2004

Town of West Paris, Maine, Selected Ordinances

West Paris (Me.)

FLOODPLAIN MANAGEMENT ORDINANCE

FOR THE

TOWN OF WEST PARIS, MAINE

ENACTED: MARCH 9, 1996
Date

CERTIFIED BY: Dian P. Stimson
Name Dian P. Stimson

Town Clerk
Title

Affix Seal

STATE OF MAINE
EXECUTIVE DEPARTMENT
STATE PLANNING OFFICE

ANGUS S. KING, JR.
GOVERNOR

EVAN D. RICHERT, AICP
DIRECTOR

March 27, 1996

Howard Gurney
Selectman
Town of West Paris
P.O. Box 247
West Paris, Maine 04289-0247

Re: Floodplain Management Ordinance

Dear Mr. Gurney:

I have completed the ordinance review checklist for the Floodplain Management Ordinance of the Town of West Paris and I find the ordinance to be compliant with the National Flood Insurance Program (NFIP). There are, however, a few items that need to be modified in the ordinance that was adopted. **These items reflect recent changes in our model ordinance and are not any fault of the community.** We are continually updating these ordinances and sometimes incorrect references get by us. They are as follows:

On page 2, Table of Contents, Article XIV. Abrogation is on page 20, not page 21.

On page 6, Article V.F. references paragraphs F, G, H, and K. (about half way down the paragraph). **K** should be deleted.

On page 7, Article VI.F.4. references Article VII.D. and should be changed to Article **VIII.**D.

On page 9, Article VI.I.1.c. should be amended to reference Article VI.H.**1.**a&b. The number "1" is currently missing.

On page 11, Article VII.A.1. references paragraphs F, G, H, or K. The reference to **K.** should be deleted.

These changes can be made by attaching an errata sheet to the inside cover of the ordinance and do not need to be formally changed.

I am forwarding a copy of the ordinance and the review checklist to the Federal Emergency Management Agency (FEMA) Regional office in Boston, and also one to the Androscoggin Valley Council of Governments.

38 State House Station, Augusta, Maine 04333 – *Offices Located at* 184 State Street
Telephone (207) 287-3261 / FAX (207) 287-6489

Statement of Purpose and Intent

Certain areas of the Town of West Paris, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of Federally subsidized flood damage insurance as authorized by the National Flood Insurance Act of 1968.

Therefore, the Town of West Paris, Maine has chosen to become a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in the attached Floodplain Management Ordinance.

It is the intent of the Town of West Paris, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

This body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to MRSA Title 30A, Sections 3001-3007, 4352 and 4401-4407.

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FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - ESTABLISHMENT

The Town of West Paris, Maine elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program, established in the aforesaid Act, provides the areas of the Town having a special flood hazard be identified by the Federal Emergency Management Agency (FEMA) and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of West Paris, Maine.

The areas of special flood hazard, Zones A, A1-30, AE, AO, and AH, identified by FEMA in a report entitled "Flood Insurance Study - Town of West Paris, Maine, Oxford County", dated June 3, 1988 with accompanying "Flood Insurance Rate Map" dated June 3, 1988 is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

Before any construction or other development (as defined in Article XIII), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article I, a Flood Hazard Development Permit shall be obtained from the Planning Board. This permit shall be in addition to any other building permits which may be required pursuant to the codes and ordinances of the Town of West Paris, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Planning Board and shall include:

A. The name and address of the applicant;

B. The address and a map indicating the location of the construction site;

C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

D. A statement of the intended use of the structure;

E. A statement as to the type of sewage system proposed;

F. Specification of dimensions of the proposed structure;

G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the :

1. base flood at the proposed site of all new or substantially improved structures, which is determined:

   a. in Zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - Town of West Paris, Maine", as described in Article I; or

   b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;

2. highest and lowest grades at the site adjacent to the walls of the proposed building;

3. lowest floor, including basement; and whether or not such structures contain a basement; and,

4. level, in the case of non-residential structures only, to which the structure will be floodproofed;

H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;

I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;

J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Articles III G. 4; VI. G; and other applicable standards in Article VI.

K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of $10.00 for a permit to fill with gravel and $25.00 for a permit for any building shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Planning Board and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision of the Planning Board may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonable safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have, or will be met;

B Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of West Paris, Maine", as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III. G. 1.b.; Article VI.J; and Article VIII.D, in order to administer Article VI of this Ordinance;

C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;

D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course;

F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article VI, paragraphs F,G,H and K. Following review of the application, which review shall take place within 72 hours of the receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,

G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

All developments in areas of special flood hazard shall meet the following applicable standards:

A. New construction or substantial improvement of any structure shall:

1. be designed or modified and adequately anchored to prevent floatation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. use construction materials that are resistant to flood damage;

3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.

F. New construction or substantial improvement of any residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth number is specified.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VII.D.

G. New construction or substantial improvement of any non-residential structure located within:

1. Zones A1- 30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:

   a. be floodproofed to at least one foot above the base flood level so that below the elevation the structure is watertight with walls substantially impermeable to passage of water;

   b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

   c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard

Development Permit, as required by Article III.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,

   b. at least three feet if no depth number is specified; or,

   c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI, paragraph G.1.

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

H. New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, or AH shall:

   a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,

   b. be securely anchored to an adequately anchored foundation system to resist floatation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

      (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side); or by,

      (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side).

(3) All components of the anchoring system described in Article VI.H.1 shall be capable of carrying a force of 4800 pounds.

2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.

3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:

   a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; and,

   b. at least three feet if no depth number is specified; or,

   c. meet the requirements of Article VI.H.1.(a)(b).

4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

I. Recreational Vehicles located within:

1. Zones A1-A30, AH, and AE shall either:

   a. Be on a site for fewer than 180 consecutive days,

   b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,

   c. Meet the permit requirements of elevation and anchoring requirements for "manufactured home" in Article VI.H.a & b.

J. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half- the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article VI, paragraph J.2.

K New Construction or substantial improvement of any structure in Zones A1-30, AE, AO, AH, and A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts", or crawlspaces less than three feet in height may be enclosed below the elevation requirements provided all the following criteria are met or exceeded:

1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,

2. Enclosed areas are not "basements" as defined in Article XIII; and,

3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

   a. be certified by a registered professional engineer or architect; or,

   b. meet or exceed the following minimum criteria:

      (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;

      (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,

      (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of

flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,

(4) The enclosed area shall not be used for human habitation; and,

(5) The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a Certificate of Compliance is issued by the Code Enforcement Officer subject to the following provisions:

A. The applicant shall submit an Elevation Certificate completed by:

1. a registered Maine surveyor for compliance with Article VI, paragraphs F, G, H, or K; and,

2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI G; and,

B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

C. The Code Enforcement Officer shall review the application within 10 working days of receipt of the application and shall issue a Certificate of Compliance, provided the building conforms with the provisions of this Ordinance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more acres, or in the case of manufactured home parks divided into two or more lots, assure that:

A. All such proposals are consistent with the need to minimize flood damage.

B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.

E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI of this ordinance and that such requirement will be included in any deed, lease, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of West Paris, Maine, may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Planning Board in the administration of the provisions of this Ordinance. The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

B. Variances shall be granted only upon:

1. a showing of good and sufficient cause; and,

2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and,

4. a determination that failure to grant the variance would result in "undue hardship", which in this sub-section means:

   a. that the land in question cannot yield a reasonable return unless a variance is granted; and,

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

c. that the granting of a variance will not alter the essential character or the locality; and,

d. that the hardship is not the result of action taken by the applicant or a prior owner.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

1. other criteria of Article IX and Article VI-J are met; and,

2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places, without regard to the procedures set forth in Article IX, paragraphs A through D.

F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

2. such construction below the base flood level increases risks to life and property; and,

3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

ARTICLE X - ENFORCEMENT AND PENALTIES

A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRSA 4452.

B. The penalties contained in 30A MRSA 4452 shall apply to any violation of this ordinance.

C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, or ordinance;

3. a statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,

5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

Unless specifically defined below, words and phrases used in this Ordinance shall have the same meaning as they have at common law and to give this Ordinance its most reasonable application. Words used in the present tense include the future, the singular number includes the plural, and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and not discretionary.

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

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

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

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

Basement - means any area of the building having its floor subgrade (below ground level) on all sides.

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

Building - see **Structure**

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

Code Enforcement Officer - any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.

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

Elevated Building - means a non-basement building:

(I) built, in the case of a building in Zones A1-30, AE, A, A99, AO, or AH, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts"; and,

(II) adequately anchored so as not to impair the structural integrity of the building during a flood or up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, AE, A, A99, AO, or AH, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls less than three feet in height with openings sufficient to facilitate the unimpeded movement of flood waters.

Elevation Certificate - An official form (FEMA Form 81-31, 05/93, as amended) that:

(I) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

(II) is required for purchasing flood insurance.

Flood or **Flooding** - means:

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

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature,

such as a flash flood or an abnormal surge, or by some similarly unusual and unforseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

Flood Elevation Study - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

Flood Insurance Study - see **Flood Elevation Study**

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

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

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

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

Floodway - see Regulatory Floodway

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

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

Functionally Dependent Use - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities,

port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Historic Structure - means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

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

   1) By an approved state program as determined by the Secretary of the Interior, or

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

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

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

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

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

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

New Construction - means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by the community and includes any subsequent improvements to such structures.

100-year Flood - see **Base Flood**

Recreational Vehicle - means a vehicle which is:

(a) built on a single chassis;

(b) 400 square feet or less when measured at the largest horizontal projection;

(c) designed to be self-propelled or permanently towable by a light duty truck; and

(d) designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

(I) means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and

(II) in riverine areas is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

Riverine - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Flood Hazard Area - see **Area of Special Flood Hazard**.

Start of Construction - means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the

pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; 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 of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure - means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.

Substantial Damage - means, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement - means any reconstruction, rehabilitation, addition ,or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

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

(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

Variance - means a grant of relief by a community from the terms of a floodplain management regulation.

Violation - means the failure of a structure or development to comply with a community's floodplain management regulations.

ARTICLE XIV - ABROGATION

This ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968(P.L. 90-488, as amended).

SHORELAND ZONING ORDINANCE

FOR THE

MUNICIPALITY OF WEST PARIS

TABLE OF CONTENTS

Shoreland Zoning Ordinance for the Municipality of WEST PARIS

Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority

This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over, or abutting a dock, wharf, or pier, or other structure extending beyond the normal high-water line of a water body or within a wetland. All reference to saltwater bodies or coastal is not applicable to this Ordinance.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on March 6, 2004, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on March 5, 1991 is hereby repealed.

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

Section 5. Availability

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

Section 6. Severability

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

Section 7. Conflicts with Other Ordinances

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

Section 8. Amendments

This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commission of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map

The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is made a part of this Ordinance.

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection District

B. Certification of Official Shoreland Zoning Map

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.

C. Changes to the Official Shoreland Zoning Map

If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries

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

Section 11. Land Use Requirements

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Non-conformance

A. Purpose

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

B. General

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

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

NOTE: See Section 17 for the definitions of non-conforming structures, non-conforming uses and non-conforming lots.

C. Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a) and (b) below.

   a. After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure.

   b. Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

      i. The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in subsection 2 Relocation, below;

      ii. The completed foundation does not extend beyond the exterior dimensions of the structure; and

      iii. The foundation does not cause the structure to be elevated by more than three (3) additional feet.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the

applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be re-constructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit, from the Planning Board.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

4. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding

the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

1. Expansions: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 12(C)(1)(a) above.

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

3. Change of Use: An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together,

provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced laws and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

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

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of subparagraph a. are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial or General Development Districts.

1. Areas within 250 feet, horizontal distance, of the upland edge of fresh-

water wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) as of January 1, 1973.

NOTE: The Natural Resources Protection Act, Title 38 Sections 480-A through 480-S, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat". Significant wildlife habitat includes:

Habitat for species appearing on the official state of federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife; critical spawning and nursery areas for Atlantic Sea run salmon as defined by the Atlantic Sea Run Salmon Commission; and shorebird nesting, feeding and staging areas and seabird nesting islands as defined by the Department of Inland Fisheries and Wildlife.

As these areas are mapped and development standards are established, municipalities should incorporate such areas and standards into their locally adopted ordinances.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in absence of these, by soil types identified as recent flood plain soils.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during normal spring high water.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

NOTE: Municipalities may also include the following other areas which have been recommended for protection in the comprehensive plan of the municipality such as:

a. Other important wildlife habitat;

b. Natural sites of significant scenic or esthetic value;

c. Areas designated by federal, state or municipal governments as natural areas of significance to be protected from development; and

d. Other significant areas which should be included in this district to fulfill the purposes of this Ordinance, such as, but not limited to, existing public access areas and certain significant archaeological and historic sites deserving of long-term protection as determined by the municipality after consultation with the Maine Historic Preservation Commission.

B. Limited Residential District

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the Limited Commercial District or the General Development District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development District

The General Development District includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating, or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers which flow to great ponds classified GPA.

NOTE: See definition of "great pond classified GP" in Section 17.

E. Stream Protection District

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the Official Shoreland Zoning Map.

Key to Table 1:

Yes: Allowed (no permit required but the use must comply with all applicable land use standards.)

No: Prohibited

PB: Requires permit issued by the Planning Board

CEO: Requires permit issued by the Code Enforcement Officer

LPI: Requires permit issued by the Local Plumbing Inspector

Abbreviations:

RP: Resource Protection

LR: Limited Residential

GD: General Development

SP: Stream Protection

LC: Limited Commercial

The following notes are applicable to the Land Uses Table on the following page:

NOTE: The term "functionally water-dependent use" as defined, includes a very diverse group of uses ranging from large, industrial facilities that use water for cooling, and public shorefront parks. Communities are encouraged to define the functionally water-dependent uses which are to be permitted and which are prohibited, based on considerations of prevailing existing uses, desired future uses, available support facilities, site suitability and compatibility with adjacent uses. A municipality can narrow the range of permitted uses by precluding certain functionally water-dependent uses, or by adopting conditional uses for certain functionally water-dependent uses that it determines would only be compatible with its plan for the waterfront under certain conditions.

TABLE 1. LAND USES IN THE SHORELAND ZONE

	LAND USES	DISTRICT					
		SP	RP	LR	LC	GD	CFMA
1.	Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes	yes	yes	yes
2.	Motorized vehicular traffic on existing roads and trails	yes	yes	yes	yes	yes	yes
~~3.~~	~~Forest management activities except for timber harvesting~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~ } repealed
~~4.~~	~~Timber harvesting~~	~~yes~~	~~CEO~~	~~yes~~	~~yes~~	~~yes~~	~~yes~~
5.	Clearing of vegetation for approved construction and other allowed uses	CEO	CEO 1	yes	yes	yes	yes
6.	Fire prevention activities	yes	yes	yes	yes	yes	yes
7.	Wildlife management practices	yes	yes	yes	yes	yes	yes
8.	Soil and Water conservation practices	yes	yes	yes	yes	yes	yes
9.	Mineral exploration	no	yes 2	yes 2	yes 2	yes 2	yes 2
10.	Mineral extraction including sand and gravel extraction	no	PB 3	PB	PB	PB	PB
11.	Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12.	Emergency Operations	yes	yes	yes	yes	yes	yes
13.	Agriculture	yes	PB	yes	yes	yes	yes
14.	Aquaculture	PB	PB	PB	yes	yes	yes
15.	Principal structures and uses						
	A. One and two family residential	PB 4	PB 9	PB	PB	PB	no
	B. Multi-unit residential	no	no	PB	PB	PB	no
	C. Commercial	no	no	no	PB	PB	PB 5
	D. Industrial	no	no	no	no	PB	PB 5
	E. Governmental and Institutional	no	no	no	PB	PB	PB 5
	F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB 4	PB	PB	PB	PB	PB 5
16.	Structures accessory to allowed uses	PB 4	PB	PB	PB	PB	yes
17.	Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
	a. Temporary	CEO	CEO	CEO	CEO	CEO	CEO
	b. Permanent	PB	PB	PB	PB	PB	PB 5
18.	Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI	no
19.	Home occupations	PB	no	PB	PB	yes	yes
20.	Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI	LPI
21.	Essential services	PB 6	PB 6	PB	PB	PB	PB
22.	Service drops, as defined, to allowed uses	yes	yes	yes	yes	yes	yes
23.	Public and private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO	CEO5
24.	Individual, private campsites	CEO	CEO	CEO	CEO	CEO	CEO
25.	Campgrounds	no	no7	PB	PB	PB	no
26.	Road & driveway construction	PB	no8	PB	PB	PB	PB 5
27.	Parking facilities	no	no7	PB	PB	PB	PB 5
28.	Marinas	PB	no	PB	PB	PB	PB
29.	Filling and earth moving of <10 cubic yards	CEO	CEO	yes	yes	yes	yes
30.	Filling and earth moving of >10 cubic yards	PB	PB	CEO	CEO	CEO	CEO
31.	Signs	yes	yes	yes	yes	yes	yes
32.	Uses similar to allowed uses	PB	PB	PB	PB	PB	PB
33.	Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO	CEO
34.	Uses similar to uses requiring a PB permit	PB	PB	PB	PB	PB	PB

1In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.
2Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3In RP not permitted in areas so designated because of wildlife value.
4Provided that a variance from the setback requirement is obtained from the Board of Appeals.
5Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
6See further restrictions in Section 15(L)(2) on page 22.
7Except when area is zones for resource protection due to flood plain criteria in which case a permit is required from the PB.
8Except to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case a permit is required from the PB.
9Single family residential structures may be allowed by special exception only according to the provisions of Section 16E, Special Exceptions. Two-family residential structures are prohibited.

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection, pursuant to Title 38 M.R.S.A., Section 480-C, if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them:

A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;

B. Draining or otherwise dewatering; or

C. Any construction or alteration of any permanent structure.

Section 15. Land Use Standards

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

A. Minimum Lot Standards

		Minimum lot area (sq. ft.)	Minimum Shore Frontage (ft.)	Minimum Road Frontage (ft.)
1.				
a.	Residential per dwelling unit	40,000	200	125
b.	Governmental, Institutional, Commercial or Industrial Per Principal Structure	60,000	300	125
c.	Public and Private Recreational Facilities	40,000	200	125

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after Sept. 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

5. If more than one residential dwelling unit, or more than one principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.

NOTE: Municipalities may include provisions for clustered housing within the shoreland zone provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet.

In addition:

a. The water body or wetland setback provision shall neither apply to structures which require direct access to the water as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.

b. All principal structures along Significant River Segments as listed in Title 38 M.R.S.A., Section 437, shall be set back a minimum of one hundred and twenty-five (125) feet from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.

NOTE: The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this ordinance. Instances were a greater setback may be appropriate include, but not be limited to: areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

3. The first floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

4. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers which do not flow to great ponds classified GPA, where lot coverage shall not exceed seventy (70) percent.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protections pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water Body or Within a Wetland

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

2. The location shall not interfere with existing developed or natural beach areas.

3. The facility shall be located so as to minimize adverse effects on fisheries.

4. The facility shall be no larger in dimension than necessary to carry on the

activity and be consistent with existing conditions, use, and character of the area.

5. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

7. Except in the General Development District structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

NOTE: Permanent structures projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C.

D. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual-Private Campsites

Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of the Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

1. Auto washing facilities
2. Auto or other vehicle service and/or repair operations, including body shops
3. Chemical and bacteriological laboratories
4. Storage or chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
5. Commercial painting, wood preserving, and furniture stripping
6. Dry cleaning establishments
7. Electronic circuit assembly
8. Laundromats, unless connected to a sanitary sewer
9. Metal plating, finishing, or polishing
10. Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
11. Photographic processing
12. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development District may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking facilities, the following shall apply:

   a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

   b. Internal travel aisles: Approximately twenty (20) feet wide.

H. Roads and Driveways

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

1. Roads and driveways shall be set back at least one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/pr driveway setback requirement to no less than fifty (50) feet upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

   On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet for each five (5) percent increase in slope above twenty (20) percent.

   This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity.

2. Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body.

3. New permanent roads are not permitted within the shoreland zone along Significant River Segments except:

   a. To provide access to structures or facilities within the zone; or

   b. The applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

4. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

5. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection Q.

6. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

7. In order to prevent road surface drainage from directly entering water bodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

8. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

Road Grade (percent)	Spacing (feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21+	40

b. Drainage dips may be used in place of ditch relief culverts only where the road grade is ten (10) percent or less.

c. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

9. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

I. Signs

The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:

1. Signs and billboards relating to goods and services sold on the premises shall be permitted, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Billboards and signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs shall be permitted, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

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

6. No sign shall extend higher than twenty (20) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

K. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules).

   NOTE: The Rules, among other requirements, include:

   a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

   b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

L. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

M. Mineral Exploration and Extraction

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of paragraph 4 below.

2. Unless authorized pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A., Section 480-C no part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet of any property line, without written permission of the owner of such adjacent property.

3. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

4. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100 cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

   a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

      NOTE: The State of Maine Solid Waste Laws, Title 38, Maine Revised Statutes Annotated, Section 1310 and Chapter 404 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

   b. The final graded slope shall be two to one (2:1) slope or flatter.

   c. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

5. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

N. Agriculture

1. All spreading or disposal of manure shall be accomplished in conformance with the Maine Guidelines for Manure and Manure Sludge Disposal on Land published by the University of Maine Soil and Water Conservation Commission in July, 1972.

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

3. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading disposal or storage of manure within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

   NOTE: Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.

4. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies, nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5. After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified

GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

O. Timber Harvesting

1. In a shoreland area zoned for Resource Protection abutting a great pond, timber harvesting shall be limited to the following:

   a. Within the strip of land extending 75 feet inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

      repealed 3/7/2009

      1. The ground is frozen;
      2. There is no resultant soil disturbance;
      3. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
      4. There is no cutting of trees less and 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 1/2 feet above ground level, are cut in any 10-year period, and a well-distributed stand of trees and other natural vegetation remains; and
      5. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

   b. Beyond the 75 foot strip referred to in paragraph a. above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 1/2 inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

2. Except in areas as described in Paragraph 1 above, timber harvesting shall conform with the following provisions:

   a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

i. Within one hundred (100) feet, horizontal distance of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

ii. At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five thousand (5,000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

Repealed 3/7/2009

b. Timber harvesting operations exceeding the 40% limitation in paragraph a. above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

c. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.

d. Timber harvesting equipment shall not use stream channels as travel routes.

e. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

repealed 3/7/2009

f. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

g. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty-five (25) feet from the normal high-water line of a water body or upland edge of a wetland.

P. Clearing of Vegetation for Development

1. Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

   Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Paragraph 1, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond classified GPA, or stream or river flowing to a great pond classified GPA, the width of the foot path shall be limited to six (6) feet.

b. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet Above Ground Level (inches)	Points
2 - 4	1
> 4 - 12	2
>12	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 25-foot plot contains three (3) trees between 2 and 4 inches in diameter, three trees between 4 and 12 inches in diameter, and three trees over 12 inches in diameter, the rating score is:

$$(3x1) + (3x2) + (3x4) = 21 \text{ points}$$

Thus, the 25-foot by 25-foot plot contains trees worth 21 points. Trees totaling 9 points (21 - 12 =9) may be removed provided that no cleared openings are created.

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, adjacent to great ponds classified GPA, and streams and rivers which flow to great ponds classified GPA, existing vegetation under three (3) feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in paragraphs 2 and 2a. above.

d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead tress results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

The provisions contained in paragraph 2 above shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, 25% of the lot area or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development.

4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. This plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

   a. Mulching and re-vegetation of disturbed soil.

   b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

   c. Permanent stabilization structures such as retaining walls or riprap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided where-ever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

   a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

   b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

R. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

S. Water Quality

No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.

T. Archaeological Site

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

NOTE: Municipal officials should contact the Maine Historic Preservation Commission for the listing and location of Historic Places in their community.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer: A Code Enforcement Officer shall be appointed or reappointed annually by July lst.

2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of Title 30-A Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

A permit is not required for the replacement of an existing road culvert as long as:

1. The replacement culvert is not more than 25% longer than the culvert being replaced;

2. The replacement culvert is not longer than 75 feet; and

3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the water course.

C. Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is

not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.

3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid septic permit or a completed application for a septic permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a sub-surface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of the date of receiving written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve and application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland waters;

6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

E. Special Exceptions

In addition to the criteria specified in Section 16.D. above, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

3. The proposed location of all buildings, sewage disposal systems and other improvements are:

   a. Located on natural ground slopes of less than 20%, and

   b. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

   If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.

4. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet.

5. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the floodplain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within one year of the date of the permit, the permit shall lapse and become void.

G. Installation of Public Utility Service

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance, has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

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

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

2. Variance Appeals

Variances may be permitted only under the following conditions:

a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

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

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

(1) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought, and

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

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

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

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

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

d. The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the property"

shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

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

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

3. Appeal Procedure

a. Making an Appeal

(1) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

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

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

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

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

(4) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

b. Decision of Board of Appeals

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

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

(3) The person filing the appeal shall have the burden of proof.

(4) The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

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

4. Appeal to Superior Court

Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.

5. Reconsideration

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

I. Enforcement

1. Nuisances

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Code Enforcement Officer

a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal struc-

ture or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A, Maine Revised Statutes Annotated, Subsection 4452.

NOTE: Current penalties include fines of not less than $100 nor more than $2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to $5000.

Section 17. Definitions

Accessory structure or use: a use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof or a common wall is considered part of the principal structure.

Agriculture: the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities.

Aggrieved party: an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Aquaculture: the growing or propagation of harvestable freshwater or estuarine plant or animal species.

Basal Area: the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

Basement: any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

Boat Launching Facility: a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Campground: any area or tract of land to accommodate two (2) or more parties in temporary living quarters, including, but not limited to tents, recreational vehicles or other shelters.

Commercial use: the use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/ or dwelling units.

Dimensional requirements: numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

Disability: any disbility, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

Driveway: a vehicular access-way less than five hundred (500) feet in length serving two lots or less.

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

Essential services: gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems, and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

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

Family: one or more persons occupying a premises and living as a single housekeeping unit.

Floodway: the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

Floor area: the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

repealed 3/7/2009

~~Forest management activities: timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.~~

Forested wetland: a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

Foundation: the supporting substructure of a building or other structure including but not limited to basements, slabs, sills, posts or frostwalls.

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

1. Of 10 or more contiguous acres; or less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

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

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

Functionally water-dependent uses: those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, inland waters and that can not be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, excluding recreational boat storage buildings, waterfront dock facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses requiring large volumes of cooling or processing water that can not

reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

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

Great pond classified GPA: any great pond classified GPA, pursuant to Title 38 Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

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

Home occupation: and occupation or profession which is customarily conducted on or in a residential structure or property and which is:

1. clearly incidental to and compatible with the residential use of the property and surrounding residential uses, and

2. which employs no more than two (2) persons other than family members residing in the home.

Increase in non-conformity of a structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the non-conformity such as, but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of non-conformance of the existing structure shall not be considered to increase non-conformity. For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

Industrial: the assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

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

Marina: a business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and equipment, boat and tackle shops and marine fuel service facilities.

Market value: the estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

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

Mineral extraction: any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loan, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

Minimum lot width: the closest distance between the side lot lines of a lot.

Multi-unit residential: a residential structure containing three (3) or more residential dwelling units.

Non-conforming lot: a single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Non-conforming structure: a structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-conforming use: use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Normal high-water line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

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

Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Principal structure: a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

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

Public facility: any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent flood plain soils: the following soil series as described and identified by the National Cooperative Soil Survey:

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

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

Recreational vehicle: a vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be

considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement system: a system intended to replace:

1. an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or

2. any existing overboard wastewater discharge.

~~Residual basal area: the sum of the basal area of trees remaining on a harvested site.~~ repealed 3/7/2009

Residential dwelling unit: a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family. The term shall include mobile homes, but not recreational vehicles.

Riprap: rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River: a free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

Road: a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

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

1. In the case of electric service

   a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

   b. the total length of the extension is less than one thousand (1,000) feet.

2. In the case of telephone service

   a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: the nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Shore frontage: the length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Shoreland zone: the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

Significant River Segments: See Title 38 M.R.S.A. Sec. 437.

Stream: a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the shoreland area.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

Substantial start: completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system: a collection of treatment tank(s), disposal area(s), holding tank(s) and ponds(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater discharge system licensed under 38 MRSA Section 414, any surface wastewater disposal system licensed under 38 MRSA Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 MRSA Chapter 13, subchapter 1.

Sustained slope: a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Timber harvesting: the cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding machinery but not the construction or creation of roads. Timber harvesting does not include the clearing of land for approved construction.

Tributary stream: a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

Upland edge: the boundary between upland and wetland.

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

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

Water body: any great pond, river or stream.

Water crossing: any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings.

Wetland: a freshwater wetland.

Wetlands associated with great ponds and rivers: wetlands contiguous with or adjacent to a great pond or river, and which during normal high-water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high-water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

SUBDIVISION ORDINANCE

for

the Town of

WEST PARIS, MAINE

1989

Adopted As Read, THE ENCLOSED FORM,
BY THE VOTE OF THE REGISTERED VOTERS,
AT THE ANNUAL TOWN MEETING ON MARCH 7,
1989 AT THE WEST PARIS FIRE STATION.

Dian P. Stimson
DIAN P. STIMSON
TOWN CLERK

A TRUE COPY ATTEST:
Dian P. Stimson
Town Clerk
Town of West Paris
February 24, 1989

SUBDIVISION ORDINANCE FOR THE TOWN OF WEST PARIS, MAINE

Index

Index (continued)

SUBDIVISION ORDINANCE FOR THE TOWN OF WEST PARIS, MAINE

Section I. Purpose

The purpose of this Ordinance shall be to assure the comfort, health, safety, and general welfare of the people, to protect the environment, maintain character and to provide for the orderly development of a sound and stable community in a manner consistent with the Comprehensive Plan. This Ordinance also has the purpose of providing uniform procedures and standards for observance by the Planning Board, other officers of the Town and developers in regulating subdivisions in the Town of West Paris.

Section II. Authority and Administration

A. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers and consistent with Title 30, M.R.S.A., Sections 2151A and 4956, and as hereafter amended.

2. This Ordinance shall be known and cited as the "Subdivision Ordinance for the Town of West Paris, Maine".

3. Upon adoption of this Ordinance, all previous Subdivision Regulations or Ordinances shall be repealed.

B. Administration

1. The Planning Board, hereafter known as the Board for the Town of West Paris, shall administer this Ordinance.

2. The provisions of this Ordinance shall apply to all of the land area of all proposed subdivisions, as defined,as well as the expansion of all previously approved subdivisions, as defined, located in the Town of West Paris. The provisions of this Ordinance shall not apply to all subdivisions approved prior to the adoption of this Ordinance.

3. No person, firm, corporation or other legal entity may sell, lease, develop, build upon or convey for consideration, offer or agree to sell, lease, develop, build upon or convey for consideration any land in a subdivision which has not received Board approval and which has not been recorded in the Registry of Deeds and with the Town Clerk of West Paris. No public utility, water district, sanitary district or any utility company of any kind shall install services to any lot in a subdivision which has not received Board approval and which has not been recorded in the Registry of Deeds and with the Town Clerk of West Paris.. A Subdivision Plan recorded without Board approval shall be void. Any person who violates any provision of this Ordinance shall be fined a minimum of one hundred dollars ($100) and a maximum of Two Thousand Five Hundred dollars ($2,500) for each violation. Each day constitutes a separate violation.

4. Initiation of Development within Two Years
If construction of the public improvements are not begun within two years from the approval date, the approval shall lapse and the applicant shall reapply to the Board for a new approval. Reapplication for approval shall state the reasons why construction was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of a new approval, if granted. In addition, approval shall lapse on any approved subdivision plan that has not been filed with the Registry of Deeds within thirty (30) days of approval. Reapplication for approval may include information submitted in the initial application by reference.

5. All requirements of this Ordinance on approved and registered subdivisions shall be binding regardless of transfer of ownership.

Section III. Definitions

A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.

B. Dwelling Unit - "Dwelling unit" means any part of a structure which through sale or lease, is intended for human habitation.

C. Expansion (of a previously approved subdivision) - Expansion means the addition of lots, structures or units to a previously approved subdivision or the addition of land area to a previously approved subdivision.

D. Land Not Suitable for Development

1. Land which, because of existing land uses or lack of access, is isolated and unavailable for building purposes or for use.

2. Land shown to be in a floodway or as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.

3. Land which is unsuitable for development in its natural state due to topographical, drainage, or subsoil conditions such as but not limited to:

a. slopes greater than thirty-three percent (33%)
b. organic soils
c. wetland soils
d. poorly drained soils, as determined by Oxford County Soil and Water Conservation District
e. land subject to rights of way

D3. (continued)
f. land located in the Resource Protection District
g. land covered by surface waters
h. land located on filled or drained Great Ponds.

E. Unit - Unit shall mean either a "dwelling unit", or a portion of a structure segregated (separated) from other parts of the structure by floor to ceiling walls and containing a use operated by or identified as a single entity, or a lot or portion thereof identified by a specific use or improvements.

Section IV. Procedures for Review of Subdivision Applications

A. Preliminary Subdivision Application

1. Submission of Preliminary Subdivision Application
Preliminary Subdivision Applications shall be submitted at a regularly scheduled Board meeting to the Chairman of the Board who shall issue to the applicant a dated receipt. Upon receiving a Preliminary Subdivision Application, the Board shall notify all abutters. Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the Preliminary Subdivision Application is complete or, if the Application is incomplete, the specific additional information needed to make a complete Preliminary Subdivision Application. The applicant assumes all responsibility as to its completeness. Upon Board determination that the application is complete, the Chairman of the Board will issue to the applicant a dated receipt.

2. Public Hearing
In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Preliminary Subdivision Application has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider, all property owners within one thousand (1,000) feet of the boundaries of the subdivision and published in a newspaper of general circulation in the Town of West Paris at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 A, B, C, D, E.

3. Board Decision on the Preliminary Subdivision Plan
The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue a registered letter denying or granting approval of the proposed Preliminary Subdivision Plan or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in

3. (continued)
Title 30, M.R.S.A., Section 4956, and to preserve the public's health, safety, and general welfare.
In all instances, the burden of proof shall be upon the subdivider.
In issuing its decision, the Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet provisions of this Ordinance and Title 30, M.R.S.A., Section 4956.
Approval of the Preliminary Subdivision Plan and Application in no way commits or binds the Board to approve the Final Subdivision Plan and Application.

4. Application Fees
The following fee(s) shall be paid prior to the submission of any Preliminary Subdivision Plan:

a. Review fee, Twenty Five dollars ($25.00) per lot (or unit for multiplex development)

b. Review escrow account, One Hundred dollars ($100) per lot (or unit for multiplex development) deposited in an escrow account established by the Town, which monies may be used by the Board to pay for professional reviews and advice related to the developer's application, as it deems necessary. The Board shall provide the applicant with notice of its intent to spend any portion of this account which notice shall specify the purpose for the proposed expenditures. Those monies deposited by the developer and not spent by the Board in the course of its review shall be returned to the developer within thirty (30) days after the Board renders its final decision on the application.

B. Final Subdivision Application

1. Submission of Final Subdivision Application
The applicant shall submit the original and four (4) copies of the Final Plan to the Board at a regularly scheduled Board meeting, within one (1) year from the date of approval of the Preliminary Plan. The Chairman of the Board shall issue a dated receipt to the applicant. The Final Plan shall be drawn in ink on linen or polyester film suitable for recording in the Oxford County Registry of Deeds. The Final Plan shall include all the information requested in Section IV.C.3., and will also include all changes recommended by the Board in their approval of the Preliminary Plan. There shall be no other substantial changes between the Preliminary Plan and the Final Plan. Within thirty (30) days from the date of receipt of the Final Subdivision Application, the Board shall notify the applicant in writing either that the Final Subdivision Application is complete or, if the Application is incomplete, the specific additional information needed to make a complete Final Subdivision Application. The applicant assumes all responsibility as to its completeness. Upon Board determination that the Final Subdivision application is complete, a dated receipt will be issued to the applicant.

2. Public Hearing
In the event that the Board determines to hold a public hearing on the proposed subdivision, it shall hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete Final Subdivision Plan Application has been received and shall cause notice of the date, time and place of such hearing to be given to the subdivider all property owners within one thousand (1,000) feet of the boundaries of the proposed subdivision and published in a newspaper of general circulation in the Town of West Paris at least two (2) times; the date of the first publication shall be at least seven (7) days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Board may consider the size and type of subdivision, the community impact, and whether any written requests for such a hearing have been received. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 A, B, C, D, E.

3. Board Decision on the Final Subdivision Plan
The Board shall, within thirty (30) days of a public hearing,or within sixty (60) days of having received a complete application, if no hearing is held, or within such other time limit as may be mutually agreed to, issue a registered letter denying or granting approval of the proposed Final Subdivision Plan, or granting approval on such terms and conditions as it may deem advisable to satisfy the criteria contained in this Ordinance and in Title 30, M.R.S.A., Section 4956, and to preserve the public's health, safety, and general welfare.
In all instances, the burden of proof shall be upon the subdivider. In issuing its decision, the Board shall make a written finding of fact establishing that the proposed subdivision does or does not meet the provisions of this Ordinance and Title 30, M.R.S.A., Section 4956.
Approval of the Preliminary Plan and Application in no way commits or binds the Board to approve the Final Plan.

4. Upon approval of the Subdivision Plan, a majority of the Board shall sign all four (4) copies of the Subdivision Plan. The original shall be filed by the subdivider with the Oxford County Registry of Deeds within thirty (30) days or the Subdivision Plan shall become void. One (1) copy shall be retained by the subdivider, one (1) copy shall be retained by the Board, and one (1) copy shall be filed with the Selectmen. The Board shall maintain a permanent record of their action on the Subdivision Plan.

C. The Subdivision Application
The Subdivision Application shall consist of an application form and subdivision plan.
Items marked with an "X" shall be required in all instances.
Items not marked with an "X" may be required.
The application form shall be furnished by the Board and shall include the following information.

1. Information on the Applicant

X 1. Name and address of Owner
X 2. Name and address of Applicant (if other than owner)
X 3. If Applicant is a corporation, state whether the corporation is licensed to do business in Maine, and attach copy of Secretary of State's Registration
X 4. Name and address of Applicant's authorized representative
X 5. Name, address and number of Registered Professional Engineer, Land Surveyor, or Planner who prepared the plan
X 6. Address to which all correspondence from the Board should be sent
X 7. What interest does the applicant have in the parcel to be subdivided (option,land purchase contract, record ownership,etc.)?
X 8. What interest does the applicant have in any property abutting the parcel to be subdivided?
X 9. State whether the subdivision covers the entire or contiguous holdings of the applicant or not.
X 10. Proposed method of Performance Guarantee
X 11. Application fee
X 12. Statement of Financial capability
- 13. Statement of Technical capability

2. Information Relating to the Property Being Subdivided

X 1. Location of property: Book and page (from Register of Deeds)
X 2. Copy of the Property Deed (from Register of Deeds)
X 3. Location of property: Map and lot (from Assessor's Office)
- 4. Map survey of tract to be subdivided, certified by a Registered Land Surveyor, tied to established reference points (attached to application form)
X 5. Current zoning of property
X 6. Existing waterbodies
X 7. Existing Public and private rights of way and easements
X 8. Acreage of parcel to be subdivided
X 9. A soils report prepared by a Licensed Site Evaluator, identifying soil types and location of soil test areas. Based on soil test results, certain modifications of the subdivision may be required (attached copy of soils report to application). There shall be at least one (1) soil test performed on each lot.
X 10. Names of property owners abutting the parcel to be subdivided and on the opposite side of any road from the parcel to be subdivided (show on plat)
- 11. Indicate the nature of any restrictive covenants to be placed on the deeds
- 12. Traffic Impact analysis
- 13. Hydrologic assessment
- 14. Statement of water supply suitability from a well driller, or a hydrogeologist, or the West Paris Water District
- 15. Necessary State and/or Federal Permits and date of application (please list)
X 16. Any requests for waivers or variances must be in written form

3. Information on the Subdivision Plan

Preliminary	Final		
X	X	1.	Proposed name of subdivision
X	X	2.	Lot numbers
X	X	3.	Date, north point, graphic map scale (show on plat)
X	X	4.	Proposed lot lines with approximate dimensions
X	X	5.	Suggested locations of buildings, subsurface sewage disposal systems, and wells (show on plat)
X	X	6.	Location of permanent or temporary markers adequately located to enable the Board to locate lots readily and appraise the basic lot layout in the field (show on plat)
X	X	7.	Location of all parcels to be dedicated to public use, the conditions of such dedication, and the location of all natural features or site elements to be preserved (show on plat)
	-	8.	Proposed Association Bylaws including roadways (where applicable)
X	X	9.	A location map, consisting of a U.S.G.S. Topographical Map, showing the relation of the proposed subdivision to adjacent properties and to the general surrounding area. The location map shall show all the area within Two Thousand (2,000) feet of any property line of the proposed subdivision (attach to plan).
X	X	10.	Location and size of existing buildings, watercourses, and other essential existing physical features (show on plat)
X	X	11.	Location and size of any existing sewers, water mains, culverts and drains (show on plat)
	-	12.	Location, names and widths of any existing and proposed streets, highways, easements, building lines, rights of way, parks and other public open spaces; and lengths of all straight lines, the deflection of angles, radii length of curves, and central angles of all curves, and tangent distances and bearings of all streets or other proposed public ways proposed by the subdivider (show on plat)
	-	13.	Statement which indicates how a privately owned road is to be maintained
	-	14.	Statement which states who owns all privately owned roads
	-	15.	Contour lines at intervals of either five (5), ten (10) or twenty (20) feet in elevation, as specified by the Board
	-	16.	Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities (attach to plan)
	-	17.	A soil erosion and sediment control plan for construction and for permanent control (attach to plan)
	-	18.	Suitable space to record on the approved plat plan the date and conditions of approval, if any. This space shall be similar to the following example:

Approved Town of West Paris _____ Planning Board
Signed _____ Chairman
_____ (space for all
Date _____ members to sign)
Conditions _____

C3. (continued)

- 19. Any other information on the parcel to be subdivided

4. Accompanying Documents

a. Certification to the Board of financial capability or bonding to ensure completion of the project.

b. Statement from the Fire Chief as to the availability of fire hydrants and/or fire ponds

c. Statement from the Sewer and/or Water District or company that they will permit connection into the water district system

d. Other information not indicated above, as specified by the Board on the application

Section V. General Requirements

A. Buffer Strip - The Board may require a buffer strip, such as natural vegetation when the proposed subdivision will be located adjacent to a use where separation is desirable.

B. Basement Drainage - If lots are being created to accommodate structures with basements,the subdivider can be required to show that the basement can be drained by gravity to the ground surface.

C. Conformance with other Laws, Regulations - The proposed subdivision shall be in conformance with all pertinent Local, State and Federal ordinances, statutes, laws, and regulations. If the proposed subdivision must be reviewed by any state agency in accordance with the Site Location Act, Title 38 M.R.S.A. 481 et seq or any other applicable State law, the subdivider must secure approval of the Board of Environmental Protection or appropriate agency and the Town Planning Board.

D. Construction Prohibited - No utility installations, no ditching, grading, or construction of roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until the subdivision application has been prepared, submitted, reviewed, approved, and endorsed as provided for by this Ordinance, nor until an attested copy of the plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds. Plans for road construction, grading and ditching should be reviewed by the Road Commissioner for his recommendations prior to Board approval.

E. Ditches, Catch Basins - The Board may require the installation of ditches, catch basins, piping systems, and other appurtenances for the conveyance, control, or disposal of surface waters.

F. Easements - The Board may require easements for sewerage, drainage, or other utilities.

G. Sediment and Erosion Control Plan - The Board may require the applicant to develop a sediment and erosion control plan in compliance with the standards of the Oxford County Soil and Water Conservation District.

H. Guidelines for Reviewing Subdivisions in Subdivision Law - In reviewing any proposed subdivision, the Board shall consider the criteria set forth in the Guidelines contained in the Subdivision Law, Title 30, M.R.S.A., Section 4956, as amended, which are included as an appendix of this Ordinance, and before granting approval shall determine that they have been or will be met. The burden of proof shall be upon the applicant.

I. Lots and Density

1. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

2. Where individual, on-site sewage disposal systems are to be utilized, the size of each lot shall conform to the "Town of West Paris Minimum Lot Size Ordinance" or shall be based upon soil characteristics and conform to A Guide for Minimum Lot Size Determination contained in Appendix F of the State of Maine "Subsurface Wastewater Disposal Rules", Part II as amended, whichever is largest.

3. For Cluster developments, overall net density shall not be greater than the density that would result from the creation of individual, non-cluster lots. Such densities shall be calculated by dividing the total developable acreage within the subdivision (including open spaces or common recreational areas) by the number of proposed units. Developable acreage shall be determined by subtracting "Land Not Suitable for Development", as defined in Section III.B. of this Ordinance, from the total acreage of the subdivision.

4. The lot size, for multiple unit housing, when disposal of wastes by subsurface waste disposal is used, shall be in the same proportion as for single family residential units. For purposes of computing such proportions, the amount of sewage generated by and the waste disposal requirement of such land uses shall be:

   a. single family residential unit, three hundred (300) gallons per day;

   b. multiple unit housing, one hundred-twenty (120) gallons per bedroom per day.

J. Driveway Entrances - Subdivisions with lots fronting on existing arterial and collector streets shall minimize the number of driveways entering such streets. The Board shall require access streets or other acceptable techniques to minimize the number of driveway entrances upon such streets.

K. Sidewalks - The Board shall have the authority to designate whether sidewalks shall be required.

L. Utilities - All utilities shall be installed underground unless specifically waived by the Board.

M. Dead-end or Cul-de-sac Streets - Dead-end or Cul-de-sac streets shall be provided at the closed end with a turn-around having a property line radius of at least sixty (60) feet with an outside pavement radius of at least forty (40) feet. The Board has the right to require an easement to extend the road beyond the Cul-de-sac.

N. Land not Suitable for Development - The Board shall in no instance approve such portions of any proposed subdivision that are located on "Land Not Suitable for Development" as defined in Section III.B. of this Ordinance.

O. Open Space Provisions - The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees,the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas.

P. Performance Bond

1. The Board may require that the subdivider file with the Board a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Treasurer of the Town of West Paris and issued by a financial institution acceptable to the Town of West Paris, or a performance bond running to the Town of West Paris and issued by a surety company acceptable to the Town of West Paris. The conditions and amount of such certified check or performance bond shall be determined by the Planning Board of the Town of West Paris with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connecting, and completing all of the street grading, paving, storm drainage and utilities or other improvements specified on the plan within two (2) years of the date of the certified check or performance bond.

2. The Board may recommend a maximum extension of twelve (12) months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Board of Selectmen for official action.

3. Before a subdivider may be released from any obligation requiring his/her guarantee of performance, the Board will require certification from the various municipal officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, (State, Federal and Local codes, ordinances, laws and regulations).

4. The Board may, at its discretion, waive the requirement of a performance bond and recommend a properly executed conditional agreement with the Town of West Paris. Such agreement, if executed with the Town of West Paris shall be endorsed in writing on the plan and shall provide that the Board

4. (continued)
may approve the subdivision or any part thereof, on the condition that no lot in the subdivision may be sold and that there can be no construction of any building on any lot on any street in the subdivision until it shall have been certified in the manner set forth in paragraph three above that all improvements have been made within two (2) years of the date of executing such conditional agreement.

O. Plan Revisions After Approval - No changes, erasures, modifications, or revisions shall be made in any subdivision plan after approval has been given by the Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Board approves any modifications.
In the event that the subdivision plan is recorded without complying with this requirement, the plan shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Selectmen and the Registry of Deeds.

Section VI. Roads

A. Street Design and Construction - The design and construction of all subdivision streets and roads shall be in accordance with the Town's road ordinance or with the requirements of this Subdivision Ordinance whichever has the higher standard.

B. Classification of Streets

1. In all new subdivisions, streets that are to be dedicated to public use shall be classified as provided in Subsection 2.

   a. The classification shall be based upon the projected volume of traffic to be carried by the street, stated in terms of the number of trips per day.

   b. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive.

   c. Whenever a subdivision street continues an existing street that formerly terminated outside the subdivision or it is expected that a subdivision street will be continued beyond the subdivision at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

2. The classification of streets shall be as follows.

   a. Street - Private ways, which serve three or more units, and public ways, such as alleys, avenues, boulevards, highways, and roads.

   b. Privately Owned - A street which is not intended to be dedicated as a Town way.

   c. Driveway - A privately owned way which serves no more than two units.

d. Minor - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve not more than ten (10) dwelling units and is expected to or does handle up to seventy-five (75) trips per day.

e. Local - A street whose sole function is to provide access to abutting properties. It serves or is designed to serve at least eleven (11) but no more than forty-five (45) dwelling units and is expected to or does handle between seventy-five (75) and two hundred-fifty (250) trips per day.

f. Collector - A street whose principle function is to carry traffic between minor and local streets and arterial streets but that may also provide direct access to abutting properties.

g. Arterial - A major street whose principal function is to carry traffic into, out of, or around the Town and carries high volumes of traffic.

C. Minimum Road Construction Standards for Subdivisions -

1. Bases
   a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	Private
1. Minimum width of right of way (feet)	50	50	50	50
2. Minimum width of pavement/ travel width (feet)	24	20	20	20
3. Minimum grade (%)	0.5	0.5	0.5	0.5
4. Maximum grade (%)	8	10	10	12
5. For all roads: Maximum grade at intersections shall be two(2) percent within fifty(50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	90
7. Width of shoulders (feet)	3	3	3	n/a
8. Minimum center line radii on curves (feet)	150	150	150	100
9. Minimum road base - total (inches)	24	18	18	16
sub-base (inches)	18	12	12	10
upper base (inches)	6	6	6	6
10. Maximum stone size in sub-base (inches)	6	6	6	6
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	3.5
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	1/4
13. Paving - minimum (inches)	2	2	2	n/a
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	(3/1)
15. For all roads: Minimum elevation of the finished road surface shall be two(2) feet above the seasonal high water table.				

D. Storm Drainage - Adequate drainage facilities shall be provided so as to reduce the danger of flooding/erosion and shall be the responsibility of the subdivider, subject to the approval of the Board.

Section VII. Waiver and Modification of This Ordinance

A. Where the Board finds that extraordinary and unnecessary hardships may result from strict compliance with this Ordinance or where there are special circumstances of a particular plan, it may waive any part of this Ordinance provided that such waiver will not have the effect of nullifying the purpose of this Ordinance, the Comprehensive Plan, the Shoreland Zoning Ordinance, or any other ordinance.

B. In granting any waiver, the Board shall require such conditions as will, in its judgements, secure substantially the objectives of the requirements so waived.

Section VIII. Validity, Effective Date, Conflict of Ordinances and Filing

A. Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Ordinance, and to this end, the provisions of this Ordinance are hereby declared to be severable.

B. The effective date of this Ordinance is _____.

C. This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit, or provision of law. Where this Ordinance imposes a higher standard for the promotiom and protection of health and safety, the provisions of this Ordinance shall prevail.

D. A certified copy of this Ordinance shall be filed with the County Registry of Deeds.

Section IX. Amendments

This Ordinance may be amended through a vote of the legislative body of the Town (i.e. Town Meeting).

Section X. Appeals

An appeal may be taken within thirty (30) days from the Board's decision on the application by any party to Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

APPENDIX A:

Subdivision Law, Title 30, 4956. Land Subdivisions.

Subsection 3. Guidelines.

As noted in the Information Pamphlet entitled:
"Maine Planning and Land Use Laws 1988"
Distributed by the Office of Comprehensive Planning,
Maine Department of Economic and Community Development

When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations;

B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;

C. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;

D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;

F. Will provide for adequate sewage waste disposal;

G. Will not cause unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;

Appendix A: (continued)

I. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;

J. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any. In making this determination, the municipal reviewing authority is authorized to interpret these ordinances and plans;

K. The subdivider has adequate financial and technical capacity to meet the above stated standards.

L. Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

Furthermore, when lots in a subdivision have frontage on an outstanding river segment. as defined in subsection 1-A, the proposed subdivision plan shall require principal structures to have a combined lot shore frontage and setback from the normal high water mark of 500 feet. To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shoreland strip narrower than 250 feet which is not lotted, the proposed subdivision shall be reviewed as if lot lines extend to the shore. These frontage and setback provisions shall not apply either within areas zoned as general development or its equivalent under shoreland zoning, Title 12, section 4813, or within areas areas designated by ordinance as densely developed. The determination of which areas are densely developed shall be based on a finding that, as of the effective date of this Act, existing development meets the requirements of subsection 1.

M. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

N. The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Article 26.1 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section III. Definitions

A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

~~The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.~~

Article 26.2 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section VI. Roads

C. Minimum Road Construction Standards for Subdivisions -

1. Bases
   a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	~~Private~~
1. Minimum width of right of way (feet)	50	50	50	~~50~~
2. Minimum width of pavement/ travel width (feet)	24	20	20	~~20~~
3. Minimum grade (%)	0.5	0.5	0.5	~~0.5~~
4. Maximum grade (%)	8	10	10	~~12~~
5. For all roads: Maximum grade at intersections shall be two (2) percent within fifty (50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	~~90~~
7. Width of shoulders (feet)	3	3	3	~~n/a~~
8. Minimum center line radii on curves (feet)	150	150	150	~~100~~
9. Minimum road base - total (inches)	24	18	18	~~16~~
sub-base (inches)	18	12	12	~~10~~
upper-base (inches)	6	6	6	~~6~~
10. Maximum stone size in sub-base (inches)	6	6	6	~~6~~
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	~~3.5~~
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	~~1/4~~
13. Paving - minimum (inches)	2	2	2	~~n/a~~
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	~~(3/1)~~
15. For all roads: Minimum elevation of the finished road surface shall be two (2) feet above the seasonal high water table.				

Article 26.2 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section VI. Roads

C. Minimum Road Construction Standards for Subdivisions -

1. Bases

a. The Aggregate base material shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances.

Item:	Collector	Local	Minor	~~Private~~
1. Minimum width of right of way (feet)	50	50	50	~~50~~
2. Minimum width of pavement/ travel width (feet)	24	20	20	~~20~~
3. Minimum grade (%)	0.5	0.5	0.5	~~0.5~~
4. Maximum grade (%)	8	10	10	~~12~~
5. For all roads: Maximum grade at intersections shall be two (2) percent within fifty (50) feet of intersections				
6. Minimum angle of intersections (degrees)	90	90	90	~~90~~
7. Width of shoulders (feet)	3	3	3	~~n/a~~
8. Minimum center line radii on curves (feet)	150	150	150	~~100~~
9. Minimum road base - total (inches)	24	18	18	~~16~~
sub-base (inches)	18	12	12	~~10~~
upper-base (inches)	6	6	6	~~6~~
10. Maximum stone size in sub-base (inches)	6	6	6	~~6~~
11. Maximum stone size in upper-base (inches)	3.5	3.5	3.5	~~3.5~~
12. Minimum road crown (inches per foot)	1/4	1/4	1/4	~~1/4~~
13. Paving - minimum (inches)	2	2	2	~~n/a~~
14. Maximum back and side slopes	(3/1)	(3/1)	(3/1)	~~(3/1)~~
15. For all roads: Minimum elevation of the finished road surface shall be two (2) feet above the seasonal high water table.				

Motion was made to waive the reading of the remaining Section VI. Roads, it was seconded. A vote was taken by a show of hands. It was unanimous to waive the reading of the remaining Section VI. Roads. General discussion. After Jim Andrews made a motion to accept as written, it was seconded. Motion was passed.

Article 26a: To see if the citizens of the town will vote to amend the "Town of West Paris Minimum Lot Size Ordinance" to include a section 4. called Non-Conforming Uses and re-number the following paragraphs of the ordinances as 5. being Administration, 6. being Appeals, and 7. being Enforcement, 8. being Amendments and 9. being General.

#4 Non-Conforming Uses. (A) Any lawful use of building, structures, premises, land or parts thereof existing at the effective date of this amendment and not in conformance with the provisions of this ordinance shall be considered a non-conforming use.

(B) Any non-conforming use may continue and may be repaired, maintained and improved. No such non-conforming use may be expanded, changed to another non-conforming use or renewed after it has been discontinued for a period of 12 calendar months or more without a variance from the specific terms of this ordinance.

Selectmen recommend: Approval

Motion made by Fred Lunsey & seconded to approve as written. Judy McLaughlin asked for the article to be explained. David Walton replied. A vote was taken (33 in favor / 13 opposed) Article Passed.

Article 26 : Shall an ordinance entitled "Sub Division Ordinance for the Town of West Paris, Maine" be enacted.

Selectmen recommend: Approval

Fred Savage made a motion to follow Selectmen's recommendation; it was seconded. May Ann Brown commented (the people who worked on this should be commended) Richard Baker said he worked on this but he feels it doesn't meet the needs of affordable housing. Wade Kenny asked about the 40-acre exemption. Brenda Gould said that the town has a regulation but doesn't have an ordinance. Duane Abbott pointed out that Article 26.1 & Article 26.2 took up the 40-acre exemption & roads which could be voted on after. The motion was then put to a vote and passed by a show of hands.

Article 26.1 Shall an ordinance entitled "Subdivision Ordinance for the Town of West Paris, Maine" be amended as follows?:

Section III. Definitions

A. Subdivision - A subdivision shall mean the division of a tract or parcel of land or structure as defined in Title 30, M.R.S.A., Section 4956 and as hereafter amended. The term subdivision shall also include such developments as multiple-family dwelling(s), shopping centers, condominiums, industrial parks and campgrounds, where there are three or more structures or units involved.

~~The Town of West Paris hereby exercises its power as granted in Title 30 M.R.S.A., Section 4956, to include lots of forty (40) acres or more as lots for the purposes of defining and reviewing subdivisions.~~

Motion was made by James Andrews & seconded to accept as written. Motion was carried.