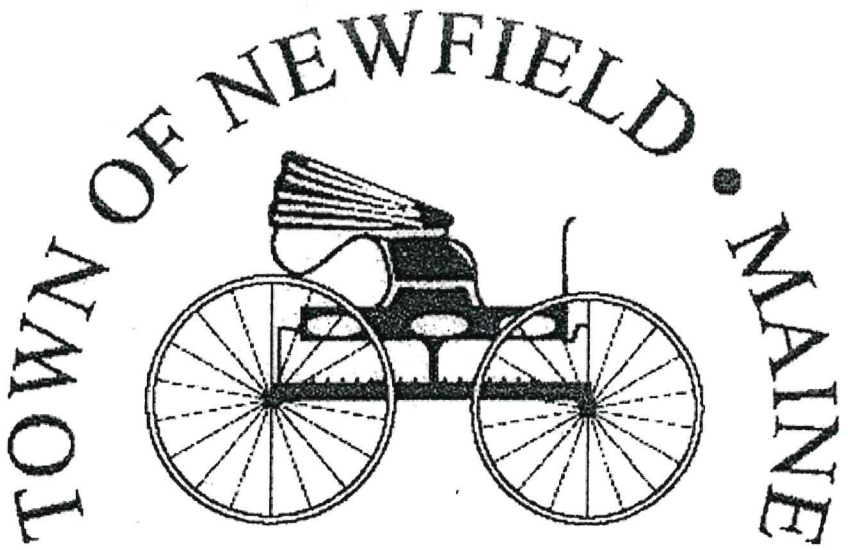
LAND USE
AND ZONING ORDINANCE
OF
THE TOWN OF
NEWFIELD, MAINE



INCORPORATED
FEBRUARY 26, 1794

Adopted
AUGUST 17,1974

Revisions:
March 13, 1976, March 12, 1977, March 8, 1986, March 12, 1988,
March 11, 1989, March 10, 1990, March 14, 1992, December 16, 2003,
March 14, 2005, March 14, 2009, March 13, 2010, August 21, 2012,
March 13, 2021, March 12, 2022, June 14, 2022, March 11, 2023, June 27,2023,
March 11, 2024

Land Use Ordinance

Table of Contents

Article I	Title		1.1
Article II	Purpose		2.1
Article III	Establishment of Districts		3.1
	Section 1.	Zoning Map	3.1
	Section 2.	Land Use Districts	3.1
	Section 3.	District Boundaries	3.1
Article IV	Administration and Enforcement		4.1
	Section 1.	Administrative Official	4.1
	Section 2.	Permits Required	4.1
	Section 3.	Permit Applications	4.1
	Section 4.	Action on Permit Applications	4.1
	Section 5.	Time Limitations	4.2
	Section 6.	Violations	4.2
	Section 7.	Violation Complaints	4.2
	Section 8.	Complaints Confidentiality	4.2
Article V	Nonconformance		5.1
	Section 1.	Purpose	5.1
	Section 2.	Nonconforming LOTS	5.1
	A.	Vacant Lots	5.1
	B.	Lots with Structures	5.1
	Section 3.	Nonconforming USES	5.1
	A.	Continuance	5.1
	B.	Resumption	5.2
	C.	Discontinuance	5.2
	D.	Expansion of Use	5.2
	Section 4.	Nonconforming STRUCTURES	5.2
	A.	Maintenance and Enlargement	5.2
	B.	Reconstruction	5.2
	Section 5.	Transfer of Ownership	5.3
	Section 6.	Changes in Nonconforming LOTS, USES and STRUCTURES	5.3
Article VI	District Regulations		6.1
	Section 1.	Natural Resource Protection (RP) District	6.1
	A.	Purpose	6.1
	B.	Permitted Uses	6.1
	C.	Conditional Uses	6.1
	D.	Prohibited Uses	6.1
	E.	Standards	6.1

Section 2.		Farm and Forest (FF) District	6.1
	A.	Purpose	6.1
	B.	Permitted Uses	6.1
	C.	Conditional Uses	6.2
	D.	Prohibited Uses	6.2
	E.	Standards	6.2
Section 3.		Rural (R) District	6.3
	A.	Purpose	6.3
	B.	Permitted Uses	6.3
	C.	Conditional Uses	6.3
	D.	Prohibited Uses	6.3
	E.	Standards	6.3
Section 4.		Village (V) District	6.4
	A.	Purpose	6.4
	B.	Permitted Uses	6.4
	C.	Conditional Uses	6.4
	D.	Prohibited Uses	6.4
	E.	Standards	6.4
Article VII		Land Use Board of Appeals	7.1
Section 1.		Appointment and Composition	7.1
Section 2.		Procedure	7.1
Section 3.		Powers and Duties	7.2
	A.	Administrative Appeals	7.2
	B.	Variances	7.2
Section 4.		Variances	7.2
	A.	Application for Variance	7.2
	B.	Standards	7.3
	C.	Variance in Shoreland District	7.3
	D.	Reapplication	7.3
	E.	Duration of Variances	7.3
	F.	Recording Variances	7.3
Article VIII		Conditional Uses	8.1
Section 1.		Conditional Use Permit	8.1
Section 2.		Application for Conditional Use	8.1
Section 3.		Standards for a Conditional Use Permit	8.2
Section 4.		Additional Standards in Shoreland District	8.3
Section 5.		Conditions of Approval	8.3
Section 6.		Reapplication	8.3
Section 7.		Duration of Conditional Use Permit	8.3
Article IX		Performance Standards – General Requirements	9.1
Section 1.		Access to Lots & Lots Without Frontage	9.1
Section 2.		Air Emissions	9.1
Section 3.		Buffer Areas	9.2
Section 4.		Explosive Materials	9.2
Section 5.		Glare	9.2
Section 6.		Landscaping	9.2

Section 7.	Noise	9.2
Section 8.	Off-Street Parking and Loading	9.3
A.	General	9.3
B.	Additional Requirements for Commercial and Industrial Establishments	9.3
C.	Parking Lot Design Criteria (n/a single family dwellings and duplexes)	9.4
	Table: Parking Requirements	9.5
Section 9.	Refuse Disposal	9.6
Section 10.	Sanitary Provisions	9.6
Section 11.	Satellite Receiving Dish	9.6
Section 12.	Setbacks and Screening	9.6
Section 13.	Signs	9.7
A.	Permitted Signs	9.7
B.	Illumination of Signs	9.7
C.	The above regulations shall not apply	9.8
D.	Temporary Signs (for special events)	9.8
E.	Exiting non-conforming signs	9.8
Section 14.	Soils	9.8
Section 15.	Soil Erosion Control	9.8
Section 16.	Storage Materials	9.8
Section 17.	Storm Water Management	9.9
Section 18.	Toxic and Noxious Discharges	9.10
Section 19.	Traffic Impacts and Street Access Control	9.10
A.	General	9.10
B.	Driveway Design	9.10
C.	Driveway Location and Spacing	9.13
	Table: Minimum Standards for Corner Clearance	9.13
	Table: Minimum Driveway Spacing	9.14
D.	Number of Driveways	9.14
E.	Construction Materials/Paving	9.14
Section 20.	Water Quality	9.15
Section 21.	Water Supply	9.15
Article X	Performance Standards-Specific Activities and Land Uses	10.1
Section 1.	Animal Husbandry	10.1
Section 2.	Automobile Graveyard and Junkyards	10.1
Section 3.	Bed & Breakfast	10.2
Section 4.	Campgrounds and Tenting Grounds	10.2
A.	General	10.2
B.	Parking and Circulation	10.3
C.	Health and Safety	10.3
D.	Planning and Review	10.3
Section 5.	Cluster Developments	10.4
A.	Purpose	10.4
B.	Application Procedure	10.4
C.	Basic Requirements for Cluster Developments	10.5
D.	Dedication and Maintenance of Common Open Space and Facilities	10.6

Section 6.	Recreation Facility	10.7
Section 7.	Extractive Industry	10.7
A.	Permit Required	10.7
B.	Submission Requirements	10.8
C.	Performance Standards	10.8
D.	Performance Guarantees	10.9
E.	Existing Operations	10.9
Section 8.	Ground Water and/or Spring Water Extraction and/or Storage	10.10
Section 9.	Home Occupations	10.10
Section 10.	Hotels/Motels and Inns	10.10
Section 11.	Kennels and Veterinary Hospitals	10.11
Section 12.	Manufactured Homes	10.12
Section 13.	Multi-Family Developments	10.12
Section 14.	Professional Offices in Residential Districts	10.13
Section 15.	Renting Rooms and Apartments	10.14
Section 16.	Restaurants	10.14
Section 17.	Schools/Colleges, Churches/Fraternal Organizations, and Not-for-profit Organizations	10.14
Section 18.	Mobile Home Parks	10.15
Section 19.	Timber Harvesting and Vegetative Cutting	10.17
A.	Timber Harvesting	10.17
B.	Slash	10.17
C.	Vegetative Cutting	10.17
Section 20.	Travel Trailers and Campers	10.17
Section 21.	Road Acceptance Regulations	10.18
A.	Design Standards that apply according to the street	10.18
B.	Centerline Standards	10.18
C.	Dead End Streets	10.18
D.	Grade, Intersections and Sight Distances	10.18
E.	Street Construction Standards	10.19
F.	Preparation	10.19
	Diagram: Typical Street Cross Section	10.20
Article XI	Amendment and Other Legal Provisions	11.1
Section 1.	Interpretation	11.1
Section 2.	Conflict with Other Ordinances	11.1
Section 3.	Separability	11.1
Section 4.	Amendment	11.1
Section 5.	Effective Date and Repeal	11.1
Section 6.	Appeal of Planning Board Action	11.1
Section 7.	Comprehensive Plan Update	11.1
Article XII	Definitions	12.1
Section 1.	Meaning of Words	12.1
Section 2.	Definitions	12.1

Article I

TITLE

This Ordinance shall be known and may be cited as the "Land Use and Zoning Ordinance of the Town of Newfield, Maine" and will be referred to herein as the Ordinance.

Article II

PURPOSE

This Ordinance, adopted in accordance with Maine Revised Statutes, is designed to encourage the most appropriate use of the land throughout the Town; to promote the Town's Comprehensive Plan; to protect and foster village and neighborhood areas; to provide for healthy business; to promote traffic safety; to provide for safety from fire; to provide for adequate light and air; to promote orderly growth and development in Town; to promote a wholesome home environment; to conserve natural resources, wildlife habitat and scenic beauty; and to provide for adequate public services.

Article III

ESTABLISHMENT OF DISTRICTS

SECTION 1. Zoning Map

A map entitled "Town of Newfield Land Use Map" is hereby adopted as part of this Ordinance and shall be referred to as the Official Land Use Map. The Official Land Use Map shall be identified by the signature of the Chairman of the Board of Selectmen and attested by the signature of the Town Clerk. The Official Land Use Map shall be located in the office of the Town Clerk, and it shall be the final authority as to the current status of the Land Use of the land and water areas, buildings, and the other structures in the Town.

SECTION 2. Land Use Districts

The Town is divided into the following districts, as shown by the district boundary lines on the Official Land Use Map:

Natural Resource Protection (RP) District
Farm and Forrest (FF) District
Rural (R) District
Village (V) District
Shoreland (S) District
    Limited Residential(LR) District
    Stream Protection (SP) District

SECTION 3. District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the official Land Use Map, the following rules shall apply.

(a) Boundaries indicated approximately following the center lines of the streets, highways, or rights-of-way shall be construed to follow such center lines;
(b) Boundaries indicated approximately following well established lot lines shall be construed as following such lot lines;
(c) Boundaries indicated approximately following municipal limits shall be construed as following municipal limits;
(d) Boundaries indicated as following shoreline shall be construed to follow the normal high-water line, and in the event of the natural change in the shoreline shall be construed as moving with the actual shoreline;
(e) Boundaries indicated as approximately following the center line of streams or other water bodies shall be construed to follow such center lines;
(f) Boundaries indicated as following contour lines and ridge lines shall be construed to follow such lines as indicated by U.S.G.S. topographic maps, which may, however, be superseded by field surveys sealed by registered land surveyors.
(g) Boundaries indicated as being parallel to or extensions of features indicated in paragraphs (a) through (f) above shall be so construed. Distances not specifically indicated on the Official Land Use Map shall be determined by the scale of the map. Any conflict between the Official Land Use Map and a description by metes and bounds in a deed shall be resolved in favor of the description by metes and bounds;
(h) Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Map or in circumstances where the items covered by paragraphs (a) through (f) above are not clear, the Board of Appeals shall interpret the district boundaries.

Article IV
ADMINISTRATION AND ENFORCEMENT

SECTION 1. Administrative Official
Unless otherwise specifically stated, the Code Enforcement Officer shall administer and enforce this ordinance.

SECTION 2. Permits Required
No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the Code Enforcement Officer as outlined in this Article. No resumption of any non-conforming use, nor any change of any aspect of a non-conforming use, lot, or structure may occur without a permit issued by the Planning Board, as outlined in Article V. No conditional use may occur or commence without Planning Board approval as outlined in Article VIII. No other activity which may be referenced elsewhere in this Ordinance as requiring a permit shall commence without a permit issued by the Relevant Authority. No permit shall be issued except in conformity with the provisions of this Ordinance and the provisions of other applicable state and local codes, and after the necessary approvals have been secured from local officials.

SECTION 3. Permit Applications
Applications for permits shall be made on forms provided by the Relevant Authority.
Each application to the Code Enforcement Officer for a building permit shall be accompanied by a plumbing permit in compliance with the Maine State Plumbing Code and by a site plan drawn to approximate scale, showing the location of the abutting streets or ways, existing and proposed parking spaces. The application shall include a clear statement as to the intended use of the property. The Code Enforcement Officer may request additional information, which, in the Code Enforcement Officer's opinion, is necessary for a complete understanding of the application.
Applications being forwarded to the Planning Board (such as, for conditional use approval, or, for changes to non-conforming structures, lots, and/or uses) will be returned to the applicant for submittal of any missing information that is required by this Ordinance.
All permit applications shall be accompanied by a fee, which shall be determined by the Board of Selectmen after a public hearing and set forth in a schedule of fees posted at the town office.

SECTION 4. Action on Permit Applications
The Code Enforcement Officer shall issue a written notice of their decision on an application for a building permit within five (5) working days from the date a complete application is filed. If the activity is in conformance with this Ordinance and other applicable codes and regulations, the Code Enforcement Officer shall issue a written permit. If the Code Enforcement Officer denies a permit, the denial shall be issued in writing, with the reason (s) therefore.

SECTION 5. Time Limit

The work authorized by a building permit must commence within six (6) months of the date of issuance and must be completed, including finish grading and proper drainage, within twenty-four (24) months. Building permits may be renewed by the Code Enforcement Officer for additional twenty-four-month periods if reasonable need can be shown, provided that a request for such renewal must be made prior to the expiration of the permit sought to be renewed.

SECTION 6. Violations

If the Code Enforcement Officer shall find that any provisions of this Ordinance are being violated, the Code Enforcement Officer shall send notice by regular and certified mail to the property owner and such other person as may be responsible for the violation, indicating the nature of the violation and ordering the action necessary to correct it. The Municipal Attorney, on notification by the Board of Selectman, shall institute, in the name of the Town, all actions, legal and equitable, that may be appropriate or necessary for the enforcement of the provisions of this Ordinance. Any person, firm, corporation or other entity owning or having control of any building or premises or part thereof, or who conducts work thereon, who violates any provision of the Ordinance, or who fails to take the required corrective measures, shall be liable for daily fines as specified in 30-A M.R.S. section 4452, as amended. Each day such violation exists shall constitute a separate offense.

SECTION 7. Violation Complaints

Upon receipt of complaint of possible violation of this Ordinance, the Code Enforcement Officer may investigate and inform the complainant, in writing of the findings. If the Code Enforcement Officer denies the complaint, then the reason for denial will be given in the findings description and avenues for appeal shall be given to the complainant.

SECTION 8. Complaints Confidentiality

Except as otherwise provided by Maine's Freedom of Access Act.

Article V
NONCONFORMANCE

SECTION 1. Purpose

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

SECTION 2. Nonconforming Lots

A. Vacant Lots

A nonconforming lot may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of the Ordinance except lot size and road frontage can be met. If two or more vacant, contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if these lots do not individually meet the minimum lot size, minimum lot area per dwelling unit, or minimum road frontage standards, the lots shall be combined to the extent necessary to meet these standards, except:

1. Where the contiguous lots front onto different streets; or
2. Where the lots were legally created as part of a recorded subdivision after September 22, 1971, the effective date of Maine Subdivision Act.

B. Lots with Structures

1. A structure built on a lot prior to enactment of this Ordinance, which does not conform to lot size, lot area per dwelling unit, or frontage requirements, may be repaired, maintained, or improved, and may be enlarged in conformity with the applicable space, bulk, and performance standards other than minimum lot size or minimum frontage. Structures shall not be enlarged in a manner that violates or worsens the standard relative to minimum lot area per dwelling unit and shall not be enlarged except in conformity with this ordinance and the Maine State Plumbing Code.
2. If two or more contiguous lots or parcels are in the same ownership of record at the time of adoption or amendment of this Ordinance, if all or part of the lots do not meet the minimum lot or minimum frontage requirements, and if a principal use exists on each lot, or if the lots were legally created as part of a recorded subdivision after the effective date of the Maine Subdivision Act (September 22, 1971) , the nonconforming lots may be conveyed separately or together, providing all other State law and local ordinance requirements are met.

SECTION 3. Nonconforming Uses

A. Continuance

Except as provided in paragraph **C** below, the use of land, building, or structure, lawful at the time of adoption or subsequent amendment of the Ordinance, may continue, although such use does not conform to the provisions of the Ordinance.

B. Resumption

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

C. Discontinuance

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

D. Expansion of Use

A nonconforming use in lawful existence as of the effective date of this Ordinance, including a nonconforming outdoor use of land, may not be expanded except upon the following conditions:

1. The expansion shall occur only on the lot of record on which the nonconforming use existed as of the effective date of this Ordinance.

2. The person proposing such expansion shall document his/her right, title, or interest in the land as of the effective date of this Ordinance.

3. The expansion shall meet all space and bulk requirements set forth in this Ordinance, or if the use includes a nonconforming lot or structure, the nonconforming aspect may not be worsened.

4. Expansion of a nonconforming use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that the standards for a conditional use permit (Article VIII, Section 3) have been met.

SECTION 4. <u>Nonconforming Structures</u>

A. Maintenance and Enlargement

A structure in existence as of the effective date of this Ordinance that does not meet the minimum setback, maximum lot coverage, or maximum height requirements of the district in which it is located, may be repaired, maintained, and improved. It may be enlarged and/or accessory structures may be added to the site without a variance provided that:

1. The enlargement or accessory structure does not itself exceed the prescribed height standard; and

2. The enlargement in combination with the existing structure does not exceed, or worsen the existing violation of, the prescribed maximum lot coverage; and

3. The enlargement or accessory structure itself meets the prescribed setbacks.

4. Notwithstanding the limitations of paragraph 3 above, a structure that is nonconforming due to an insufficient front, side, or rear yard may place within such yard and closer to the lot line unenclosed stairs that serve specifically as an entrance to the structure.

5. Setback requirements in Shoreland

The maintenance and/or enlargement of non-conforming structures within the Shoreland Zone is governed by Section 12 of the Town of Newfield Shoreland Zoning Ordinance.

B. Reconstruction

Any nonconforming building or structure which is hereafter damaged or destroyed by fire or any cause other than the willful act of the owner or his agent, may be restored or reconstructed and used as before within eighteen (18) months of the date of said damage or destruction;

provided, however, that such reconstruction and use shall not be more nonconforming than the prior nonconforming building, structure, or uses. Reconstruction of any non-conforming building or structure within any of the Town's shoreland zones is governed by Section 12 of the Town's Shoreland Zoning Ordinance

SECTION 5. Transfer of Ownership

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

SECTION 6. Changes in Nonconforming Lots, Structures, and Uses

Upon approval of the Planning Board, a nonconforming aspect of a lot, structure, or use may be changed upon a finding by the Board that such a change will bring the lot, structure, or use into closer conformance with the provisions of this Ordinance, or will make the nonconforming aspect no worse. A lot or structure will be deemed to have been brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if it's dimensions are unchanged or more nearly brought into closer conformance with the provisions of this Ordinance, or have been made no worse, if it is less or no more intense than the previous nonconforming use, as measured by volume and type of traffic expected to be generated, size of building or structure housing the use, number of potential customers, number of bedrooms, or similar measures of intensity of use. The Planning Board may approve with condition, or disapprove requests under this section.

Article VI

DISTRICT REGULATIONS

SECTION 1. Natural Resource Protection District (RP)

A. Purpose:

The purpose of the Natural Resource Protection District is to protect fragile, ecological systems, which if intensively developed or substantially altered, would damage water quality, wildlife, and aquatic habitat and biotic systems, and ecological relationships. To accomplish this purpose, uses are permitted which avoid disruption of the natural environment while allowing productive use to be made of the land

B. Permitted Uses

The following uses are permitted in the Natural Resource Protection District:

1. Primitive recreation
2. Forest management
3. Wildlife management
4. Emergency and fire protection activities
5. Harvesting of wild crops

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

1. Timber harvesting
2. Agriculture
3. Public non-residential facility related to education in or research of natural sciences
4. Structure accessory to, or essential for allowed uses
5. Public utilities

D. Prohibited Uses

Uses not allowed as permitted or conditional uses prohibited within this district.

E. Standards

1. The general and specific standards of performance of Article IX and X shall be observed.

For a list of the uses permitted in the Shoreland Zone and the applicable reviewing authority, refer to table of Section 14 in the Town of Newfield Shoreland Zoning Ordinance (the :SZO").

To the extent that the location of the RP District as identified in the "Newfield Shoreland Zoning Map" dated February 2, 2022, overlaps with the RP District as identified in the "Town of Newfield – Zoning Map" dated January 2011, as either of those maps may be amended, the provisions of the SZO shall control

SECTION 2. Farm and Forest (FF) District

A, Purpose:

The purpose of the Farm and Forest District is to encourage the continuation and further development of forest industries and agriculture within the town to conserve tillable land for present and future needs. This district also serves to protect those areas of town characterized by steep slopes and soils not suitable for intensive development.

B. Permitted Uses:

The following uses are permitted in the Forest and Farm District.

1. Primitive recreation

2. Forest management
3. Wildlife management
4. Emergency and fire protection activities.
5. Agriculture
6. Public non-residential facility related to education in, or research of, natural sciences
7. Structure accessory to, or essential for, allowed uses
8. Public utilities
9. Single family dwellings
10. Manufactured housing
11. Two-family housing
12. Home occupations
13. Accessory uses
14. Commercial wood processing and sales
15. Tradesman shops
16. Agriculture
17. Accessory Dwelling Unit
18. Additional dwelling

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

1. Mineral extractions
2. Commercial outdoor recreation
3. Utility structure
4. Campgrounds
5. Municipal uses not listed elsewhere
6. Hotels, motels, and Inns
7. Multifamily dwelling
8. Cluster residential housing
9. Veterinary clinics and kennels
10. Automobile Graveyard and Junkyard

D. Prohibited Uses

Uses not allowed as permitted or conditional uses are prohibited within this district.

E. Standards

1. The general and specific standards of performance of Article IX and X shall be observed.

2. The following space and bulk standards shall apply:

Minimum lot area	**5 acres**
Additional Dwelling Lot Area	**5 acres**
Minimum road frontage	**300 feet**
Minimum setbacks:	
Front yard	**50 feet***
Side yard	**25 feet**
Back yard	**50 feet**

***from the right of way or 75 feet from the center line, whichever is greater.**

3. Building Height: No structure shall exceed two and one-half (2 1/2) stories or thirty- five (35) feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed thirty-five (35) feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater set back is required by other provisions of this Ordinance.

SECTION 3. Rural (R) District

A. Purpose: This district is generally composed of those areas of the town which are settled but sparsely, are open or wooded and rural in nature and generally beyond areas that will conceivably be served by public water and sewer. Thus, it is intended that open space, agricultural and low-density residential uses be encouraged since such uses tend to enhance, reinforce and protect the rural, open space atmosphere now characterizing much of the town. At the same time, it is intended to discourage the higher density development in those sections of the town that are not best suited for such development and to which it would be more difficult and expensive to provide essential services and utilities.

B. Permitted Uses

The following uses are permitted in the Rural District:

1. All permitted uses in the Farm and Forest District except commercial wood processing and sales.

C. Conditional Uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this Ordinance.

1. All conditional uses in the Farm and Forest District.
2. Places of worship.
3. Schools
4. Day care centers and nursery schools.
5. Cultural facilities.
6. Neighborhood stores
7. Community buildings
8. Commercial wood processing and sales
9. Eating and drinking places
10. Personal services
11. Retail business
12. Auto service station
13. Professional, Financial, Real Estate, Business service & similar offices
14. Auto repair
15. Warehousing, Storage, Distribution
16. Light Industrial uses
17. Vehicle sales

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within this district.

E. Standards

1. The general and specific standards of performance of Article IX and X shall be observed.
2. The following space and bulk standards shall apply:

Minimum lot area	**80,000 square feet**
Additional Dwelling lot area	**80,000 square feet**
Minimum road frontage	**200 Feet**
Minimum setbacks:	
Front yard	**50 feet***
Side yard	**25 feet**
Back yard	**50 feet**

***From the right of way or 75 feet from the center line, whichever is greater.**

3. Building Height: No structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed thirty-five (35) feet in height but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

SECTION 4. Village (V) District

A. Purpose

The purpose of the Village District is to preserve and promote the historic concept of the villages as the center of the Town's commercial and residential activity.

B. Permitted Uses

The following uses are permitted in the Village District.

1. All permitted uses in the Rural District, except Agriculture and Manufactured housing, as defined.
2. Retail Businesses
3. Personal Services
4. Professional, Financial, Real Estate, Business service & similar offices
5. Neighborhood stores
6. Day care centers or nursery schools

C. Conditional uses

The following uses may be permitted only upon approval as conditional uses in accordance with the appropriate provisions of this ordinance.

1. All conditional uses in the Rural District except commercial outdoor recreation, campgrounds, kennels, automobile graveyard and junkyards
2. Nursing homes
3. Hospitals
4. Agriculture

D. Prohibited Uses

Uses not allowed as permitted uses or conditional uses are prohibited within the district.

E. Standards

1. The general and specific standards of performance of Article IX and X shall be observed.

2. The following space and bulk standards shall apply:

Minimum lot area	60,000 square feet
Additional Dwelling lot area	60,000 square feet
Minimum road frontage	150 feet
Minimum setbacks:	
Front yard	50 feet*
Side yard	15 feet
Back yard	20 feet

*From the right of way or 75 feet from the center line, whichever is greater.

3. Building Height: No structure shall exceed two and one-half stories or 35 feet in height. Features of buildings and structures, such as chimneys, towers, ventilators, and spires may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this ordinance.

Article VII

LAND USE BOARD OF APPEALS

SECTION 1. Appointment and Composition

A. There shall be a Board of Appeals in accordance with the provisions of 30-A M.R.S.A. Section 2691, as the same may be amended from time to time.

B. The Board shall consist of five members serving staggered terms of five years, appointed by the Board of Selectmen. The Board of Selectmen may appoint two associate members to serve in the absence of regular members. The Chairman of the Board of Appeals shall designate which associate member shall serve in the stead of the absent member.

C. The Board of Appeals shall elect annually a chairman and secretary from the membership.

SECTION 2. Procedure

A. The Board of Appeals shall conduct its meetings in accordance with the provisions of 30-A M.R.S.A., Section 2691, as the same may be amended from time to time.

B. The presence of three members of the Board of Appeals shall constitute a quorum. An appeal may be granted or a decision of the Code Enforcement Officer may be overruled only upon an affirmative vote of at least three members of the Board of Appeals.

C. No member of the Board of Appeals shall vote on a matter in which he or she has a financial interest. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority vote of the members present, excluding the member about whom the possibility of a conflict of interest is being decided.

D. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within 30 days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.

E. Following the filing of an appeal and before taking action on any appeal, the Board of Appeals shall hold a public hearing on the appeal within 30 days. The Board of Appeals shall notify the Code Enforcement Officer, the Planning Board and the Selectmen, at least 20 days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least 10 days in advance, in a newspaper of general circulation in the area.

F. The Board of Appeals shall notify by certified mail the appellant and the owners of all property within 500 feet of the property involved at least 10 days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing.

G. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

H. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.

I. The Code Enforcement Officer or his designated assistant shall attend all hearings and may present to the Board of Appeals all plans, photographs or other material he deems appropriate for an understanding of the appeal.

J. The Appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.

K. Within 20 days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall then inform the appellant, the Code Enforcement Officer, the Planning Board and the Municipal Officers of its decision and its reasons, in writing, within 7 days of said decision.

L. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a Building Permit in accordance with the conditions of the approval.

M. Any appeal may be taken from any decision of the Board of Appeals to the Superior Court within thirty days after the decision, as provided by 30-A M.R.S.A., Section 2691, as the same may be amended from time to time.

N. The Board of Appeals shall keep records of its proceedings, and such records shall be kept public.

SECTION 3. Powers and Duties

The Board of Appeals shall have the following powers and duties:

A. Administrative Appeals

To affirm, modify, or set aside the action of the Code Enforcement Officer in issuing or denying building or other permits, when it is alleged that there is an error in any order, requirement, decision, or determination in the enforcement of this Ordinance. An administrative appeal shall be taken within thirty days of the date of the decision or action of the Code Enforcement Officer, or within 60 days of the date of application, if no action has been taken by the Code Enforcement Officer. The appeal shall be filed at the Office of the Selectmen, who shall notify the Chairman of the Board of Appeals and the Code Enforcement Officer.

B. Variances

To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of the provisions of this Ordinance only as they relate to the space and bulk standards of the district regulations and the performance standards of this Ordinance, according to the terms of Section 4 of this Article. A variance shall not be granted to allow a use or an expansion of a use in a district in which the use is prohibited.

SECTION 4. Variances

A. Application for Variance

Application for a variance shall be made to the Code Enforcement Officer on forms provided for that purpose, accompanied by a fee determined by the Board of Selectmen after a public hearing and set forth in a schedule of fees posted at the town office. In addition, the applicant shall be responsible for costs of

advertising and mailing associated with the application, over and above the application fee. The application shall clearly state the location of the property, the relief sought, and the reason(s) for requesting the variance. The application shall include a drawing to approximate scale showing the proposed location of the building or structure and its relationship to the lot's property lines and any adjacent road or right-of-way, including all setbacks and other pertinent dimensions.(Updated March,2021)

B. Standards

Prior to voting to grant a variance, the Board of Appeals shall review the application and find that the following standards have been met:

1. That literal interpretation of the requirements of his Ordinance will impose an undue hardship on the property owner. The term "undue hardship" shall mean specifically that:

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

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

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

2. That the granting of the variance will not alter the essential character of the locality.

3. Any variance granted by the Board of Appeals shall be the minimum variance from the terms of the Ordinance as will relieve the hardship plead.

C. Variance in Shoreland District

All variance requests within the shoreland zone must be submitted to the Board of Environmental Protection at least 20 days before the municipality hears the case. Prior to voting to grant a variance within the mandated shoreland district, the Zoning Board of Appeals shall, in addition, find that the proposed variance meets the following criteria as required by the State Shoreland Zone Model Ordinance:

1. will not result in unsafe or unhealthful conditions;
2. will not result in unreasonable erosion or sedimentation;
3. will not result in water pollution;
4. will not result in unreasonable damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;
5. will reasonably conserve shoreland vegetation;
6. will reasonably conserve visual points of access to waters as viewed from public facilities;
7. will conserve actual points of public access to waters;
8. will reasonably conserve natural beauty; and
9. will reasonably avoid problems associated with flood plain development and use.

D. Reapplication

If the Board of Appeals shall deny a variance, as second request of a similar nature shall not be brought before the Board within two years from the date of the first request, unless in the opinion of the majority of the Board, substantial new evidence can be brought forward, or unless the Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was appealed.

E. Duration of Variances

Provided all conditions and standards of approval are met, a variance shall be a permanent grant of permission and shall "run with the land".

F. Recording Variances

Whenever the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form and shall be recorded in the York County Registry of Deeds within 30 days of final approval of the variance or the variance shall be invalid. No rights may accrue to the recipient or his heirs, successors or assigns unless and until the recording is made within 30 days.

Article VIII

CONDITIONAL USES

SECTION 1. Conditional Use Permit

A building, structure or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a conditional use permit is approved by the Planning Board.

SECTION 2. Application for Conditional Use

A. Application for a conditional use permit shall be made to the Planning Board on forms provided for the purpose. Conditional use permit applicants must schedule an appointment with the Code Enforcement Officer to review the Conditional use permit application prior to its submission to the Planning Board. The Code Enforcement Officer shall review the application for determination that it is complete and that all required submission criteria have been met. The application shall be accompanied by a fee determined by the Board of Selectmen after a public hearing and set forth in a schedule of fees posted at the town office. In addition to the application fee, applicants will be responsible for all additional fees which include but are not limited to; notification of abutters (including mailing costs), all public hearing notices (including advertising costs), photos, copies, research, and the retention of experts should the Planning Board determine that they are necessary in conjunction with its review of the application. These fees are to be paid in a timely manner and prior to the Public Hearing which cannot proceed unless and until said fees have been paid. The application process will be terminated after six months of inactivity or lack of communication with the Planning Board with all application fees non-refunded. The applicant shall; *(amended 3-11-2023 town meeting)*

1. Clearly specify the location of the proposed use, including Assessor's tax map and lot number and a location map.

2. Describe the exact nature of the proposed use.

3. Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas.

4. Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant's.

B. Before rendering a decision on any conditional use permit, the Planning Board may conduct a public hearing, which shall be advertised at least ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the request to be addressed. At least ten days before the hearing, the Board, or the office of Selectmen, on behalf of the Board, shall notify by mail the owners of properties lying within 500 feet of the property for which the request or application is being made. The owners of properties shall be considered those persons against whom taxes are assessed.

C. Decision

1. Within forty (40) days of the public hearing, unless otherwise agreed by the parties, the Planning Board shall reach a decision on a Conditional Use and shall inform, in writing, the applicant, the Code Enforcement Officer and the Municipal Officers of its decision and shall prepare a detailed finding of facts and conclusions. *(amended March 2021)*

2. An appeal may be taken within thirty (30) days after a decision is rendered to Superior Court.

SECTION 3. Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

A. Neither the proposed use nor the proposed site upon which the use will be located is of such a character that the use will have significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Planning Board shall consider:

1. the size of the proposed use compared with surrounding uses;

2. the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;

3. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;

4. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties;

5. the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.

B. Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:

1. the ability of traffic to safely move into and out of the site at the proposed location;

2. the presence of facilities to assure the safety of pedestrians passing by or through the site;

3. the capacity of the street network to accommodate the proposed use;

4. the capacity of sewerage and water supply systems to accommodate the proposed use;

5. the capacity of the storm drainage system to accommodate the proposed use;

6. the ability of the fire department to provide necessary protection services to the site and development.

C. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

SECTION 4. Additional Standards in Shoreland District

Please refer to Newfield Shoreland Zoning Ordinance for additional applicable standards.
(Section 7 amended at March 11,2023 town meeting)

SECTION 5. Conditions of Approval

The Planning Board may attach conditions to its approval of a conditional use permit. These conditions may include, but not limited to, such requirements as;

A. Street improvements;
B. Access restrictions;
C. Hours of use;
D. Buffering and screening;
E. Utility improvements;
F. Performance guaranties for required off-site improvements.

SECTION 6. Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was brought before the Planning Board.

SECTION 7. Duration of Conditional Use Permit

Provided all conditions and standards of approval are met, a conditional use permit shall expire if there has been inactivity for two years unless activity can be shown by tax returns, licenses, permits, etc.
(section 7 amended at 3-14-09 town meeting)

Article IX

PERFORMANCE STANDARDS—GENERAL REQUIREMENTS

The following standards shall apply to all uses, both conditional and permitted, as appropriate in the various districts.

Section 1. Access to Lots & Lots Without Frontage.

A. Not withstanding the space and bulk standards for the various districts in Article VI, new lots may be created without road frontage provided the following requirements are met.

1. No more than two lots without road frontage may be created from a lot of record on the effective date of this provision. Lots without road frontage may not be created from lots created after the effective dates of this provision.

2. All lots without road frontage shall meet the minimum lot area requirement for the district in which it is located.

3. The lot width at the front yard setback shall be no less than the minimum road frontage required for the district in which it is located.

4. The average distance between the front lot line and rear lot line shall be no greater than three times the average width of the distance between the side lot lines.

5. Creation of the new lot(s) do(es) not result in the original lot becoming nonconforming in lot area or road frontage nor any structures on the original lot becoming nonconforming in respects to setback requirements.

B. No Building permit shall be issued to erect any structures on a lot without road frontage unless an access road meeting the following criteria has been constructed within a deeded right-of-way, a minimum of fifty-feet in width. The access road shall be constructed to a minimum width of twelve-feet if serving one dwelling unit, and fifteen-feet if serving two dwelling units. The access road shall contain a minimum depth of fifteen inches of bank-run gravel and have the drainage ditches and culverts at all appropriate points. Such an access road shall serve no more than two dwelling units. Any access road serving between three and eight dwelling units shall meet the road design and construction standards of the Newfield Planning Board Standards for Reviewing Land Subdivisions, but need not be paved. Any access road serving more than eight dwelling units shall meet the road design and construction standards of the Newfield Planning Board standards for Reviewing Land Subdivisions.

C. No building permit shall be issued to erect a structure which is located more than 100 feet from a public or private road unless an access road meeting the construction standards of 9.1 B has been constructed.

Section 2. Air Emissions.

No emission of dust, ash, smoke or other particulate matter which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which is composed of solid or liquid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air at the point of emission from a chimney stack is permitted. The emission of non-farming, odorous matter in such quantities, as determined by the C.E.O., to be offensive at the lot boundaries is prohibited. As a guide for determining quantities of offensive odors the C.E.O. shall refer to the smallest values in Table III of Chapter 5 of the "Air Pollution Abatement Manual," © 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., which is hereby incorporated in and made apart of this section by reference.

Section 3. Buffers Areas.

No industrial or commercial buildings or uses shall be established in, or abut, a residential district or use, unless a landscaped buffer strip is provided to visually screen the uses. Any buildings or uses that are required to establish a buffer strip pursuant to this section shall not use razor wire to landscape the required buffer strip. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combination thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening / barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation be replaced to insure continuous year-round screening. *(Amended June 2022)*

Section 4. Explosive Materials

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least 75 feet from any lot line, or 40 feet from underground storage, and all materials shall be stored in a manner and location which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

Section 5. Glare.

Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residential properties.

Section 6. Landscaping.

The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring developed areas. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots shall be landscaped along the property boundaries with shrubbery, trees and other landscape materials. Large parking lots shall provide a 2 ½ "caliper shade tree per 20 parking spaces (6 trees per acre) located at representative points throughout the lot.

Section 7. Noise.

A. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity shall be limited by the time period and land use district listed below. Sound levels shall be measured at least 4 feet above ground at the property boundary.

Sound Pressure Level Limits (Measured in dB (a) scale)

7 a.m. – 10 p.m. = 60 dB 10 p.m. – 7 a.m. = 50 dB All Districts

B. The levels specified may be exceeded by 10 dBA for a single 15-minute period per day.

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. 4-1961) "American Standard Specification for General Purpose Sound Level Meters".

C. No person shall engage in construction activities, on a site abutting any residential use between the hours of 10 p.m. and 7 a.m., which exceed those limits established above. Otherwise the following activities shall be exempt from these regulations:

1. Sounds emanating from construction and maintenance activities conducted between 7 a.m. – 10 p.m.

2. Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.

3. Sounds emanating from traffic on public transportation facilities.

Section 8. Off-Street Parking and Loading.

A. General.

1. A permitted use in any district shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements.

2. Parking areas with more than two parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.

3. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility.

4. The joint use of a parking facility by two or more principal buildings or uses may be approved as an administrative appeal by the Board of Appeals where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.

5. Parking spaces shall be provided as required and made available for use prior issuance of the Certificate of Occupancy.

B. Additional Requirements for Commercial and Industrial Establishments.

1. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

2. All parking areas, driveways and other areas serving 10 or more vehicles shall be constructed with a gravel sub-base at least 12" in thickness, and shall have appropriate bumper or wheel guards where needed.

3. All driveway entrances and exits shall be kept free from visual obstructions higher than three (3) feet above street level for a distance of 25 feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

4. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any town way.

5. The following minimum off-street loading bays or berths shall be provided and maintained in the case of new construction, alterations, and changes of use:

a. Retail, office, consumer services, wholesale, warehouse and industrial operations with a gross floor area of more than 5,000 square feet require the following:

5,001 to 20,000 sq. ft.	1 bay
20,001 to 50,000 sq. ft.	2 bays
50,001 to 100,000 sq. ft.	3 bays
100,001 to150,000 sq. ft.	4 bays
150,001 to 300,000 sq. ft.	5 bays

b. Each 150,000 square feet over 300,000 square feet requires (1) additional bay. No loading docks shall be on any street frontage. Provision for handling all freight shall be on those sides of any buildings which do not face on any street or proposed streets.

6. Off-street parking and loading spaces, where not enclosed within a building shall be effectively screened from view by continuous landscaped area not less than six feet in height and fifteen feet in width along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this ordinance.

C. Parking Lot Design Criteria (not applicable to single family dwellings and duplexes)

1. Vehicular Entrance and Exit.

a. Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.

b. Entrance/exit design shall be in conformance with the standards of section 19.

2. Interior Vehicular Circulation.

a. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.

b. Enclosures, such as guardrails, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

c. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.

3. Parking

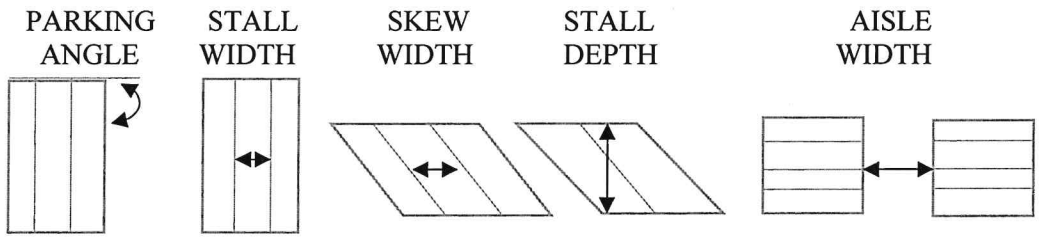
a. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.

b. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

c. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

d. All parking spaces and access drives shall be at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards.

e . Parking stalls and aisle layout shall conform to the following standards.



90°	9' – 0"		18' – 5"	24" – 0"
60°	8' – 6"	10' – 5"	10' – 0"	16' – 0" one way only
45°	8' – 6"	12' – 9"	17' – 5"	12' – 0" one way only
30°	8' – 6"	17' – 0"	17' – 0"	12' – 0" one way only

f. In paved parking areas painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 1'0" on center.

g. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.

h. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

i. Parking spaces shall be provided to conform with the number required in the following schedule:

ACTIVITY	MINIMUM REQUIRED PARKING
Residential	
With 2 or more bedrooms	2 spaces per dwelling unit
With 1 bedroom	1 ½ spaces per dwelling unit
Elderly Housing	1 space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats based upon max. seating capacity
Schools	
Primary	1.5 spaces per classroom.
Secondary	8 spaces per classroom.
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child care facility	1 space for every 4 children facility is licensed to care for.
Private Clubs or lodges	1 space per every seventy-five (75) square feet of floor space.
Theater, Auditorium, Public Assembly Areas	1 space per three seats based upon max. seating capacity.
Funeral Homes	1 space for every 100 square feet of floor space.
Medical Care Facilities	1 space for every three (3) beds and every two (2) employees on the maximum working shift.
Offices, Banks	1 space for every 150 square feet of floor space
Medical Offices (MD's, OD's, dentists)	10 spaces for each doctor, dentist, or other medical practitioner.
Veterinarian clinic, kennel	5 spaces/veterinarian
Retail and service Businesses	1 space for every 150 sq. ft. of floor space.
Barber/beauty shop	4 spaces/ chair.
Restaurant	1 space per three seats based upon max. seating capacity.
Industrial Businesses	1 space / employee on the maximum working shift.
Warehouse, wholesale	1 space / 500 sq. ft. floor area business.
Flea Market	3 spaces / table
Mixed Use	Total of individual uses
Automobile repair garages & gasoline filling stations	5 spaces for each bay or area used for repair work.
Library, museum, art gallery	1 space for each 150 sq. ft. of floor space.
Marina	1 space for each boat slip and mooring.
Commercial recreation facility, fitness spa	1 space for each 100 sq. ft. of floor area.
Motor vehicle sales	1 space reserved for customers per thirty vehicles displayed on the lot.

NOTES

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces

required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required if these prove to be inadequate.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

Section 9. Refuse Disposal.

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's facilities (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and Federal regulations. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

Section 10. Sanitary Provisions.

A .When not serviced by the public sewerage system, the approval of building permit applications shall be subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal.

B. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

C. Industrial or commercial waste waters may be discharged to municipal sewers only and in such quantities and / or of such quantity as to be compatible with commonly accepted municipal sewerage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to municipal treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The disposal of industrial or commercial waste waters by means other than the municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system.

Section 11. Satellite Receiving Dish

All satellite receiving dishes shall meet the same lot set-backs as buildings.

Section 12. Setbacks and Screening.

A. Exposed storage areas, exposed machinery, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parks, metals or any other articles of salvage or refuse, shall have sufficient setbacks and screening (such as a stockade fence or a dense evergreen hedge six (6) feet or more in height) to provide a visual buffer sufficient to minimize their impact on other land uses and properties in the area. Visual screens required by this section shall not use razor wire. Amended June 2022

B. Where a potential safety hazard to children would be likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

Section 13. Signs

A. Only the following signs shall be permitted.

1. Signs are permitted and may be used to convey the inhabitants' names, the property name, and safety and caution messages. Such signs shall not be placed on the roof of the building and shall be no larger than two square feet.

2. Rental vacancies may be advertised with a non-illuminated sign no larger than two square feet. Such sign shall be erected only during times as the rental property is vacant.

3. The sale of real estate may be advertised by non-illuminating temporary signs, no larger than six square feet in area. Each broker or person advertising the sale shall be permitted only one sign on any premises. All such signs shall be removed upon the sale of the premises.

4. Educational and religious uses may display one non-illuminating sign for each building. No such sign shall be larger than twenty square feet in the area.

5. Other non-residential uses may display one non-illuminated sign, not exceeding twenty square feet in area.

6. Signs shall relate to the premises on which they are located and shall only identify the occupant of such premises or advertise the service available within the premises. There shall be no temporary promotion signs, banners, streamers, or placards erected, suspended, posted or affixed in any manner outdoors or on the building exterior of premises except as provided in this ordinance.

7. On each premises there is permitted one sign affixed to the exterior of a building for each occupancy therein.

8. Free-standing signs are limited in number to one per building, except that, where one occupant occupies more than one building per lot or a combination of lots mutually adjoining and in common ownership, only one free-standing sign shall be permitted. The top edge of any such free-standing sign shall not be higher than sixteen feet vertical measure above the grade of the street nearest the sign support (s). For traffic safety, where vision may be obscured entering a public street, the whole of the sign board or display elements of any free-standing sign shall be either below three feet in height or above ten feet in height above the street grade. A free-standing sign may be located within the front yard space, but shall not be closer than ten feet to the street right-of- way, and be no closer than twelve feet to either of the lot side lines. Where an existing principal building is within fifteen feet of the street right-of-way, a free-standing sign may be located within ten feet of the street right-of-way.

9. On each premises there is permitted one sign attached to the building for each occupancy.

a. If attached to the structure by way of a frame or bracket, which overhangs a pedestrian walkway or public sidewalk, it shall not extend beyond five feet of the structure face to which attached and have a vertical height clearance between the sign bottom and / or sidewalk / pedestrian walkway of 10 feet.

b. If the proposed sign is to be attached to the structure surface without the use of overhanging frames or brackets, the "wall sign" shall not extend or project more than 12 inches from the structure surface. Cut out letters should not project more than six inches from the building wall.

c. No sign shall be permitted on the roof of any building.

d. Signs posted within a window shall not cover more than 30% of the window area.

B. Illumination of Signs.

1. No sign shall be illuminated with flashing, moving, or animated-type lights.

2. Illuminated signs shall be illuminated only with white light.

3. All internally illuminated signs shall have a dark background with light lettering or figures, to reduce glare.

C. The above regulations shall not apply to the following:
1. Flags and insignia of any government.
2. Legal notices, identification, information, or directional signs erected or required by governmental bodies.
3. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving or flashing lights.
4. Signs directed and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.
D. Temporary signs for special events may be posted in any district upon written permit from the Code of Enforcement Officer. The Code Enforcement Officer shall only grant such a permit after presentation of evidence that the authorities controlling the proposed location of the sign have approved its posting. A temporary sign shall be posted for a period not to exceed twenty days. The applicant shall remove said signs upon termination of the permit. Street banners shall be no larger than fifty square feet in area. No temporary sign, other than a street banner, shall be larger than six square feet in area. Permits for hanging street banners across the public way shall be issued only upon assumption of complete liability in writing by the person, firm or corporation hanging the banner for any damage resulting from the placement of said banner. Such liability shall be acknowledged upon the application for the permit.
E. Existing non-conforming signs shall be removed within five years of the effective date of this ordinance.

Section 14. Soils.
No activity shall be permitted in any area where the soil is rated severe or very severe for the proposed activity, according to the County Soil Survey of the U.S.D.A. Soil Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, that construction methods will overcome any pertinent soil inadequacies.

Section 15. Soil Erosion Control.
Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by the following erosion control management practices.
A. The stripping of vegetation, removal of soil, regarding or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.
B. Temporary vegetation, mulching, and/ or situation fabrics shall be used to protect critical areas during the development. Sedimentation of run-off waters shall be trapped by debris basins, silt traps, sediment basins or other methods determined acceptable by the town.
C. Permanent vegetation and/ or other erosion control measures should be installed prior to completion of the construction, but no later than six months after completion of the construction.
D. The top or bottom of a cut or fill shall not be closer than ten feet to a property line unless otherwise mutually agreed to by the affected landowner and town but in no instance shall said cut or fill exceed a 3:1 slope.

Section 16. Storage of Materials.
All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.

Section 17. Storm Water Management.

A. All new construction and development, whether or not served by a storm water collection and transportation system, shall be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff. If runoff after development would exceed predevelopment runoff conditions, the off-site impact must be evaluated in terms of potential soil erosion and sedimentation, drainage capacity, and land use / land cover characteristics. Appropriate methods of reducing off-site impact shall be employed. Storm water management evaluations and designs shall be based on a 24-hour, 25-year recurrence interval storm.

B. All development plans shall define maintenance requirements and identify parties responsible for maintenance of the storm water control system. When methods of reducing storm water impact are necessary or desirable, storm water runoff control plans shall include:

1. Control methods effective both during and after construction;

2. Control methods compatible with upstream and downstream characteristics;

3. Documentation by the designer that increasing the volume and rate of runoff from the proposed development will not aggravate conditions downstream or upstream;

4. Provisions for on-site storage and gradual discharge of excessive flows, or contribution toward increasing downstream capacity (e.g. by enlarging existing culverts), when the channel downstream is not able to accommodate the increased volume or rate of runoff created by the proposed development;

5. Consideration of the following factors:

a. impact: on site, downstream, upstream and basin-wide;

b. costs: Initial, amortized, operation and maintenance;

c. Intensity of rainfall;

d. timing of rainfall: (e.g., falling of snow or during the spring snowmelt);

e. amount of precipitation in the basin during the five days preceding the storm in question;

f. hydrologic soil groups throughout the basin (i.e., the soil's rate of water infiltration and transmission);

g. hydrologic conditions throughout the basin (soil's moisture content, humus/ organic content, temperature, and whether or not it is frozen);

h. vegetative cover throughout the basin (vegetation helps soil dry out after a rainfall, intercepts some precipitation during the rainfall and slows down the flow of water over the land);

i. area of land covered by impervious surfaces throughout the basin (roads, sidewalks, roofs, driveways, patios, etc.);

j. topography throughout the basin (slopes affect the rate of runoff; marshland reduces peak discharge rate by slowing down the rate of runoff);

k. size and shape of watershed (peak discharge rates are slower in long, narrow watersheds).

C. Storm water runoff systems should be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reductions in infiltration. Conversely, designs should avoid recharge where groundwater effects might be harmful. Design of permanent storage facilities should consider safety, appearance, recreational use, and cost and

effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows and open drainage channel and swale locations should be the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) should be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipaters (to reduce high flow velocities) and other forms of outfall protection shall be employed where enclosed drains discharge onto erodible soils.

Section 18. Toxic and Noxious Discharges.

No use shall for any period of time discharge across the boundaries of the lot on which it is located toxic and noxious matter in concentrations in excess of one-fourth of the maximum allowable concentrations set forth in Table 1 of the Industrial Hygiene Standards, Maximum Allowable Concentration, Chapter 5 of the "Air Pollution Abatement Manual," copyright 1951, by Manufacturing Chemists' Association, Inc., Washington, D.C., which is hereby incorporated in and made a part of this section by reference.

Section 19. Traffic Impacts and Street Access Control.

A. General.

Provision shall be made for vehicular access to the development and circulation upon the lot in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

1. The vehicular access to the development shall be arranged to avoid traffic use of local residential streets.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.

3. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. No development shall increase the volume: capacity ratio of any street above 0.8 nor reduce the street's Level of Service to "D" or below.

4. Where necessary to safeguard against hazards to traffic and pedestrians and / or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

5. Access-ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

6. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use.

a. when such driveway connection will facilitate fire protection services as approved by the Fire Chief.

b. when such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

B. Driveway Design.

1. General.

Driveway design shall be based on the estimated volume using the driveway classification defined below.

a. Low Volume Driveway: Less than 25 vehicles trips per day.
b. Medium Volume Driveway: Any driveway that is not a low volume or high-volume driveway.
c. High Volume Driveway: Peak hour volume of 400 vehicles or greater.

2. Sight Distances. Driveways shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit driveway with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ½ feet above the pavement. The required sight distances are listed below for various posted speed limits.

a. Two lane roads. A sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

3. Vertical Alignment. A driveway shall be flat enough to prevent the dragging of any vehicle undercarriage. Low Volume driveways shall slope upward or downward from the gutter line on a straight slope of 4 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high-volume driveways should slope upward or downward from the gutter line on a straight slope of 4 percent or less for at least 25 feet. Following this landing area, the steepest grade on the driveway shall not exceed 8 percent.

4. Low Volume Driveways.

a. Skew Angle. Low Volume driveways shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
b. Curb Radius. The curb radius shall be between 5 feet and 15 feet, with a preferred radius of 10 feet.
c. Driveway Width. The width of the driveway shall be between 12 feet and 16 feet, with a preferred width of 16 feet.
d. Curb-Cut Width. Curb-cut width shall be between 22 feet and 46 feet, with a preferred width of 36 feet.

5. Medium Volume Driveways.

a. Skew Angle. Medium Volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.
b. Curb Radius. Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. One one-way driveways, the curb radii shall be 30 feet for right turns into and out of the site, with a 5-foot radius on the opposite curb.
c. Width. On a two-way driveway the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way driveway the width shall be between 16 feet and 20 feet, with a preferred width of 16 feet.
d. Curb-Cut Width. On a two-way driveway the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way driveway the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

6. High Volume Driveways.

a. Skew Angle. High Volume driveways shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

b. Curb Radius. Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

c. Curb Cut Width. Without channelization, curb-cut width shall be between 106 feet and162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

d. Entering and exiting driveways shall be separated by a raised median which shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

e. Width. Driveway widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

f. Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and channelization islands.

7. Special Case Driveways.

Special case Driveways are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These driveways are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed driveway. These driveways are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows.

a. Perpendicular driveways.

(1). Curb Radii. Curb radii shall be between 30 feet and 50 feet, with a preferred radius of 50 feet.

(2). Driveway width. Driveway width shall be between 26 feet and 30 feet with a preferred width of 30 feet. On two-way driveways, a triangular channelization island shall be provided at the intersection with the street. On each side of the island the one-way drive shall be between 15 feet and 24 feet with a preferred width of 20 feet.

(3). Curb-Cut Width. The total curb-cut width shall be between 86 feet and 130 feet with a preferred width of 130 feet.

(4). Channelization Island. The channelization island on two-way driveways shall be raised and curbed. Corner radii shall be 2 feet.

b. Skewed Driveways.

(1). Skew Angle. The skew angle shall be between 45° and 60°, with a preferred angle of 45°

(2). Curb Radii. Curb radii shall be between 30 feet and 50 feet on the obtuse side of the intersection, with a preferred radius of 30 feet. Curb radii shall be between 5 feet and 10 feet on the acute side of the intersection with a preferred radius of 5 feet.

(**3**). Driveway Width. The width of the driveway shall be between 15 feet and 24 feet with a preferred width of 20 feet. Where entering and exiting driveways meet, the width shall be between 24 feet and 30 feet, with a preferred width of 30 feet.

(4). Curb-Cut Width. The curb-cut width for each driveway shall be between 35 feet and 75 feet with a preferred width of 42 feet.

C. Driveway Location and Spacing.

1. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to be the point of tangency for the driveway. In general, the maximum corner clearance should be provided as practical based on-site constraints. Minimum corner clearances are listed below based upon driveway volume and intersection type.

MINIMUM STANDARDS FOR CORNER CLEARANCE

Minimum Corner Clearance (feet)

DRIVEWAY TYPE	INTERSECTION SIGNALIZED	INTERSECTION UNSIGNALIZED
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
SPECIAL CASE		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out only	100	50

Where the minimum standard for a full access drive cannot be met, only a special case driveway shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

2. Driveway Spacing. Driveways shall be separated from adjacent driveways and property lines as indicated below, in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance shall be measured from the driveway point of tangency to the driveway point of tangency for spacing between driveways and from the driveway point of tangency to a projection of the property line at the edge of the roadway for driveway spacing to the property line.

MINIMUM DRIVEWAY SPACING

Minimum Spacing to Property Line (Dpl)	Minimum Spacing to Adjacent Driveway by Driveway Type 2 (Dsp)3					
	Low		Medium w/o RT*	High	High w/RT**	Special Case
Driveway Type	(feet)	(feet)	(feet)	(feet)	(feet)	(feet)
Low Volume	5	***				
Medium Volume	10	-	75			
High Volume (w/o RT)*	75	-	75	150		
High Volume (w/RT)**	75	-	75	250	500	
Special Case	10	-	75	75	75	40****

1 Dpl measured from point of tangency of driveway to projection of property line on roadway edge.

2 For two more driveways serving a single parcel, or from a proposed driveway from an existing driveway.

3 Dsp measured from point of tangency of driveway to point of tangency of adjacent driveway.

*High volume driveway without right turn channelization.

**High volume driveway with right turn channelization.

***Low volume driveways are not permitted in combination with other driveway types on a single lot.

****Right-turn-in-only upstream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

D. Number of driveways. The maximum number of driveways onto a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of driveways independent of frontage length.

1. No low volume traffic generator shall have more than one two-way driveway onto a single roadway.

2. No medium or high-volume traffic generator shall have more than two two-way driveways or three driveways in total onto a single roadway.

E. Construction Materials / Paving.

1. All driveways entering a curbed street shall be curbed with materials matching the street curbing. Curbing is required around all raised channelization islands or medians.

SECTION 20. Water Quality.

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into the storage area during a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for "home heating oil" and diesel fuel, not exceeding 275 gallons in size, may be exempted from this requirement, in situations where neither a high seasonal water table (within 15" of the surface) nor rapidly permeable sandy soils are involved.

Section 21. Water Supply.

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Water Guidelines are met shall be submitted to the Code Enforcement Officer.

Article X

PERFORMANCE STANDARDS-SPECIFIC ACTIVITIES AND LAND USES

SECTION 1. Animal Husbandry

When permitted as conditional uses, animal husbandry shall meet the following standards:

A. All pasture, barns, barnyards and other areas where the livestock, animals, or fowl are kept, housed, fed, or cared for shall be a minimum of one hundred (100) feet from the nearest dwelling other than the applicant's.

B. Uncovered manure shall be kept 150 feet from the nearest dwelling other than the applicant's and 300 feet from any body of water or well.

C. All feed and grain shall be stored in rodent proof containers.

D. All paddocks, pastures, barnyards or other enclosures must be adequately fenced to contain livestock, animals or fowl.

E. The Planning Board shall limit the number and species of animals permitted. The Board shall consider the size and layout of the lot; the size of adjacent lots; the presence of vegetative screening and buffer strips; and the potential for noise, odor, and vermin problems.

SECTION 2. Automobile Graveyards and Junkyards

Automobile graveyards and junkyards shall meet the following standards:

A. Prior to issuance of the municipal permit, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.

B. Site Considerations:

1. No motor vehicles or material shall be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.

2. No motor vehicles or material shall be located within the 100 year flood plain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.

3. A visual buffer capable of completely screening from view all portions of the automobile graveyard or junkyard shall be established and maintained along all properly lines.

4. No motor vehicles or material shall be stored within 500 feet of any dwelling or school.

5. No motor vehicles or material shall be stored within 300 feet of any water body.

C. Operational Considerations:

Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground.

D. Automobile Graveyards and Junkyards require a Conditional Use Permit.

SECTION 3. Bed & Breakfast.

A. The application for approval shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
B. There shall be no less than one parking space for each rental room in addition to the spaces required for the dwelling unit.
C. There shall be one bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
D. Each rental room shall have not less than ten by twelve feet horizontal dimensions.
E. Each rental room shall be equipped with an approved smoke detector.

SECTION 4. Campgrounds and Tenting Grounds.

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of possible conflict, the stricter rule shall apply):

A. General
1. A campground must be constructed on at least 10 acres of land, and all camping units or structures shall be located at least 100 feet from any property line and 200 feet from any residence (except residences belonging to the campground owners).

2. Campsites shall be laid out and screened in such a manner that none are within view from public roads, navigable rivers, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard, when campsites would otherwise be visible from the locations described above.

3. No trailers other than recreational vehicles or utility trailers as defined herein, shall be permitted within any campground, temporarily or otherwise. No camping unit shall be stored or exhibited for sale for commercial purposes within the park.

4. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed the standards below (in terms of sites per acre of land, excluding circulation roads):

	Non-Shoreland	Shoreland Zones
Tent sites	14 per acre	8 per acre
RV sites	11 per acre	7 per acre

5. The minimum frontage of a campsite along any shoreline shall be 100 feet. Minimum setback from the normal high water elevation shall be 100 feet for all recreational vehicles, tents, or other vehicles and temporary or permanent structures.

6. No campsite shall be located with in a Resource Protection District or within the 100 year flood plain.

B. Parking and Circulation

1. A minimum of three hundred square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site. Recreational vehicles shall be parked in spaces so that:

a. there shall be a minimum of 50 feet between vehicles; and

b. there shall be a minimum of 75 feet between all recreational vehicles and tents, and all public rights-of-way located inside the boundaries of the campground.

2. Vehicular access shall be provided onto a hard-surfaced road adequate for the volume and type of traffic likely to be generated. Grades and sight distances specified in the town's subdivision standards shall be observed in designing all intersections. Roads shall be constructed of at least 12" of bank-run gravel (no stone larger than 4"), 2" of crushed gravel (1/2"chips) and two applications of liquid asphalt (1/2 gallon per sq. yd. each application). The minimum width of roadways shall be twelve feet for one way roads and twenty two for two-way roads. No vehicle parking shall be permitted on the roadway.

C. Health and Safety

1. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table and trash receptacle. The park management shall dispose of refuse from said containers by transporting the refuse in a closed truck or in enclosed containers or bags to an approved disposal area at least once every three days.

2. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. In no case shall less than one toilet and lavatory be provided for each sex for every ten camping and tent sites. All recreational vehicle sites shall be equipped with water and sewage hook-ups, connected to approved distribution or disposal systems.

3. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations. 24 hour emergency communication service (e.g. telephones) shall be provided.

4. Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Fire Chief.

D. Planning and Review

1. Roads, parking, campsites and required facilities shall be planned in accordance with the basic principles outlined below, and shall be shown on the proposed plan which is submitted for review and approval as a Conditional Use:

a. A logical sequence of entry and circulation should be created: entrance, administration and storage, parking, campsites, toilets and laundry, playing fields or shoreline.

b. Campsites should be clustered in groups according to intensity of use (low density, medium density, etc.) and also related to common support service areas (laundries, play areas, etc.) serving a number of campsite clusters. The purpose is to minimize road length, increase accessibility, and preserve open space.

c. Footpaths and roads should follow "desire lines" of pedestrian and vehicular movement between campsites and all jointly used facilities. Parking areas may be grassed, reinforced with open concrete blocks.

d. Access roads shall be laid out as loops to the greatest extent that is practicable, although"cul-de-sacs"or"dead-ends" may be allowed to serve up to twenty campsites.

2. A soil erosion and sedimentation control approved by the County Soil and Water Conservation District shall be submitted. In addition to data on soils, slopes and drainage, a vegetation map showing the following items may be required:

a. The major types of vegetation should be identified and described (as to age, height,openness or density, and pattern, either natural or reforested).

b. New planting should be selected to provide screening and shelter,to tolerate existing and proposed site conditions, and to blend compatibly with existing natural vegetation.

c. All vegetative clearing should avoid creating straightline edges between open land and surviving stands.

d. Areas of activity and/or traffic should be sited to avoid wildlife areas (such as thickets for birds and small mammals, or deer yards and trails).

SECTION 5. Cluster Developments

A. Purpose. The purpose of these provisions is to allow for new concepts of housing development where variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the district 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 located in the town, may modify said provisions related to dimensional requirements to permit innovative approaches to housing and environmental design in accordance with the following standards. This shall not be construed as granting variances to relieve hardship.

B. Application Procedure.

The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The developer shall submit a written application to the Board for a cluster development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this ordinance, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of lots in the cluster development shall in no case exceed the number of lots in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the natural features which will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, moderate-to-high yield aquifers and important natural or historic sites identified by the Comprehensive Plan as worthy of preservation. The statement shall also compare the impacts upon the town from each plan. Example of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of flood water storage areas, environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land and provision of land for conservation use.

Within ten days of receiving the application, the Board shall invite comments on the application from appropriate municipal or quasi-municipal agencies and the abutters. Within thirty days of receiving the application, the Board shall determine whether to allow the subdivision to be developed in accordance with the cluster standards of this section based upon findings that:

1. The site contains natural features of the type described in subsection (b) above which are worthy of preservation; and
2. Those natural features could not adequately be preserved in a standard subdivision layout; or
3. A clustered development will permit more efficient creation and utilization of infrastructure and provision of municipal and quasi-municipal services than would a standard subdivision layout.

C. Basic Requirements for Cluster Developments.
1. Cluster developments shall meet all requirements for a subdivision, the street acceptance ordinance, and all other applicable town ordinances, including the Performance Standards of Article IX of this ordinance.

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

3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
a. 15% of the area of the lot to account for roads and parking.
b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
c. Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
d. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

(1). slopes greater than 33%.
(2). organic soils.
(3). wetland soils.
(4). 50% of the poorly drained soils unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.

e. Portions of the lot subject to rights of way.
f. Portions of the lot located in the resource protection zone.
g. Portions of the lot covered by surface waters.
h. Portions of the lot utilized for storm water management facilities.

4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required in the District. A high-intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted. No building shall be constructed on soil classified as being very poorly drained.

5. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than 20,000 square feet.

6. 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 the minimum lot area normally required in the District.

7. Every building lot that is reduced in area below the amount normally required should be within 1000 feet of the common land.

8. The distance between buildings shall not be less than 30 feet.

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

10. Shore frontage shall not be reduced below the minimum normally required in the zone.

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

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

13. The applicant shall demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants. The location of all wells shall be shown on the plan.

14. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering shall be obtained prior to Planning Board approval.

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

D. Dedication and Maintenance of Common Open Space and Facilities.

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 non-commercial recreation, agriculture or conservation. However, easements for public utilities, or structures accessory to non-commercial recreation, agriculture or conservation, may be permitted.

2. The common open space(s) shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:

a. the common open space shall not be used for future building lots; and

b. a part or all of the common open space may be dedicated for acceptance by the town.

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

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

5. This homeowner's association shall have the responsibility of maintaining the common open space(s), and other common facilities until accepted by the town.

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

7. The developer shall maintain control of such open space(s) and be responsible for their maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Planning Board upon request of the homeowners association or the developer.

SECTION 6. RECREATION FACILITY.

All recreation facilities shall meet the provisions below:

A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.

B. Containers and facilities for rubbish collection and removal shall be provided.

C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.

D. The proposed use shall not create a traffic hazard. The Police Department shall review the location and site plans and provide its comments to the Planning Board prior to or at the public hearing.

SECTION 7. EXTRACTIVE INDUSTRY.

A. Permit Required. Topsoil, rock, sand, gravel and similar earth materials may be removed from locations where permitted under the terms of this ordinance only after a Conditional Use Permit for such operations has been issued by the Planning Board. The following earth-moving activity shall be allowed without a Conditional Use Permit from the Planning Board.

1. The removal, or transfer of less than 1000 cubic yards of material from or onto any lot in any twelve month period.

2. The removal, or transfer of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

3. The removal, or transfer of material incidental to construction, alteration or repair of a public or private way or essential service.

4. The above excludes municipal use.

All other earth-moving, processing and storage shall require a Conditional Use Permit from the Planning Board.

B. Submission Requirements.

1. Applications to the Planning Board for a Conditional Use Permit, for the excavation, screening or storage of soil (including topsoil), peat, loam, sand, gravel, rock, or other mineral deposits shall be accompanied by a plan prepared according to the performance standards herein, in compliance with applicable State Laws, and accompanied by all required State Permits or Licenses.

2. The applicant shall submit plans of the proposed extraction site showing the property lines and names of abutting owners and ways, indicating not greater than five (5) foot contour intervals, related to U. S. Geodetic Survey data; the location and slope of the grades, existing and as proposed upon completion of the extraction operation; and detailing proposed fencing, buffer strips, signs, lighting, parking and loading areas, entrances and exits; together with a written statement of the proposed method, regularity, working hours and total proposed rehabilitation and restoration of the site upon completion of the operation.

3. The Board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

C. Performance Standards.

1. No part of any extraction operation shall be permitted within 150 feet of any property or street line, except that drainage ways to reduce run-off into or from the extraction area may be allowed up to 100 feet of such line. Natural vegetation shall be left and maintained on the undisturbed land.

2. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out. Measures shall be taken to prevent or halt the breeding of insects.

3. No slopes deeper than 3 feet horizontal to 1 foot vertical shall be permitted at any extraction site unless a fence at least 6 feet is erected to limit access to such locations.

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

5. Any topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this section.

6. Sediment shall be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer.

7. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.

8. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Maine Department of Marine Resources, the Department of Environmental Protection, and/or the Department of inland Fisheries and Wildlife, as applicable, prior to consideration by the Planning Board.

9. The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.

10. 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 Road Commissioner. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.

11. All access/egress roads leading to or from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.

12. No equipment debris, junk or other material shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed within 30 days following completion of active extraction operations.

13. Within six months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved plans filed with the Planning Board.

a. All debris, dumps, boulders, and similar materials shall be removed or disposed of in an approved location or, in the case of inorganic materials, buried and covered with a minimum of 2 feet of soil.

b. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.

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

d. At least 4" inches of top soil or loam shall be retained or obtained to cover all disturbed areas, which shall be reseeded and property restored to a stable condition adequate to meet the provisions of the "Environmental Quality Handbook, Erosion and Sediment Control", as amended or revised, published by the Maine Soil and Water Conservation Commission.

e. No slope greater than 3 feet horizontal to 1 foot vertical shall be permitted.

D. Performance Guarantees

The applicant shall provide a guarantee for an amount adequate to cover the cost of restoration in the form of an escrow account; a surety bond; or an irrevocable letter of credit.

E. Existing Operations.

1. Any operation involving the excavation, processing, or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Section becomes effective, and which meets the criteria for requiring a Conditional Use Permit, may operate for a period of five years from the effective date without Planning Board approval. Existing operations are controlled by the provisions of Article V, Section 4. Existing operations, however, must submit to the Planning Board within 365 days of the effective date of this Section, a map indicating the area within which earth removal activity is anticipated within the five year period, and the area which has already been subject to earth removal activity. Failure to submit the above map within 365 days shall result in the loss of grandfathered status for that operation. Within sixty (60) days of the effective date of this Section, the Code Enforcement Officer shall notify, by certified mall, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations, informing them of the requirements of this section.

2. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation. Discontinuation is defined as being the excavation, processing or storage of less than 1000 cubic yards of material.

SECTION 8. Ground Water and / or Spring Water Extraction and/or Storage.
See stand alone ordinance adopted 2-10-2009 , named
"Newfield Water Rights and Local Self Government Ordinance"

SECTION 9. Home Occupations.

A home occupation shall be permitted if it complies with all of the requirements of this section:

A. The use of a dwelling unit for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.

B. A home occupation shall be carried on only by residents of the dwelling unit.

C. A home occupation may not alter the residential character of the structure, neighborhood or change the character of the lot from its principal use as a residence,

D. The home occupation shall be carried on wholly within the principal or accessory structures. The outside storage or display of materials or products shall be screened from view from the abutting properties and street.

E. The Performance Standards in Article IX of this ordinance shall apply. If additional parking spaces are provided, they shall be located to the rear or side yard of the principal structure but not within the required yard setbacks.

F. One non-illuminated sign, no larger than two square feet may be erected on the premises.

G. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers and to items which are accessory and incidental to a service which is provided on the premises,

H. A home occupation shall not involve the use of heavy commercial vehicles for delivery from or to the premises.

I. A home occupation shall not create greater traffic than normal for the area in which it is located or generate more than 20 vehicle trips/day.

SECTION 10. Hotels/Motels and Inns

For traffic safety on and immediately adjoining each motel, hotel or inn and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements shall be complied with. For the purposes of this section, the terms hotel, motel and inn are used interchangeably.

A. The minimum lot size for any hotel shall contain not less than three acres of total area. The minimum frontage shall be ten times the posted speed limit of the most traveled way serving the development but not less than two hundred feet lot width at the street and throughout the first two hundred feet of depth of said lot back from the street. Access driveways into the development shall be at an angle no less than 30° degrees and no more than 45° degrees to facilitate movement of traffic off the public way and onto the property. Driveways shall be separated by a minimum of 100 feet. The curb radius of the intersection of the driveway to public way shall be no less than 30 feet. Access and egress drives shall not exceed a slope of 2% for the first seventy five (75) feet onto the property.

B. No part of any building on a motel lot shall be closer than sixty feet to the front lot line, rear lot line or either side line of such lot. A green space, not less than twenty feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.

C. Buildings on a motel lot shall not cover more than fifteen percent of the area of the lot.

D. If cooking or eating facilities are provided in hotel rental units, each rental unit shall be considered a dwelling unit and the hotel shall be required to meet all the standards for multifamily developments in this ordinance including the residential density requirements of the appropriate district.

E. Each motel rental unit shall contain not less than two hundred square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve by fifteen feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.

F. On each hotel lot, one apartment may be provided for a resident owner, manager, or other responsible staff person.

G. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

H. Parking stalls shall be designed to accommodate the traveling public by a minimum stall width of eleven (11) feet and stall depth of twenty-three (23) feet for perpendicular stalls. Angled parking stall width and depths shall be increased by 10% and 25% above the standards contained in this ordinance.

SECTION 11. Kennels and Veterinary Hospitals.

A. Structures or pens for housing or containing the animals shall be located not less than two hundred (200) feet from the nearest residence other than the owners' existing at the time of permit.

B. All pens, runs, or kennels, and other facilities shall be designed, constructed, and located on the site in a manner that will minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted horticultural screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin or rodents.

D. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times, and emptied no less frequently than once every four days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.

E. If outdoor dog "runs" are created, they shall be completely fenced in, and shall be paved with cement, asphalt or a similar material to provide for cleanliness and ease of maintenance.

F. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from nearest residence other than the applicants, and shall have a chimney vent not less than 35 feet above the average ground elevation. The applicant shall also provide evidence that he has obtained approval from the Maine Department of Environmental Protection for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

G. All other relevant performance standards in Article IX of this ordinance shall also be observed.

SECTION 12. Manufactured Homes

A. All manufactured housing units to be located on a lot within the town after the effective date of this Ordinance shall comply with Federal construction and safety standards, and the following additional requirements:

1. The minimum horizontal dimension as installed on the site shall be 14 feet;
2. The roof shall have a minimum pitch of 3 inches vertical rise for each 12 inches of horizontal run;
3. The exterior surfaces shall be covered with materials similar to conventional construction such as cedar shakes, wood, vinyl, or metal clapboards, board and batten siding, etc. They shall not be covered with flat, ridged, or comforted metal or plastic panels.
4. The unit shall be placed on a permanent foundation, including a concrete pad over gravel base or concrete or masonry piers with skirting around the bottom of the structure, or a concrete or masonry frost wall, or a full basement.

SECTION 13. Multi-Family Developments.

A. Mufti-family developments may be approved by the Planning Board in accordance with the Land Use Table of this ordinance. All proposals to construct multifamily developments shall be in conformance with the General Performance Standards of Article IX and the design requirements listed below.

B. Applications for approval shall include: a map of the area; dimensions, boundaries and principal elevations of the land for which approval is sought; the names of all property owners within 100 feet of the proposed site, as found on the most recent tax list; building layout and general construction plans; a site plan of all driveways and parking areas proposed to be constructed; and other information which addresses all appropriate performance standards and design requirements and all appropriate factors to be considered in evaluating proposals.

C. Design Requirements.

1. Density.

a. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

(1). 15% of the area of the lot to account for roads and parking.

(2). Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.

(3). Portions of the lot shown to be in a floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

(4) Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:

(a). slopes greater than 33%.

(b). organic soils.

(c). wetland soils.

(d). 50% of the poorly drained soils unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.

(5). Portions of the lot subject to rights of way.

(6). Portions of the lot located in the resource protection zone.

(7). Portions of the lot covered by surface waters.

(8). Portions of the lot utilized for storm water management facilities.

b. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required in the District. A high-intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted. No building shall be constructed on soil classified as being very poorly drained.

2. Water Supply. When a mufti-family development is proposed outside of the service area of public water supply system, the applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants.

3. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.

4. A fifty foot landscaped buffer shall be provided along all property boundaries.

5. Storm water and surface drainage systems shall be designed in accordance with the town subdivision standards.

6. Access, Circulation, and Parking.

a. The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points, with respect to sight-distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions higher than three feet above ground level, for a distance of twenty-five feet, measured along the intersecting street lines.

b. The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe Interior circulation within its site, by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.

c. All developments containing fifteen or more dwelling units may be required by the Planning Board to have more than one street access (for emergency and safety purposes). No more than two accesses shall be allowed on any single street or roadway.

7. Recreation and Open Space. All multifamily developments of 25 dwelling units or more shall provide a developed play area no smaller than 5,000 square feet. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

SECTION 14. <u>Professional Offices in Residential Districts.</u>

In a residential district, professional offices may be permitted as a conditional use in those districts indicated on the Land Use Table and in accordance with the provisions below:

A. Parking for professional offices shall be located to the side or rear of the building, where possible.

B. All outdoor lighting shall be directed in such a manner as to avoid "overspill" onto abutting residential properties, or glare into the street.

SECTION 15. Renting Rooms and Apartments

A. As an accessory use in a single family dwelling, the renting of rooms or a single apartment in a dwelling existing prior to 1940 shall be permitted provided the following conditions are all satisfied.

1. There shall be no new external construction to increase the size of the structure to accommodate the accessory use.

2. The water and sewage facilities meet all existing laws and codes.

3. The building is owner-occupied.

4. One non-illuminated sign, no larger than two square feet in area may be erected on the premises, only during times when a vacancy exists.

5. Any apartment created under this section need not meet the requirements for multi-family housing contained elsewhere in this ordinance.

SECTION 16. Restaurants

A. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.

B. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal rules.

C. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than eight feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination, forming a visual barrier not less than six feet in height.

D. Restroom facilities for the patrons shall be provided on the premises.

SECTION 17. Schools. Colleges, Churches, Fraternal Organizations, and Not-for-Profit Clubs

Public and private schools, colleges, churches, fraternal organizations, and not-for-profit clubs shall meet the provisions below.

A. A green strip, suitably landscaped, at least 20 feet wide shall be provided along all properly lines, except where driveways enter and exit.

B. No building shall be closer than fifty feet from a property line.

C. When adjacent to residences within 200 feet, parking areas and outdoor activity areas shall be effectively screened from view by a continuous vegetative barrier or stockade fence not less than six feet in height.

SECTION 18. Mobile Home Parks

A. Mobile home parks shall be permitted after review and approval by the Planning Board. The Planning Board shall determine the adequacy of the design with respect to lot layout, traffic circulation, water supply and sewage disposal, and other features to assure conditions which preserve the health, safety and welfare of the occupants, the surrounding neighborhood and the Town generally. All mobile home parks shall meet the minimum standards of the Maine Department of Human Services as well as the provisions of this ordinance.

B. Permit: Method of application and requirements. Applications for permits shall be in writing, signed by the applicant who shall file with the application proof of ownership of the premises or of a lease or written permission from the owner there of together with a complete set of plans drawn to scale, by a civil engineer or land surveyor, registered with the State of Maine, showing the location of the proposed park, and which includes:

1. Dimensions of park boundary lines.
2. Name of park, north arrow, date, and scale of plan.
3. Name and address of owner of record, and the name and address of proposed park operator.
4. Names of abutting owners of properties and the nature of present use of abutting properties.
5. Locations, names and widths of adjacent street and rights-of-ways.
6. Locations and dimensions of all roadways, walkways, public areas and reserved strips.
7. Location and description of al existing or proposed buildings or other permanent structures.
8. Locations and dimensions of all proposed mobile home or trailer spaces.
9. Existing and proposed utilities, installations service connections from adjacent streets or properties and the method of sewage disposal.
10. Drainage plan.
11. Any other information required by the Newfield Subdivision Ordinance.

C. Design Requirements. Mobile Home parks shall conform to the following minimum requirements.

1. A mobile home park shall be located on a site with adequate drainage and grade to assure removal of storm water. The site shall not be exposed to smoke, noise, odors or other adverse influences existing at the time of application. No portion of the mobile home park within the special flood hazard zone shall be occupied by any structure.
2. A mobile home park shall contain a minimum land area of ten acres.
3. The net residential density of a mobile home park shall not exceed that permitted in the district in which it is located.
4. All housing units shall be located at least 100 feet from any park boundary line, and at least 150 feet from any Town street.
5. Lot size and setback requirements.
   a. Each individual mobile home lot shall be not less than 20,000 square feet in area, and shall be not less than 50 feet wide.
   b. No mobile home shall be located less than 10 feet from any property line of an individual lot.
6. Streets. The design and construction of all mobile home park streets shall be in accordance with the specifications contained in the Newfield Subdivision Ordinance.
7. All mobile homes shall be equipped with adequate skirting to enclose the underside of the mobile home.
8 . No additions, other than factory built units of similar construction, shall be permitted on any mobile home.

9. Water Supply.

a. An accessible, adequate, safe, and potable supply of water shall be provided in each mobile home park and/or trailer park. A private water supply may be developed and used subject to approval by the Maine Department of Human Services. The private water supply shall be constructed and tested prior to granting of Planning Board approval.

b. The water supply shall be capable of delivering a minimum of 200 gallons per day per mobile home.

c. Every well or suction line of the water supply system shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source.

d. The water supply system shall be connected by pipes to all mobile homes, buildings, and other facilities requiring water.

10. Sewage Disposal.

a. Sewage disposal systems for trailer parks and/or mobile home parks shall comply with all applicable state and local codes and ordinances.

b. Where subsurface sewage disposal is proposed, completed site evaluations (Form HHE-200) shall be submitted for each disposal site.

c. All proposed subsurface disposal systems shall meet the requirements of the Maine State Plumbing Code.

11. Electric utility installation shall be underground unless site conditions are not adequate.

12. Refuse Disposal.

a. The storage, collection and disposal of refuse in a mobile home park and/or trailer park shall be so conducted as to create no health hazard, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

b. All refuse shall be stored in airtight, watertight, rodent proof containers, which shall be located no more than 150 feet from any mobile home or trailer lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

13. Fuel Supply and Storage

a. Liquefied petroleum gas systems shall comply with all applicable codes and regulations. Installations of systems shall be subject to inspection and approval of the Fire Chief.

b. All fuel oil supply systems shall be so constructed and installed in accordance with all applicable codes and regulations. Installations of systems shall be subject to inspection and approval of the Fire Chief and the Maine Department of Environmental Protection.

14. A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewage and electrical utilities.

SECTION 19. Timber Harvesting and Vegetative cutting

A. Timber Harvesting

The following standards shall govern timber harvesting within 250 feet of the normal high water elevation of all water bodies.

1. Harvesting Operations

a. Harvesting operations shall be concluded in such a manner that a well-distributed stand of trees is retained.

b. Harvesting activities shall not create single openings greater than 7500 square feet in the forest canopy.

c. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured 4 1/2feet above ground level, in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains; and

d. Within a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards.

e. Harvesting operations shall be conducted in such a manner and at such a time that minimal soil disturbance results. Adequate provision shall be made to prevent soil erosion and sedimentation of surface waters.

2. Slash

No significant accumulation of slash shall be left within 50 feet of the normal high water elevation of water bodies. At distances greater than 50 feet but less than 250 feet from the normal high water elevation of waterbodies, all slash shall be disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground.

3. Roads

No roads requiring earth moving, cut or fill shall be constructed.

B. Vegetative Cutting

In all Districts, clearing of trees and conversion to other vegetation is allowed for approved construction and landscaping.

1. Within a strip extending 75 feet from the normal high-water mark, there shall be no cleared opening or openings, except for approved construction, and a well distributed stand of vegetation shall be retained;

2. Within a shoreland area zoned for resource protection abutting a great pond there shall be no cutting of vegetation within a strip of land extending 75 feet from the normal high-water mark except to remove safely hazards; and

3. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level is allowed in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains.

SECTION 20. Travel Trailers and Campers

Annual permits that expire, and must be renewed annually, shall be applied for, and may be issued upon Code Enforcement Officer Inspection for a recreational vehicle, tent trailer or similar shelter for up to a period of 120 days per calendar year provided they are "self-contained" or have acceptable toilet facilities. Minimum setbacks must be met. Only one recreational vehicle shall be allowed on a lot. The recreational vehicle shall not be located on any type of permanent foundation, except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

Amended March 12. 2022

SECTION 21. Road Acceptance Regulations

Before any way is accepted at any future Town Meeting as a public way, it must be laid out and constructed to the following specifications:

A. The following design standards apply according to street.

	Type of Street				
Description	Arterial	Collector	Minor	Private Right of Way	Industrial Commercial
Minimum Right-of Way Width	50'	50'	50'	50'	50'
Minimum Pavement Width	24'	24'	22'	22'	24'
Minimum Grade	.5%	.5%	.5%	*N/A*	.5%
Maximum Grade	8%	10%	10%	12%	8%
Minimum Centerline Radius	800'	230'	150'	*N/A*	800'
Minimum Tangent between curves of reverse alignment	100'	100'	100'	*N/A*	100'
Roadway Crown	*1/4"/ft.*	*1/4"/ft.*	*1/4"/ft*	*N/A*	*1/4"/ft.*
Minimum angle of street intersections	90^0	90^0	90^0	90^0	90^0
Maximum grade within 75 ft. of	2%	2%	2%	*N/A*	2%
Minimum curb radii at intersections	30'	20'	15'	*N/A*	30'
Minimum *r/o/w* radii at intersections	20'	10'	10'	10'	20'
Minimum width of shoulders (each side)	2'	2'	2'	2'	2'

B. The centerline of the roadway shall be the centerline of the right-of-way.

C. Dead End Streets. In addition to the design standards above. dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line 65 ft.; outer edge of pavement 50'; and inner edge of pavement 30'. The Board may require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty foot easement in line with the street to provide continuation of the road where future subdivision is possible.

D. Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.

2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

POSTED SPEED LIMIT	***25***	***30***	***35***	***40***	***45***	***50***	***55***
SIGHT DISTANCE	**250**	**300**	**350**	**400**	**450**	**500**	**550**

Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of two hundred feet shall be maintained between centerlines of side streets.

E. Street Construction Standards.

1. Minimum thickness of material after compaction:

Street Materials	Minimum Requirements				
	Arterial	Collector	Minor	Private Bight of Way	Industrial Commercial
Aggregate Sub-base Course (Max. sized stone 6")	18"	18"	18"	18"	18"
Crushed Aggregate Base Course	4"	4"	4"	4"	4"
Hot Bituminous Pavement					
Total Thickness	3 ½"	3 ½""	3 ½"	3 ½"	3 ½"
Surface Course	1 ½"	1 ½"	1 ½"	1 ½"	1 ½"
Base Course	2"	2"	2"	2"	2"

Do away with liquid asphalt

F. Preparation

1. Before any clearing has started on the right of way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.

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

3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway.
Rocks and boulders shall also be removed to a depth of two feet below the subgrade of the roadway. On soils which have been identified by the York County Soil Survey as not suitable for roadways,
the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below.

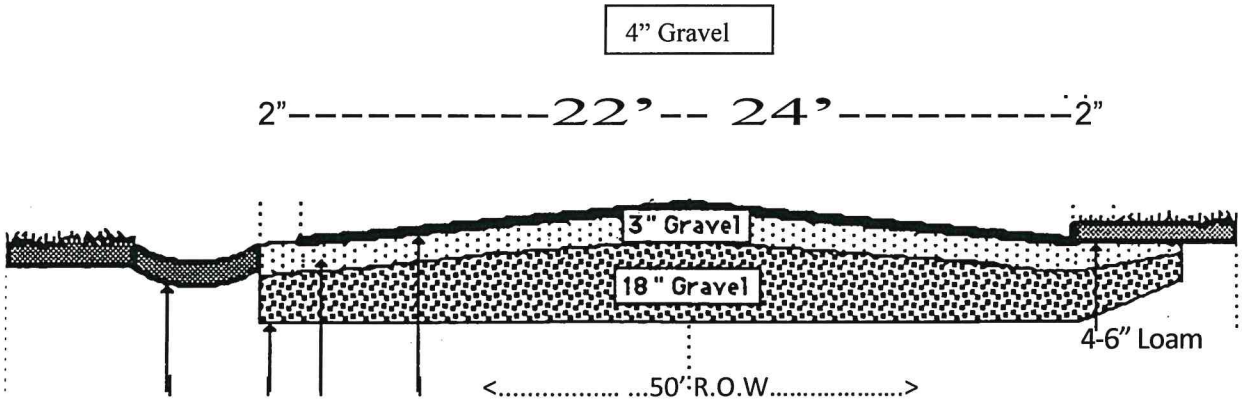
4. Side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement.
Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

6. Utility poles should be a minimum of 15' feet from the center of the road.

Typical Street Cross Section

| Without Curbs | ——————————————————— | With Curbs |



I.....Pavement: 2" Base Course
1" Surface Course

I..... Crushed Aggregate Base: 4" Gravel, N/M/T 3" Stone Size

I..... Aggregate Sub Base: 18" Gravel, N/M/T 6" Stone Size.

I.....Drainage Swales: Slope No Steeper than 3:1

ARTICLE XI

AMENDMENT AND OTHER LEGAL PROVISIONS

SECTION 1. Interpretation.

Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the comprehensive plan.

SECTION 2. Conflict with Other Ordinances.

Whenever the regulations of this ordinance conflict with those of another ordinance, the stricter shall apply.

SECTION 3. Separability.

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

SECTION 4. Amendment.

No land use regulation or amendment thereof or change in the Official Land Use Map shall be adopted until after the Planning Board has held a public hearing thereon at least ten days before it is submitted to the legislative body for consideration. Public notice of the hearing shall be made at least ten days prior to the hearing. Amendments to this Ordinance shall be considered following petition, or recommendation of the Planning Board. The petitioner shall bear the cost of advertising and of any postage for notification of neighboring property owners.

SECTION 5. Effective Date and Repeal.

The Land Use and Zoning Ordinance herein shall be enacted and be of full force and effect on the day of approval of the Ordinance by the voters of the Town of Newfield, at a town meeting, and any zoning ordinance of the Town of Newfield in effect prior to the date of enactment of this Ordinance shall be repealed as of that date. Whenever provisions of the Building Ordinance for the Town of Newfield conflict with this Ordinance, the provisions of the Land Use and Zoning Ordinance shall prevail.

SECTION 6. Appeal of Planning Board Action.

Any appeal from an action of the Planning Board in administering the provisions of this Ordinance shall be made to the Superior Court in accordance with the procedures of Rule 80B.

SECTION 7. Comprehensive Plan Update.

The Planning Board shall review the Comprehensive Plan in 1991 and every 10th year thereafter. On completion of its review, the Planning Board shall report its findings to the Board of Selectmen and recommend any modifications to this Ordinance that it feels are desirable or necessary in light of their findings.

ARTICLE XII
DEFINITIONS

SECTION 1. Meaning of Words

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in singular shall include the plural. The word "lot" shall include "parcel" and "plot". The word "shall" be used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".

SECTION 2. Definitions

ABUTTING PROPERTY: Any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located directly across a public or private street or way from the lot in question.

ACCESSORY DWELLING UNIT: Accessory Dwelling Unit (ADU) 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 750 square feet. Only one ADU is per lot.

ACCESSORY USES: uses clearly incidental and subordinate to a principal building or use. An accessory building or structure is a structure detached from the principal building and containing accessory use.

AGRICULTURE: the cultivation of the soil, production of crops, including crops in commercial greenhouses, and raising of livestock, including animal husbandry.

AUTOMOBILE GRAVEYARD: a yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles and/or automobile parts. Automobile graveyard includes an area used for automobile dismantling, salvage and recycling operations.

BUILDING: any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattel. Each portion of a building, separated from other portions by a fire wall, shall be considered a separate building.

BUSINESS SERVICE: a business offering services, including but not limited to: advertising, credit, reporting and collection, mailing, and reproduction services, service to buildings, personnel supply services, computer, data processing services, management and public relations, and the business offices of corporations or firms.

CAMPROUND: a parcel of land used for overnight accommodation for campers including tent sites, recreational vehicle sites, overnight cabins and parking facilities.

CLUSTERED RESIDENTIAL DEVELOPMENT: a form of housing development which allows the developer flexibility in subdivision and housing design, including use of single-family attached dwellings, in return for setting aside a portion of the tract of land as permanent open space, in accordance with Article X of this Ordinance. All clustered residential developments shall be subject to subdivision regulations and approvals.

CODE ENFORCEMENT OFFICER: the official responsible for enforcement of this Ordinance and for other duties set forth by state statute and other ordinances. The Code Enforcement Officer also shall have the duties of a Building Inspector.

COMMERCIAL OUTDOOR RECREATION: outdoor recreation activities that are operated by an entity other than a unit of government and which are available for use for a fee, including but not limited to standard golf courses, ice skating rinks, tennis courts, and cross-country ski trails, but excluding games and activities common to amusement parks. Private outdoor recreation facilities serving exclusively a residential use shall be considered accessory to the residential use.

COMMUNITY BUILDING: a building used by a fraternal, philanthropic or other civic organization and which may be made available from time to time for community functions.

CONDITIONAL USE: a use which would not be appropriate without restriction but is acceptable if controlled as to number, area, location, relation to the neighborhood and similar criteria.

CULTURAL FACILITIES: not-for-profit facilities dedicated to recognized public or philanthropic purpose and intellectual endeavor, such as library, museum, auditorium or performing visual arts center.

DAY CARE CENTER (OR NURSERY SCHOOL): A facility organized pursuant to the laws of the State of Maine for the care of instruction of more than three pre-school children, exclusive of children who may be living in the home which is serving as the day care or nursery school facility.

DRIVEWAY: See Way

DWELLING: any building or structure or portion thereof designed or used for residential purposes.

(a) Single-family detached dwelling: a structure containing only one dwelling unit for occupation by not more than one family.

(b) Two-family dwelling: a building used for residential occupancy by two families living independently of each other.

(c) Multi-family dwelling: a building containing three or more dwelling units, such buildings being designed for residential use and occupancy by three or more families living independently of one another, with the number of families not exceeding the number of dwelling units. The term also includes apartments located in commercial structures containing commercial space as the principal use.

DWELLING UNIT: a room or group of rooms, containing at least 600 square feet of living area, designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, and eating. The term shall include seasonal dwellings (dwellings designed for occupancy for less than three months), but shall not include motor homes or recreational vehicles, nor shall it include hotel or motel rooms or suites, rooming house rooms or similar accommodations. Living area shall mean actual enclosed space suitable for year-round occupancy and shall not include porches, patios, and similar areas whether or not enclosed.

FAMILY: one or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, hotel, or other transient visitor quarters. Such unit shall not exceed five persons not related by blood or marriage.

FINANCIAL SERVICE: a financial service; including banking, other credit agencies, security and commodity brokers and services, and insurance, real estate, and investment offices.

FOREST MANAGEMENT: timber cruising and other forest evaluation activities, management planning activities, insect and disease control, pruning and other stand improvement, regeneration of forest stands, and other similar associated activities, but not timber harvesting.

FRONTAGE: the linear distance between the sidelines of a lot, measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot. For the purpose of the Ordinance, the following ways shall continue legal access to a lot along which frontage may be measured:

(1) a way accepted by or established as belonging to the Town of Newfield, or State of Maine, provided access is not specifically prohibited.

(2) a way, whether dedicated to public ownership or not, as shown on an approved subdivision plan.

(3) a private or public way which has not been approved by a governmental subdivision, but which has been established in a deed or one plan recorded in a registry of deeds. In the case of a lot situated on a curve of a way or the measurement of frontage may include the entire length of the property line along such way. The measurement of frontage shall not include that portion of the distance between the sidelines which is encumbered by a recorded right-of-way for the purpose of providing access to another lot.

HEIGHT OF BUILDING: vertical measurement from a point on the ground at the mean original grade adjoining the foundation as calculated by averaging the highest and lowest original points around the building or structure, to the highest point of the building or structure, excluding incidental protrusions such as chimneys and antennae.

HOME OCCUPATION: occupations or professions which are customarily carried on in a dwelling unit or structure accessory to a dwelling; carried on by a member of the family residing in the dwelling unit; and clearly incidental and secondary to the use of the dwelling unit for residential purposes.

HOTEL OR MOTEL: a commercial building or group of buildings built primarily to accommodate for a fee travelers and other transient guests, who are staying for a limited duration, with sleeping and associated rooms. A hotel or motel may include suites or rooms, cooking and similar facilities within the rooms to accommodate guests, restaurants facilities where food is prepared and meals served to its guests and other customers, and associated facilities for the convenience and serving of guests. A hotel or motel room or suite of rooms, as distinguished from a dwelling unit, each shall contain less than a total of 600 square feet of living area, provided that the area may be larger if, in the sole opinion of the Planning Board, the facility will function or is functioning as a hotel or motel and not as an residential dwelling unit. For purposes of this Ordinance, bed-and-breakfast establishments shall be considered as home occupations if they provide no more than four rooms for overnight travelers, and as hotel or motels if they provide more than four rooms for overnight travelers.

JUNKYARD: A yard, field or other outside area used to store, dismantle or otherwise handle discarded worn-out or junk plumbing, heating supplies, electronic or industrial equipment, household appliances or furniture, scrap, and junked lumber; scrap copper, brass, rope, rags, batteries, trash, rubber debris, waste, and all scrap iron, steel and other scrap ferrous or nonferrous material.

LIGHT INDUSTRIAL USES: industrial activity involving the manufacturing, packaging, assembly, or distribution of finished products from previously prepared material, including, by the way of example only, the following: bakeries, bottling, printing, and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only previously pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods. Light industrial uses do not include the processing of raw materials or salvaging operations.

LOT: a contiguous parcel of land in single or joint ownership described on a deed, plot plan, or similar legal document and having frontage, as defined in this article.

LOT, CORNER: A lot with at least two continuous sides abutting upon a street or right-of-way which may be used to measure road frontage.

LOT, INTERIOR: Any lot other than a corner lot.

LOT LINES: The lines bounding a lot as defined below:

FRONT LOT LINE: Or an interior lot, the line separating the lot from the street of right-of-way. On a corner or through lot, the lines separating the lot from both streets or right-of-way. On a lot without road frontage the front lot line shall be the lot line closest and most parallel to the nearest street.

BACK LOT LINE: The lot line opposite the front lot line. On a lot pointed at the rear, the back-lot line shall be an imaginary line between the side of lot lines parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

LOT WIDTH: The shortest distance between the side lot lines of the lot measures at the front yard setback.

MANUFACTURED HOUSING UNIT: a mobile home manufactured after June 15, 1976, or a single-wide modular home, each of which will comply with the residential space and bulk standards of the district in which it is located.

MINERAL EXTRACTION: any extraction of mineral deposits, including gravel, other than mineral exploration to determine location, extent, and composition of deposits

MOBILE HOMES: factory-fabricated structures which are built on permanent chassis and are designed to be used as dwelling units with permanent foundations when connected to the required utilities, but which do not meet the standards of a manufactured housing unit as defined herein. Mobile homes built before June 15, 1976 are considered to be older mobile homes and are prohibited.

MODULAR HOMES: Factory-fabricated dwellings which are constructed with floor joists and not upon a permanent chassis. For the purpose of this Ordinance, multi-sectional modular homes are considered to be single family dwellings, and single wide modular homes are considered to be manufactured housing.

NEIGHBORHOOD STORE: a retail store that occupies less than 4,000 square feet of total floor space and within which there are no alcoholic beverages are consumed.

NET LOT AREA: The total acreage of a lot less the area required for access and less the area which is not suitable for development because of sustained slopes in excess of 33 percent, water bodies, 100-year flood plains, and wetlands. "Access" as used herein includes all land within street right-of-way boundaries, but does not include land used for individual driveways or parking areas.

NONCONFORMING LOT: a single lot of record which, at the effective date of this ordinance, does not meet the minimum lot area, minimum lot area per dwelling unit, or minimum frontage requirements of the district in which it is located. It is allowed solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.

NONCONFORMING STRUCTURE: a structure that does not meet the minimum setback, maximum lot coverage, or maximum height standards of the district in which it is located. It is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

NONCONFORMING USE: A use of premises that is not permitted in the district in which it is located but which is allowed to remain solely because it was in lawful existence at the time this ordinance or subsequent amendment took effect.

NONINTENSIVE RECREATION: outdoor recreational uses that involve minimal structural development or regarding of the terrain but which, if properly designed, neither cause nor subject to serious damage from flooding or soil erosion. Examples of nonintensive recreational uses include but not limited to golf courses, tennis courts, alpine ski trails, playing fields, ice skating rinks, and boat docks.

NORMAL HIGH-WATER MARK: that line on the shores and banks of streams and ponds which is discernible because of the different character of the soil or vegetation due to the influence of surface water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (aquatic vegetation includes but not limited to the following plants and plant groups: water lily, pond lily, pickerel-weed, cat tail, wild rice, sedges, rushes, marsh grasses and terrestrial vegetation includes but not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreens, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, spruces, birches, beeches, larches, and maples). In places where the shore or bank is of such character that the normal high-water mark cannot be easily determined (as in the case of rockslides, ledges, rapidly eroding or slumping banks) the normal high-water mark shall be estimated from places where it can be determined by the above method.

NURSING OR CONVALESCENT HOME: a facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services.

PERSONAL SERVICES: a service; including but not limited to laundry and cleaning services, photography studios, shoe repair shops, funeral homes and similar services to the general public.

PREMISES: one or more parcels of land which are in the same ownership and contiguous.

PRIMITIVE RECREATION: recreational uses that do not require buildings or structures or significant alteration of the terrain, such as hunting, fishing, hiking, primitive camping, snowmobiling, cross country ski trails, and parks of primarily undeveloped, natural character.

RAZOR WIRE:
Coiled wire fitted with pieces of sharp metal razor edges often positioned on top of walls and used as an obstacle or barrier to stop people from climbing over the walls.

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

RELEVANT AUTHORITY: The municipal official or board designated in this Ordinance as having jurisdiction over the matter being considered.

ROAD: see Way.

SETBACK, BACK YARD: the distance between the rear line of the lot, extending the full width of the lot, and the nearest part of any principal or accessory structure. Back and rear yards are synonymous terms.

SETBACK, FRONT YARD: the distance between the street right-of-way or easement line extending the width of the frontage, and the nearest part of any principal or accessory structure; provided, however, that signs erected in accordance with the sign standards of this Ordinance may be placed in the front yard area.

SETBACK, NORMAL HIGH-WATER MARK: the distance from the normal high-water mark of any perennial stream or pond to the nearest part of a structure.

SETBACK, SIDE YARD: the distance between the side property line and the nearest part of any principal or accessory structure. Any lot line not a back-lot line or a front line shall be deemed a side lot line.

SHORE FRONTAGE: the length of a lot's shoreline as measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high-water elevation.

SIGN: Structure, device, letter, banner, symbol, or other representation which is used as or is in the nature of an advertisement, announcement, or direction, which is erected, assembled, affixed, or painted out of doors, and which is visible from a public way.

SIGN AREA: The area of the smallest square, rectangle, triangle, circle, or combination thereof, which encompasses the facing of a sign, including copy insignia, background and borders, but not including structural supports of the sign. A sign's area is the sum of the areas of each of its sides. A wall sign's area includes such background as is not the same color as the building.

START OF CONSTRUCTION: Means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration or any wall, ceiling, floor, or other structural part of a building, or modification of any construction element, whether or not that alteration affects the external dimensions of the building.

STORAGE,WAREHOUSING and DISTRIBUTION: A business primarily engaged in the indoor or outdoor storage, wholesale, and/or distribution of products, goods, supplies and equipment.

STRUCTURE: anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground, excluding driveways, walkways, patios, and other paved surfaces and fences.

SUBDIVISION: the division of a tract or parcel of land into three or more lots within any five-year period which begins after September 22, 1971, whether accomplished by sale, lease, development, buildings, or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood marriage or adoption, unless the intent of such gift is to avoid the objectives of these regulations, or by transfer of any interest in land to the owner of the land abutting thereon, shall not be considered to create a lot or lots for the purposes of these regulations.

In determining whether a tract or parcel of land is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two lots and the next dividing of either of said first two lots, by whomever accomplished, unless otherwise exempted herein, shall

be considered to create the third lot, unless both such dividing's are accomplished by a sub divider who shall have retained one of such lots for his own use as a single-family residence for a period of at least five years prior to such second dividing.

For the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

TIMBER HARVESTING: the cutting and removal of trees from their growing site, and the attendant operation of mobile or portable chipping mills and saws and of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not including the construction or creation of land management roads.

TINY HOME: a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

(a) Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane, and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]
(b) Does not exceed 400 square feet in size; [PL2019, c. 650, §1 (NEW).]
(c) Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, , §1 (NEW).]
(d) Is a vehicle without motive power. [PL2019, c. 650, §1 (NEW).] "Tiny Home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.

TRADESMAN'S SHOP: the shop of self-employed craftsman or person in a skilled trade.

TRAVEL TRAILER: a vehicle or vehicular attachment designed for temporary sleeping or living quarters, which is not a dwelling and may include a pick-up camper, travel trailer, tent trailer or motor home and must be roadworthy.

UTILITY STRUCTURE: buildings which house or service utility services, including structures such as radio towers, transmitting stations, and satellite dishes serving more than a residential use on a single lot. Satellite dishes serving a residential use on a single lot shall be considered accessory to such use.

UTILITY SERVICES: power lines, telephone poles and lines, gas lines, water and sewerage systems, similar transmission and distribution systems, and road networks, except land management roads. The term does not include buildings which are necessary for the furnishing of such services. See the definitions of utility structures.

VARIANCE: a grant of permission by the Board of Appeals to relax the space and bulk standards or performance standards of this Ordinance. Any such grant shall strictly comply with the standards and procedures of Article VII of this Ordinance. A variance is not authorized for establishment or expansion of a use otherwise prohibited.

WETLAND: land which is associated with or linked to the drainage systems of streams, ponds, and lakes, and the soils of which are saturated, with the water table at or above surface level for most of the year.

YARD (OR GARAGE) SALE: a sale of used household goods, curios, and the like. Yard (or garage) sales, as distinguished from flea markets, shall be considered to be accessory uses under this Ordinance.

WAY: 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.

Driveway: a vehicular access-way less than five hundred (500) feet in length serving two lots or less.
Private Way: a way, other than a driveway, privately owned and maintained over which the owner may restrict use or passage and includes a discontinued way even if a public recreation easement has been reserved.
Public Way: a way, owned and maintained by the State, a county or a municipality, over which the general public has a right to pass.