and under the same standards as an initial application, except that, after initial review whether by pre-application meeting or otherwise, the Planning Board may, in cases involving modification involving less than 5% of the gross area of the active project, or merely technical modifications to meet any changing federal or state regulation, may waive a requirement of evidence of meeting those standards to the extent that the Planning Board has already determined that standard to have been met based on the prior permit and any modifications..

2010.3 Enforcement

Please see Sections 201 and 202 of this Zoning Ordinance.

2010.4 Right of Entry Onto Land

The CEO shall have the right of entry onto any mineral extraction activity site at reasonable times and after reasonable notice. If the operator, or its employee or agent, interferes with an inspection by the CEO, the CEO may seek an administrative search warrant pursuant to court rule 80E, and the operator shall pay the town a civil penalty in an amount determined by the Select Board plus any legal fees incurred in obtaining that warrant.

2010.5 Penalties

Any activity that violates the terms or conditions of any MEO permit, approved by the Planning Board, or any activity that proceeds without a permit, shall be deemed a nuisance, and the owner/operator shall be subject to a civil penalty, expert witness fees, costs of court, and legal fees due and payable to the Town of Eddington, in an amount determined by the court in accordance with the penalty provisions of 30-A M.R.S.A. Section 4452.

2010.6 Performance Record

The Planning Board or CEO may consider the performance record of the applicant and those responsible for the management of the operation when developing conditions of approval addressing the operation of the facility. The performance record to be reviewed must include any prior violation, suspension, or revocation of a permit issued under this ordinance, or similar permits issued by any other agency of government, and any other environmental enforcement history. Any condition of approval related to an unsatisfactory performance record must be specifically intended to mitigate performance concerns.

2010.7 Severability

Please see Section 106 of this Zoning Ordinance.