

2018

Town of Blue Hill Maine Ordinances

Blue Hill, Me.

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ADDRESSING ORDINANCE

Section 1. Purpose

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue and emergency medical services personnel in the **TOWN of BLUE HILL**.

Section 2. Authority

This ordinance is adopted pursuant to and consistent with Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A M.R.S.A. Section 3001.

Section 3. Administration

This ordinance shall be administered by the **SELECTMEN**, who are authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The **SELECTMEN** shall also be responsible for maintaining the following official records of this ordinance:

- a. A town map for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

Section 4. Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the **TOWN of BLUE HILL** shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- b. No two roads shall have similar-sounding names (e.g., Beech Street and Peach Street).
- c. Each road shall have the same name throughout its entire length.

Section 5. Numbering System

Numbers shall be assigned every **50** feet along both sides of all roads with the exception of MAIN STREET, HIGH STREET, MILL STREET, PLEASANT STREET (to the Junction with the Mountain Road), UNION STREET, AND WATER STREET, where numbers shall be assigned every **25** feet, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- a. All number origins shall begin **AT THE INTERSECTION OF PARKER POINT ROAD/TENNY HILL/MAIN STREET, AT THE BLUE HILL PUBLIC LIBRARY**. For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or the driveway of said structure if the front door cannot be seen from the main road.
- c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. For example, duplexes will have two separate numbers.
- d. Apartments will have one property number followed by an apartment number, such as 235 Maple Street, Apt. 2.

Section 6. Compliance

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. Number on the Structure. Where the structure is within 50 (fifty) feet from the edge of road right-of-way, the assigned number shall be displayed on the front of the structure in the vicinity of the front door entry.
- b. Number at the Street Line. Where the structure is over 50 (fifty) feet from the edge of road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line adjacent to the walk or access drive to the numbered structure.
- c. Size and Color Number. Numbers shall be a minimum **4 inches** high and be of a contrasting color to its background.
- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Section 7. New Developments and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. New construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from **THE SELECTMEN**. This shall be done at the time of the issuance of the building permit.
- b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the **PLANNING BOARD**. Approval by the **PLANNING BOARD** after consultation with **THE SELECTMEN**, shall constitute the assignment of road name and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every **50 feet** so as to aid in the assignment of numbers to structures subsequently constructed.

Section 8. Effective Date

This ordinance shall become effective **WHEN ADOPTED BY THE TOWN**. It shall be the duty of **THE SELECTMEN** to notify by mail each property owner and the Post Office of their new address following the adoption of this ordinance. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

CITIZENS WHO CHOOSE NOT TO CONFORM TO THE ATTACHED ORDINANCE, SHALL ACCEPT ANY AND ALL RESPONSIBILITIES RELATIVE TO THEIR EMERGENCY NEED.

A TRUE COPY TO BE VOTED ON AT TOWN MEETING, APRIL 22, 1999

Gordon Emerson

James Schatz

John Bannister
Selectman of Blue Hill

Attest: _____
Lewis Hutchins, Town Clerk

The 911 Committee submits to the citizens of Blue Hill the following report of the Road Name/Numbering process:

Began March 1998

Developed plan to acquire Road Names through citizen input

Listed chosen Road Names on 1998 OGIS Map

Called special Town Meeting to adopt names as submitted by citizenry. (Unanimously approved by body present at September 24, 1998 Town Meeting.)

GPS measurement and structure plotting began in November and saw completion 12/24/98

Drafted ordinance and fixed budget amount for selectmen submittal as Warrant Articles for Annual Town Meeting.

Have completed 3 steps of the 6 in the process

Next step shall be review of model map for correction or change

The committee wishes to extend their gratitude to the citizens of Blue Hill, whose willing and helpful support in an outstanding and timely manner made our job so much easier.

Thank you all,

Committee

Dennis Robertson, Chairman

Dolly Robertson

Billy Hastings

Bob Wallstrom

Geoff Miller

John Bannister

Charles Herasymchuck, Postmaster

ADDRESSING ORDINANCE

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appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

The following criteria shall govern the numbering system:

- a. All number origins shall begin **AT THE INTERSECTION OF PARKER POINT ROAD/TENNEY HILL/MAIN STREET, AT THE BLUE HILL PUBLIC LIBRARY.** For dead-end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
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- c. Size and Color Number. Numbers shall be a minimum **4 inches** high and be of a contrasting color to its background.
- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

Section 7. New Developments and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. New Construction. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from **THE SELECTMEN**. This shall be done at the time of the issuance of the building permit.

b. New Subdivisions. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the **PLANNING BOARD**. Approval by the **PLANNING BOARD** after consultation with **THE SELECTMEN**, shall constitute the assignment of road name and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every **50 feet** so as to aid in the assignment of numbers to structures subsequently constructed.

Section 8. Effective Date

This ordinance shall become effective ^{When adopted by Town} ~~AT THE ANNUAL TOWN MEETING 1999~~. It shall be the duty of **THE SELECTMEN** to notify by mail each property owner and the Post Office of their new address following the adoption of this ordinance. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

CITIZENS WHO CHOOSE NOT TO CONFORM TO THE ATTACHED ORDINANCE, SHALL ACCEPT ANY AND ALL RESPONSIBILITIES RELATIVE TO THEIR EMERGENCY NEED.

Adopted by the Town 4/20/99

TOWN OF BLUE HILL

**Amendments
To the
911 Addressing Ordinance**

Amended Date: April 3, 2010

Certified by: John R. Bannister 4-9-10
Debra B. Gray 4-9-10
[Signature] 4-9-10
Municipal Officers Date

Attest True Copy: Etta Perkins 4-9-10
Town Clerk Date

TOWN OF BLUE HILL 911 ADDRESSING ORDINANCE

Section 1. Purpose

The purpose of this ordinance is to enhance the easy and rapid location of properties by law enforcement, fire, rescue, and emergency medical services personnel in the TOWN of BLUE HILL.

Section 2. Authority

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This ordinance shall be administered by the SELECTMEN, who are authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The SELECTMEN shall also be responsible for maintaining the following official records of this ordinance:

- a. A town map for official use showing road names and numbers.
- b. An alphabetical list of all property owners as identified by current assessment records, by last name, showing the assigned numbers.
- c. An alphabetical list of all roads with property Owners listed in order of their assigned numbers.

Section 4. Naming System

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private **unless all of the road and properties belong to the same taxpayer and there is no reasonable expectation of more residences, businesses, or principal structures on the road in the foreseeable future.** A "road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a **residence, business, or principal** structure has been erected. A road name assigned by the TOWN of BLUE HILL shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- b. No two roads shall have similar-sounding names (e.g., Beech Street and Peach Street).
- c. Each road shall have the same name throughout its entire length.

Section 4.A Changing Road Names

Residents of private roads may petition the Town to change the name of their road.

The following criteria shall govern the name change:

- a. **The new street name must be acceptable to the Selectmen.**
- b. **The new street name must be acceptable to majority of abutters.**
- c. **The petitioner must pay the costs to the town:**
 - **the price of the sign**
 - **the road commissioner's time to post the new sign**
 - **the addressing officer's time to notify appropriate agencies of the change**

TOWN OF BLUE HILL 911 ADDRESSING ORDINANCE

The Town may request residents of private roads to change the name of their road.

Section 4.B Road Signs

The Town shall provide a road sign for each road – public and private – and will reorder damaged or missing signs and posts (if necessary). The Town will share the cost of replacement with the property owners. However, if the Selectmen believe that the name of the road is directly responsible for the theft, they may ask the owner(s) to pay full replacement cost and/or change the name of the road.

Section 5. Numbering System

Numbers shall be assigned every 50 feet along both sides of all roads with the exception of MAIN STREET, HIGH STREET, MILL STREET, PLEASANT STREET, UNION STREET, AND WATER STREET, where numbers shall be assigned every 25 feet, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, ascending from the number origin.

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- c. Size and Color Number. Numbers shall be a minimum 4 inches high and be of a contrasting color to its background.
- d. Every person whose duty is to display the assigned number shall remove any different number which might be mistaken for, or confused with, the number assigned in conformance with this ordinance.
- e. Interior location. All residents and other occupants are requested to post their assigned number and road name adjacent to their telephone for emergency reference.

TOWN OF BLUE HILL 911 ADDRESSING ORDINANCE

Section 7. New Developments and Subdivisions

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. **New Construction**. Whenever any residence or other structure is constructed or developed, it shall be the duty of the new owner to procure an assigned number from THE SELECTMEN. This shall be done at the time of the issuance of the building permit.
- b. **New Subdivisions**. Any prospective subdivider shall show a proposed road name and lot numbering system on the pre-application submission to the PLANNING BOARD. Approval by the PLANNING BOARD after consultation with THE SELECTMEN, shall constitute the assignment of road name and numbers to the lots in the subdivision. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets every 50 feet so as to aid in the assignment of numbers to structures subsequently Constructed.

Section 8. Effective Date

This amended ordinance shall become effective as of the April 3, 2010 Annual Town Meeting. It shall be the duty of each property owner to post new property numbers, in accordance with this ordinance, on the stated date of effective use. On new structures, numbering will be installed prior to final inspection or when the structure is first used or occupied, whichever comes first.

Section 9. Enforcement

- a. **When it has been brought to the attention of the Addressing Officer that an officially issued E-911 address number and/or road sign is missing, incorrect or not visible from a distance of 50Ft. from the street, the Addressing Officer shall notify, in writing, the property owner of the violation. If no action has been taken within 30 days, then notification shall be sent by Certified Mail. Notification shall also be given verbally whenever possible but does not eliminate the requirement for the addressing officer to notify the property owner via Certified Mail. The Addressing Officer shall order placement of the assigned E-911 number and shall explain the penalties, as noted in Section b for noncompliance as applicable to the property.**
- b. **If the property owner does not comply within (5) five business days from receipt of the warning letter they shall be fined \$50.00 plus an additional \$5.00 for each day the violation continues thereafter. The above shall be enforced by the Blue Hill Board of Selectmen.**

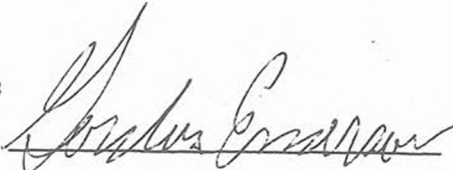
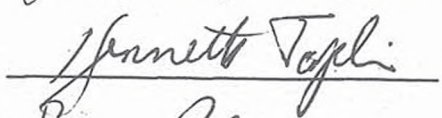
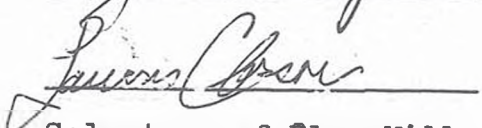
An Ordinance
Regulating the Control of
Barking Dogs in the
TOWN OF BLUE HILL

No owner or person having custody of any dog kept within the legal limits of the Town of Blue Hill shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking or other loud or unusual noises.

Upon written complaint, signed and sworn to, any constable of the Town of Blue Hill or duly qualified State or County law enforcement official may investigate and may give written notice to the owner or keeper of such dog that such annoyance or disturbance must cease. The warning shall be made part of the complaint.

Thereafter, upon continuance of such annoyance or disturbance, such owner shall be guilty of a civil violation and upon conviction thereof shall be punished by a fine of \$25.00 for each offense. All fines so assessed shall be recovered for use of the Town of Blue Hill through District Court.

Attest:




Selectmen of Blue Hill

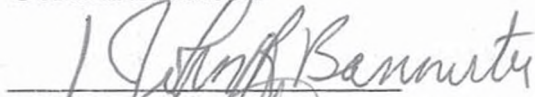
STRAY DOG FEES
(Selectmen's Meeting-July 12, 2002)

Under the authority given the Board of Selectmen at Special Town Meeting held July 2, 2002, Article 6, the Selectmen have set the following fees for return of stray dogs to the owner by the Animal Control Officer. The following fees are adopted:

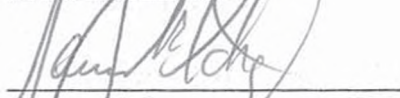
First time:	No Charge
Second time:	\$25.00
Third time:	\$50.00
Fourth time:	Dog shall be impounded at owner's expense



Gordon Emerson



John Bannister



James Schatz

Selectmen of Blue Hill

DRAFT-Sign Policy

Memo: 9/28/99

To: Sarah

From: Jim

RE: Policy for Displaying Information on Town Sign

The criteria to be used in accepting and prioritizing material placed on/in the sign will include the following:

1. Must relate to meetings or events of general interest to the Town.
2. Space will not be used to promote private for profit ventures.
3. No notices will be posted more than one week prior to a meeting or event.
4. All requests must be submitted in writing.
5. A vote of the Selectmen will be used to approve or prioritize messages which are not clearly addressed by this policy.
6. Temporary signs will not be allowed on Town Hall grounds.

THE TOWN OF BLUE HILL

“PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE “

Effective Date: April 1, 2011

Certified By:

<u>[Signature]</u>	<u>4/5/11</u>
<u>John R. Bannister</u>	<u>4/6/11</u>
<u>Duane B. Gray</u>	<u>4/6/11</u>
Municipal Officers	Date

Attest True Copy:

<u>[Signature]</u>	<u>4-7-11</u>
Town Clerk	

ATTEST TRUE COPY

Date 4-7-11
Signature [Signature]

Pages 1-5

THE TOWN OF BLUE HILL
PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 120 Maine Legislature has enacted Public Law 2009, Chapter 591, "An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act"; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy ("PACE") Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the City/Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality wishes to establish a PACE program; and NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

By and through this Chapter, the Town of Blue Hill declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy ("PACE") program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town of Blue Hill. The Town of Blue Hill declares its purpose and the provisions of this Chapter/Ordinance to be in conformity with federal and State laws.

§ XX-2 Enabling Legislation

The Town of Blue Hill enacts this Chapter/Ordinance pursuant to Public Law 2009, Chapter 591 of the 124th Maine State Legislature -- "An Act To Increase the Affordability of Clean Energy for Homeowners and Businesses," also known as "the Property Assessed Clean Energy Act" or "the PACE Act" (codified at 35-A M.R.S.A. § 10151, et seq.).

ARTICLE II- TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as "The Town of Blue Hill Property Assessed Clean Energy (PACE) Ordinance" (the "Ordinance")."

§ XX-4 Definitions

Except as specifically defined below, words and phrases used in this Chapter/Ordinance shall have their customary meanings; as used in this Chapter/Ordinance, the following words and phrases shall have the meanings indicated:

1. **Energy saving improvement.** "Energy saving improvement" means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
 - A. Will result in increased energy efficiency and substantially reduced energy use and:
 - (1) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - (2) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 - B. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
2. **Municipality.** "Municipality" shall mean the Town of Blue Hill
3. **PACE agreement.** "Pace agreement" means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
4. **PACE assessment.** "PACE assessment" means an assessment made against qualifying property to repay a PACE loan.
5. **PACE district.** "Pace district" means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality's boundaries.
6. **PACE loan.** "PACE loan" means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
7. **PACE mortgage.** "PACE mortgage" means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
8. **PACE program.** "PACE program" means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

9. **Qualifying property.** "Qualifying property" means real property located in the PACE district of the Municipality.

10. **Renewable energy installation.** "Renewable energy installation" means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

11. **Trust.** "Trust" means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

1. **Establishment; funding.** The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust's administration of the municipality's PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality's PACE program.

2. **Amendment to PACE program.** In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV - CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

1. **Standards adopted; Rules promulgated; model documents.** If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE VI— PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. § 101 54(2) (A) (2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

- i. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
- ii. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
- iii. the Trust, or its agent, will disburse the PACE loan to the property owner;
- iv. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- v. the Trust, or its agent, will be responsible for collection of the PACE assessments;
- vi. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- vii. the Municipality, or the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Adoption of Education and Outreach Program. In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

C. Assistance and Cooperation. The Municipality will assist and cooperate with the Trust in its administration of the Municipality's PACE program.

D. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

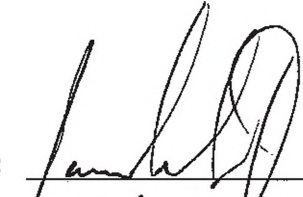
2. **Liability of Municipal Officials; Liability of Municipality**

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.


B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

THE TOWN OF BLUE HILL
“WIND ENERGY SYSTEMS ORDINANCE”

Effective Date: April 1, 2011

Certified By:		<u>4/5/11</u>
	<u>John B. Barnister</u>	<u>4/6/11</u>
	<u>Deane B. Gray</u>	<u>4/6/11</u>
	Municipal Officers	Date

Attest True Copy:  4-7-11
Town Clerk

ATTEST TRUE COPY
Date 4-7-11
Signature 

Town of Blue Hill Wind Energy Systems Ordinance

Adopted _____

Section 1. Ordinance Administration

- A. Title**
This Ordinance shall be known as the "Town of Blue Hill Wind Energy Systems Ordinance".
- B. Purpose**
The purpose of this ordinance is to regulate the placement and construction of Wind Energy Systems as defined in Section 11 of the Ordinance, while preserving the Town's visual character and scenic resources, minimizing environmental impacts and protecting the public health, safety and welfare of the residents of Blue Hill.
- C. Authority**
This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, § 1 of the Maine Constitution (Municipal Home Rule), the provisions of 30-A M.R.S.A. § 3001 (Home Rule), and the provisions of the Planning and Land Use Regulation Act, 30-A M.R.S.A. § 4312, etc. seq. (*Comprehensive Planning and Regulation, or "Growth Management Act"*) and 30-A M.R.S.A. § 4452 ("Enforcement of Land Use Laws and Ordinances").
- D. Conflicts with Other Ordinances, Laws and Regulations**
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 administered by the municipality, the more restrictive provision shall control.
- E. Validity and Severability**
Should any section or provision of this Ordinance be declared by the courts to be invalid, such decisions shall not invalidate any other section or provision of the Ordinance.
- F. Permitting Authority**
No new Wind Energy System and no alteration or expansion of an existing Wind Energy System or supporting structure, for either residential or commercial use, shall be constructed in the Town of Blue Hill without the owner or operator first obtaining a permit from the Blue Hill Planning Board pursuant to this Ordinance.
- G. Penalties**
Any person or company that owns or controls any building or property connected with a wind energy system that violates this Ordinance shall be liable for civil penalties in accordance with Title 30-A M.R.S.A. § 4452. Each day such a violation continues after notification by the CEO shall constitute a separate offense. Each offense shall be subject to civil penalties, orders to correct violations and attorney and expert witness fees in accord with Title 30-A M. R. S. A. § 4452. (See Section 10)
- H. Availability**
A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public upon request. Copies shall be made available to the public at reasonable cost at the expense of the person making the request.

I. Effective Date

This Ordinance was adopted by the Municipal Legislative body on

Section 2. Location

- A. On lots one half (1/2) acre up to five (5) acres, one (1) Wind Energy System 10 kW or less and meeting all other criteria of this ordinance may be allowed after Planning Board review and having met all other criteria of this Ordinance.
- B. On lots five (5) acres or more, one (1) Wind Energy System 50 kW or less may be allowed after Planning Board review and having met all other criteria of this Ordinance.

Section 3. Setbacks

- A. All parts of a Wind Energy System shall be set back from all adjoining property lines, roads, easements, rights-of-way (ROW), except the Wind Energy System's direct access road, and any structures a minimum distance equal to one and one-half (1 ½) times the maximum height of the tower and blade height (when blades are vertical) as measured from the ground.
- B. Setbacks from the applicant/property owner's habitable structure may be reduced on a case-by-case basis, as long as other setback requirements can be met. (example: rooftop models)
- C. Approval to build or operate a Wind Turbine or Wind Energy System applies only to that portion of the project located within the boundaries of the Town of Blue Hill. However, the application must take into account the entire Wind Energy System across all the municipal boundaries, including but not limited to the total number of Wind Turbines, Turbine Height, Wind Turbine location and all other relevant facts and data that may directly or indirectly affect the operation and viability of that portion of the Wind Energy System located in the Town of Blue Hill.

Section 4. Height

- A. No Wind Energy System shall have a maximum height in excess of 100 feet as measured from the ground to the highest point as measured from the top of the blade when vertical. This section is not subject to waiver.

Section 5. Application Fee, Yearly Renewable Bond, Escrow Account Required

A. Application Fee

An application for Planning Board approval shall include an application fee of \$20.00 per kW nameplate capacity. The application shall not be considered complete until this fee is paid.

B. Yearly Renewable Bond

A yearly renewable bond indemnifying the town for 100 % of the costs of removal of the system as determined by the Planning Board shall be submitted to the municipal authority before construction starts and maintained yearly as long as the structure exists. Should the bond not be renewed, the bonding company must give the town sixty (60) days notice of non-renewal and advise the Town of steps required to renew the bond.

C. Escrow Account

In reviewing an application for compliance with this Ordinance, the Permitting Authority may retain professional services as necessary to assist with its review, including but not limited to those of an attorney, engineer, biologist, or land use planner. Within fourteen (14) days of filing an application the Applicant shall deposit in a joint escrow account with the Town such sums as the Town deems necessary as partial reimbursement for the appropriate Town expenses in hiring consultants and experts. The Town may require additional escrow funds as circumstances dictate. The balance of the escrow account shall be returned to the owner/operator after all Town expenses have been paid, and after a permit is granted or denied or the Applicant has withdrawn.

Section 6. Noise

- A. Wind Energy System sounds shall not exceed 35dBA for any contiguous five (5) minute period as measured anywhere beyond the property boundaries of the Wind Energy System's owner/operator or on the adjoining properties including the adjoining property lines and habitable structures, except during short-term (12-hours or less) weather events, even if mitigation waivers are in effect for these adjoining properties.
- B. There shall be no additional dBC (low level) Wind Energy System sounds emitted beyond the property boundaries of the Wind Energy System's owner/operator at any time as established by pre-construction ambient low-level sound measurements performed by a properly credentialed professional approved by the CEO/Planning Board and paid for by the applicant.
- C. Upon complaint of any neighboring resident affected by the Wind Energy System sounds, ambient and maximum permitted sound measurements shall be performed by an agent designated by the CEO/Planning Board. The agent's report shall be submitted to the Planning Board for review. The fee for this service shall be paid by the complainant unless the maximum permitted decibel level has been exceeded, in which case, the Town shall pay the fee. The current owner of the system shall correct the violation and reimburse the Town for the fee for the noise level measurements within thirty (30) days of notice by the Code Enforcement Officer.
- D. If the maximum decibel reading anywhere on the complainant's property is exceeded, the installation shall be considered a nuisance and must be corrected within ninety (90) days from notification of the violation and, if the violation cannot be corrected, the Wind Energy System shall be removed or re-located.
- E. No part of the above Section 6 is subject to waiver.

Section 7. Scenic/Visual Impact

- A. The Wind Energy System shall not have a negative visual impact on any habitable structures on abutting or adjacent properties. This also applies to all habitable structures located in the surrounding municipalities. (See Section 8(I).)
- B. There shall be no negative visual impact allowed in or on scenic or natural areas as identified in the Blue Hill Comprehensive Plan or any other town Ordinances.
- C. Shadow Flicker and Ice Throw shall be limited to the turbine owner's property at all times. Violations of this section shall be considered a nuisance.

Section 8. Submission Requirements

For all Wind Energy Systems the following submissions shall be required unless waived:

- A. Completed Application (provided by the Code Enforcement Officer).**
- B. Site Location Map** A USGS quadrangle map, sized to 8 ½" x 11", of the property on which the Wind Energy System is proposed, with the General area cross-hatched or otherwise demarcated.
- C. Tax Map** Town of Blue Hill Property Tax Map (8 ½" x 11") on which the Wind Energy System is proposed, with the property cross-hatched or otherwise demarcated. Copies of these maps are available at the Town Office.
- D. Project Description** This includes specific information on the type, size, tower type and height, rotor material and diameter, rated Power output, performance, safety and noise, manufacturer, model and serial number of the Wind Energy System.
- E. Site Plan** On the subject property show the planned location of the Wind Energy System as well as the location of and distance in feet to:
 - a) setback lines
 - b) adjacent property lines
 - c) all roads and driveways
 - d) easements
 - e) Right of Ways
 - f) habitable structures
 - g) utility lines
 - h) great ponds, streams and all wetlands
 - i) proposed access roads
 - j) significant wildlife habitat
 - k) erosion control BMP's as outlined in the Maine Erosion and Sediment Control Law (Title 38 M.R.S.A. Section 420-C)
 - l) migratory flyways
 - m) all other structures
- F. Description of Normal and Emergency Shutdown Procedures and Braking System**
 - a.) An automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation.
- G. Utility Contract**
 - a.) If connecting to the publicly regulated utility grid is proposed, a copy of the contract between applicant and utility verifying that the proposed connection is acceptable, and/or other evidence making clear that the utility is aware of the proposed connection and finds it acceptable.
- H. Photographs**
 - a.) Aerial photographs of the proposed site.

I. Scenic Information

The Planning Board may require scenic information for a Wind Energy System consisting of one or more of the following:

- a.) A visual analysis composed of elevation drawings of the proposed Wind Energy System and any other proposed structures, showing height above ground level. The analysis shall also indicate the color treatment of the system's components and any visual screening incorporated into the site that is intended to lessen the system's visual prominence.
- b.) A landscaping plan indicating the proposed placement of the facility on the site; location of existing trees and other significant site features; and the method of fencing, if any.
- c.) A narrative discussing the extent to which the Wind Energy System would be visible from a designated scenic resource, the tree line elevation of vegetation within two thousand (2000) feet and the distance to the proposed facility from the designated scenic resource's noted viewpoints as identified in the Blue Hill Comprehensive Plan or other Ordinances.
- d.) A graphic mock-up of the proposed system from the 4 directions, North, South, East, West.

J. Design Standards

- a.) None of the individual components of a Wind Energy System used to generate electricity including blades and all necessary parts shall have a diameter of more than 50 feet.
- b.) No wind turbine blades of a Wind Energy System shall be lower than twenty-five (25) feet from the ground as measured at the lowest arc of the blades.
- c.) A Wind Energy System shall be equipped with both manual and automatic over-speed controls.
- d.) The Wind Energy System shall be operated and located such that no disruptive electromagnetic interference with signal transmission or reception is caused beyond the site. If it is demonstrated that the system is causing disruptive interference beyond the site, the system operator shall promptly eliminate the disruptive interference or cease operation of the system.
- e.) The Wind Energy System shall be designed and installed such that unauthorized public access via step bolts or a ladder is prevented for a minimum of fifteen (15) feet above the ground.
- f.) The Wind Energy System shall incorporate a non-visually reflective surface to minimize any visual disruptions subject to Planning Board Approval.
- g.) All on-site electrical wires associated with the Wind Energy System shall be installed underground except for 'tie-ins' to any public utility company transmission poles, towers and lines. This standard may be modified by the permitting authority if the project terrain is determined to be unsuitable for underground installation.
- h.) The Wind Energy System shall not be lighted unless required by the FAA.
- i.) The Wind energy System shall not display any permanent or temporary signs, writing, symbols, logos or any graphic representation of any kind except appropriate manufacturer's or installer's identification and warning

signs.

- j.) The documentation of the pre-construction ambient low-level sound (dbC) measurements at the Wind Energy System owner's property boundaries performed by a properly credentialed professional approved by the CEO/Planning Board and paid for by the applicant must be presented. This item may not be waived.
- k.) **Community Wind:** The Town of Blue Hill shall have majority ownership (at least 51%) and control of any community wind project and all (100%) of the direct financial benefits shall accrue to benefit all of the residents of the municipality. All payments shall be directed to the Town of Blue Hill and will be used for municipal expenses as directed by the Selectmen.

Section 9. Abandonment

- A. A Wind Energy System which is not generating electricity for twelve (12) consecutive months shall be deemed abandoned and shall be dismantled and removed from the property by the owner within 120 days of receipt of notice from the town. Failure to remove the system within 120 days of receipt of notice from the town will result in immediate forfeiture of the entire bond posted by said owner. If the owner fails to remove the system within 120 days of receipt of notice, the town may remove the system. The costs thereof, including all site reclamation costs deemed necessary, shall be paid from the bond posted by the owner.
- B. A Wind Energy System owner may request in writing to the Code Enforcement Officer a one-time extension of up to one (1) year if the owner is actively pursuing the repair of the Wind Energy System for future use.

Section 10. Enforcement

- A. **Nuisances.** Any violation of this Ordinance shall be deemed to be a nuisance.
- B. **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 ensure compliance with all applicable laws and Conditions attached to permit approvals. The Code Enforcement officer shall also investigate all complaints of alleged violations of this Ordinance.
 - 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 and Water Quality with the Department of Environmental Protection.

C. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

Section 11. Appeals

- A. Any person aggrieved by a decision of the Planning Board on a Wind Energy System application may appeal the decision to the Maine Superior Court in accordance with Rule 80(B) Maine Rules of Civil Procedure. Written notice of an appeal must be filed with the court within thirty (30) days of the Planning Board's written decision. The applicant's notice of appeal shall clearly state the reasons for the appeal.

Section 12. Definitions

Applicant - The legal entity, including successors and assigns that file an application under this Ordinance.

Lot - A parcel of land undivided by any street or public road.

Scenic Resource - Either a Scenic Resource of state or national significance, as defined in 35-A M.R.S.A. § 3451(9) or a scenic resource of local significance located within the municipality and identified as such in a comprehensive plan, open space plan or scenic inventory adopted by the municipal legislative body.

Shadow Flicker - means alternating changes in light intensity caused by the movement of Wind Turbine blades casting shadows on the ground or a stationary object.

Short-Term Weather Event - Any storm lasting twelve (12) hours or less.

Wind Energy System - A wind energy generation system consisting of a wind turbine, a tower, and associated control or conversion electronics.

Wind Turbine - The blades, rotor, and associated mechanical and electrical conversion components including the supporting towers.

THE TOWN OF BLUE HILL

"LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2011"

Effective Date: April 1, 2011

Certified By: [Signature] 4/5/11
John B. Bennett 4/6/11
Duane B. Gray 4/6/11
Municipal Officers Date

Attest True Copy: [Signature] 4-7-11
Town Clerk

ATTEST TRUE COPY
Date 4-7-11
Signature [Signature]

Local Food and Community Self-Governance Ordinance of 2011

AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE TOWN OF BLUE HILL, HANCOCK COUNTY, MAINE.

Section 1. Name. This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

Section 2. Definitions.

As used in this ordinance:

- (a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
- (b) “Home consumption” means consumed within a private home.
- (c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.
- (d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.
- (e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.
- (f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers’ market and other public events.

Section 3. Preamble and Purpose. We the People of the Town of Blue Hill, Hancock County, Maine have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Blue Hill.

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

Local Food and Community Self-Governance Ordinance of 2011

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Preserve community social events where local foods are served or sold;
- (vi) Preserve local knowledge and traditional foodways.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Blue Hill to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and inalienable right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the citizens of the Town of Blue Hill

§211 of Title 7 of the Maine Revised Statutes which states: "it is the policy of the State to encourage food self-sufficiency for the State."

Section 5. Statements of Law.

Section 5.1. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Blue Hill are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

Local Food and Community Self-Governance Ordinance of 2011

Section 5.1.a. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Blue Hill are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2. Right to Access and Produce Food. Blue Hill citizens possess the right to produce, process, sell, purchase, and consume local foods of their choosing.

Section 5.3. Right to Self-Governance. All citizens of Blue Hill possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.

Section 5.4. Right to Enforce. Blue Hill citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of law.

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.

Section 6.2. Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

Section 7. Civil Enforcement. The Town of Blue Hill may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Blue Hill shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Local Food and Community Self-Governance Ordinance of 2011

Section 8. Town Action against Pre-emption. The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

Section 9. Effect. This Ordinance shall be effective immediately upon its enactment.

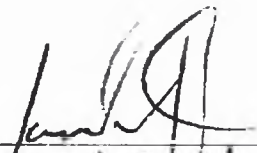
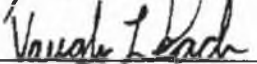
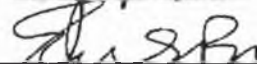
Section 10. Severability Clause. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Section 11. Repealer. All inconsistent provisions of prior Ordinances adopted by the Town of Blue Hill are hereby repealed, but only to the extent necessary to remedy the inconsistency.

TOWN OF BLUE HILL

**Ordinance Prohibiting Retail Marijuana Cultivation Facilities
In the Municipality of Blue Hill, Maine**

Date: September 26, 2017

Certified by:  9/29/17
 9/29/17
 9-29-17
Municipal Officers Date

Attest True Copy:  9/29/17
Town Clerk Date

**Ordinance Prohibiting Retail Marijuana Cultivation Facilities
In the Municipality of Blue Hill, Maine**

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Cultivation Facilities.

Retail marijuana cultivation facilities are expressly prohibited in this municipality.

No person or organization shall develop or operate a business in the municipality of Blue Hill, that engages in the cultivation of retail marijuana or a retail marijuana product as defined by 7 M.R.S.A. § 2442, or owns or operates a retail marijuana cultivation facility as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.


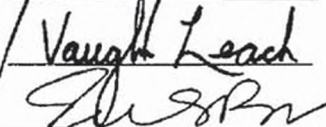
Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

TOWN OF BLUE HILL

**Ordinance Prohibiting Retail Marijuana Products
Manufacturing Facilities
In the Municipality of Blue Hill, Maine**

Date: September 26, 2017

Certified by:  9/29/17
Vaughn Leach 9/29/17
 9.29.17
Municipal Officers Date

Attest True Copy:  9/29/17
Town Clerk Date

**Ordinance Prohibiting Retail Marijuana Products Manufacturing Facilities
in the Municipality of Blue Hill, Maine**

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Manufacturing Facilities.

Retail marijuana products manufacturing facilities are expressly prohibited in this municipality.

No person or organization shall develop or operate a retail marijuana products manufacturing business in the municipality of Blue Hill, that engages in the purchase of retail marijuana; manufacture, preparation and packaging of retail marijuana products; and sells retail marijuana and retail marijuana products to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

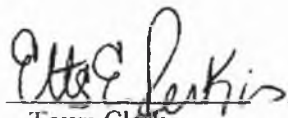
This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

TOWN OF BLUE HILL

**Ordinance Prohibiting Retail Marijuana Social Clubs
In the Municipality of Blue Hill, Maine**

Date: September 26, 2017

Certified by:  9/29/17
Vaughn Leach 9/29/17
 9.29.17
Municipal Officers Date

Attest True Copy:  9/29/17
Town Clerk Date

**Ordinance Prohibiting Retail Marijuana Social Clubs
In the Municipality of Blue Hill, Maine**

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Social Clubs.

Retail marijuana social clubs are expressly prohibited in this municipality.

No person or organization shall develop or operate a retail marijuana social club being a business in the municipality of Blue Hill, that engages in the sale of retail marijuana or retail marijuana products to consumers for consumption on the licensed premises as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.


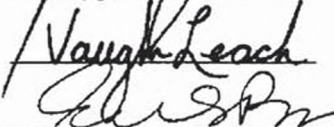
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TOWN OF BLUE HILL

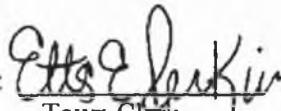
**Ordinance Prohibiting Retail Marijuana Stores
In the Municipality of Blue Hill, Maine**

Date: September 26, 2017

Certified by:

	<u>9/29/17</u>
<u>Vaughn Leach</u>	<u>9/29/17</u>
	<u>9.29.17</u>
Municipal Officers	Date

Attest True Copy:

	<u>9/29/17</u>
Town Clerk	Date

**Ordinance Prohibiting Retail Marijuana Stores
in the Municipality of Blue Hill, Maine**

Section 1. Authority.

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Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Stores.

Retail marijuana stores are expressly prohibited in this municipality.

No person or organization shall develop or operate a retail marijuana store in the municipality of Blue Hill, that engages in the purchase or the sale of retail marijuana or retail marijuana products, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.


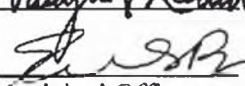
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TOWN OF BLUE HILL

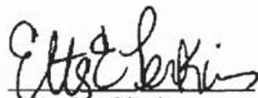
**Ordinance Prohibiting Retail Marijuana Testing Facilities
In the Municipality of Blue Hill, Maine**

Date: September 26, 2017

Certified by:

	<u>9/29/17</u>
<u>Vaughn Leach</u>	<u>9/29/17</u>
	<u>9.29.17</u>
Municipal Officers	Date

Attest True Copy:

	<u>9/29/17</u>
Town Clerk	Date

**Ordinance Prohibiting Retail Marijuana Testing Facilities
in the Municipality of Blue Hill, Maine**

Section 1. Authority.

This ordinance is enacted pursuant to the Marijuana Legalization Act, 7 M.R.S.A. c. 417; and Municipal Home Rule Authority, Me. Const., art. VIII, pt. 2; and 30-A M.R.S.A. § 3001.

Section 2. Definitions.

For purposes of this ordinance, retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities and retail marijuana testing facilities, and retail marijuana social clubs are defined as set forth in 7 M.R.S.A. § 2442.

Section 3. Prohibition on Retail Marijuana Testing Facilities.

Retail marijuana testing facilities are expressly prohibited in this municipality.

No person or organization shall develop or operate a retail marijuana testing business in the municipality of Blue Hill, that engages in the analysis and certification of the safety and potency of retail marijuana or retail marijuana products, as defined by 7 M.R.S.A. § 2442.

Nothing in this ordinance is intended to prohibit any lawful use, possession or conduct pursuant to the Maine Medical Use of Marijuana Act, 22 M.R.S.A. c. 558-C.

Section 4. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 5. Penalties.

This ordinance shall be enforced by the municipal officers or their designee. Violations of this ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S.A. § 4452.

**RULES FOR USE OF THE
MUNICIPAL WHARVES AND BOAT LAUNCHING FACILITIES
IN BLUE HILL**

- 1.) The boat launching ramp and dock facilities are open to use by the public, regardless of residence.
- * 2.) All boats being launched to removed on the ramp must be on trailers or wheels so as to not cause damage to the ramp or pavement.
- 3.) Boats, trailers, vehicles, etc. shall be parked or left in such a manner as to not interfere with launching and removal of boats.
- 4.) Lobster traps and related gear left for loading or unloading should be removed as soon as possible so as not to cause an inconvenience to others wishing to use the facility.
- 5.) Boats may not be left on the paved area or tied to the face of the wharf for more than 48 hours without permission of the Selectmen.

ABANDONED WATERCRAFT

- * * No one shall bring in, maintain or abandon any vessel or other watercraft within the harbors, waterways and tidal waters of the Town of Blue Hill

This Ordinance shall become effective upon passage by the Legislative Body of the Town of Blue Hill.

Attest: A true copy


Town Clerk

6/6/97
Date

Enacted: _____ 1997

* Item"2" under " Rules for use of the Municipal Wharves and Boat Launching Facilities in Blue Hill"should read, "All boats being launched or removed from the ramp must be on trailers or wheels so as to not cause damage to the ramp or pavement.

** The section entitled " Abandoned Watercraft" should read, "No one shall bring into or maintain any abandoned vessel or watercraft within the harbors, waterways, and tidal waters of the Town of Blue Hill

Rules to Govern Use of Wharves, Floats and Boat Launching Facilities in Blue Hill

1. The boat launching ramps, floats, and dock facilities are open to use by the public, regardless of residence.
2. All boats being launched or removed on the ramp must be on trailers or wheels to prevent damage to ramps or pavement.
3. Boat, trailers, vehicles, etc. shall be parked or left in such a manner as to not interfere with launching and removal of boats or parking.
4. Any thing left on wharves or floats must be removed within 24 hours so not to cause inconvenience to others wishing to use the facility.
5. Boats may not be left on paved areas, on wharves or floats for more than one tide cycle without permission of the harbormaster.

Abandoned Watercraft

No person may bring into or maintain in the harbors of Blue Hill, any derelict watercraft; watercraft for salvage, or abandon any watercraft in said harbors without a permit from the harbormaster.

Enacted 6/16/00

Selectmen

[Signature]
[Signature]

" THIS DOCUMENT APPROVED AS AMENDED FOR
RULES FOR USE OF THE MUNICIPAL WHARVES AND
BOAT LAUNCHING FACILITIES IN BLUE HILL " 6/6/97

[Signature]

[Signature] Matt Kausman

[Signature]
Cory Robertson

TOWN OF BLUE HILL TIDAL WATER ACCESS POINTS ORDINANCE UPDATE
(JULY 9, 2002)

Section 2: add (On the South Blue Hill Wharf facility no tractor trailer units allowed until structural engineering survey determines satisfactory conditions exist for that much weight).

Section 3: add (Bait barge loading at the South Blue Hill Wharf shall be allowed on the North side of the wharf from 0400 to 0900 hours daily. During extreme weather conditions, alternative solutions may be permitted by the Harbormaster. No overnight camping without approval of the Selectmen or the Harbormaster.)

Add new Section: Availability and use of finger floats at the South Blue Hill Wharf

A dinghy tie up privilege at the finger floats may be acquired from the Town Office or the Harbormaster, as available. Priority for these spaces shall be:

- a. Resident Commercial fisherman
- b. Resident Recreational users
- c. Non-resident users

Residency shall be determined by where the applicant's boat excise tax is paid or where they physically reside.


Rules:

1. All boats must be adequately fendered.
2. Outboard motors must be left in a down position.
3. Owner is responsible for keeping boat in a full floating condition at all times.
4. Any dinghy causing hazard/damage to the finger floats or other dinghies may be removed by the Harbormaster.
5. Use of this space shall be totally at the users risk.
6. Maximum length for dinghies shall be 16'.

The Selectmen shall vote a true copy of this ordinance for the Town of Blue Hill on July 19, 2002.


_____ Gordon Emerson


_____ James Schatz


_____ John Bannister

Selectmen of the Town of Blue Hill

Attest: 

Dan Gordon
Harbormaster

TOWN OF BLUE HILL HARBOR ORDINANCE 2006

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TOWN OF BLUE HILL HARBOR ORDINANCE 2006

Section 1: PURPOSE

- 1.1 This Town of Blue Hill Harbor Ordinance is hereby established pursuant to 30-A MRSA sec.3001 and 38 MRSA sec. 7, or any current legislation, to regulate marine activities in Blue Hill, including all tidal bays and inlets adjacent to the shorelines of the Town. It is intended to ensure safety to persons and property; to promote availability and use of the public resources; to encourage and protect traditional maritime and commercial activities, and to create a fair and efficient framework for the administration of those resources.
- 1.2 This Ordinance shall be independent to existing Federal and State laws pursuant to 38 MRSA governing the same matters listed above. Where found to be in conflict with higher State and Federal authority, that portion of the ordinance would be null and void; otherwise the Ordinance will remain in full force.

Section 2: WATERS REGULATED

- 2.1 "Waters" shall include all the navigable salt waterways located within the Town of Blue Hill Boundaries as shown on NOAA Chart #13316. "Tidal Waters" shall include all those salt waters shown on said chart which ebb and flow between high and mean low water within the harbors and waterways of the Municipality. For the purposes of this ordinance, high tide shall be considered as an elevation of 10.1 feet above mean low water. The high tide shall be any point along the shore at an elevation of 10.1 feet above mean low water.
- 2.2 The Board of Selectmen may establish channels, turning basins, anchorages, mooring areas and swimming areas after consultation with the Marine Resources Committee (hereafter referred to as the MRC). Records, including charts and descriptions, of any areas so established shall be maintained at the Selectmen's Office and made available to the public at the Town Office or through the office of the Harbormaster.

descriptions, of any areas so established shall be maintained at the Selectmen's Office and made available to the public at the Town Office or through the office of the Harbormaster.

- 2.3 The Selectmen, upon the request of the MRC, shall periodically review areas established under this section and make amendments to existing areas, establish new areas or delete areas no longer deemed necessary by existing conditions.

Section 3: EFFECTIVE DATES

- 3.1 This Ordinance shall take effect immediately upon its adoption at the polls. Each owner of an existing mooring shall obtain a permit (and register same), and pay the applicable permit fee by April 1, 2006 and by April 1st of each succeeding year. Each owner of a new mooring in Blue Hill shall obtain a permit, in accordance with Section 7, before setting that mooring. Any mooring owner in Blue Hill who has not obtained a permit for his/her/it's mooring(s) by July 1st, 2006 and by July 1st of each succeeding year may not use that mooring and may be subject to penalties as set forth in Section 8 of this Ordinance. The Town shall mail notice of fees due. Non-receipt of notice does not excuse the permit holder from payment.

Section 4: HARBOR COMMITTEE

- 4.1 The Town of Blue Hill MRC is hereby established. It shall consist of seven (7) voting members appointed by the Selectmen. Five (5) members shall constitute a quorum. One, or more, Selectman and the Harbormaster shall serve as non-voting advisors to the Committee.

- 4.2 The Committee members shall all be residents of the Town of Blue Hill. The membership shall represent diverse interests in the harbors, waterways and tidal waters including, but not limited to, commercial and recreational boat owners, shore landowners, water-related business owners and Town board or committee members.

- 4.3 The term of a member shall be three (3) years, except that in the first year two (2) shall be appointed to a one (1) year term, two (2) shall be appointed for a two (2) year term, and three (3) shall be appointed to a three (3) year term. The term shall commence as soon as practicable following the Annual Town Meeting.

- 4.4 The Chairman of the MRC shall be elected annually by a vote of the MRC at its first meeting following the annual town meeting.

- 4.5 The MRC shall meet on the call of the Selectmen, or the Chairperson. Meetings shall be held at least quarterly. Notices of said meetings shall be mailed to all members at least ten (10) days prior to the meeting, and shall be published in the local paper ten (10) days prior to the meeting. Notice of all meetings shall be posted at the Blue Hill Town Office at least ten (10) days prior to the meeting. All meetings shall be open to the public.

- 4.6 A member of the MRC who misses three (3) meetings of the MRC in any one year term, without excuse, shall be considered to have resigned his or her office, and the selectmen shall appoint a successor to serve the balance of the term.

- 4.7 The duties of the Committee shall be:

4.7.1 To recommend to the Selectmen qualified candidate(s) for appointment or re-appointment as Harbormaster by February 1st of each year. The MRC shall use Section 5. of this ordinance when considering qualification of candidates.

4.7.2 To monitor the duties of the Harbormaster and to work with the Selectmen

- 4.7.2 To monitor the duties of the Harbormaster and to work with the Selectmen in evaluating the performance of the Harbormaster by December 31st of each year.
- 4.7.3 To advise the Selectmen on harbor and coastal planning, operation and regulation, limited to the waters of Blue Hill, described in Section 2 of this Ordinance, except for duties of the Harbormaster or deputies which are set forth in the MRSA sec. 1 et seq. of this Ordinance. Planning shall include working with the Harbormaster in developing mooring plans for the specific waters described in Sec. 2.2.
- 4.7.4 To make recommendations to any Town Meeting or duly constituted Town body or to any regulatory or advisory body as may be consistent with its duties.
- 4.7.5 To develop and recommend an annual operating budget for activities covered by this Ordinance and to recommend fees and penalties associated therewith.
- 4.7.6 To direct appeals of any person aggrieved by any decision, act or failure to act of the Harbormaster to the Board of Appeals, pursuant to Section 8.4 of this ordinance.
- 4.7.7 The Selectmen shall render a written opinion reciting facts and law upon which their decision on any appeal is based, and such shall be mailed by Certified U.S. Mail, return receipt requested, within five (5) days of the completion of the hearing. Any party to the hearing may appeal to the Superior Court within thirty (30) days of the decision.

Section 5: HARBORMASTER

- 5.1 The Selectmen shall appoint the Harbormaster annually for a one-year term beginning April 1st and ending March 31st. In the event that an appointment is not made by March 31st, the incumbent shall remain in office until a successor is appointed and sworn. This ordinance shall not be construed as giving the serving Harbormaster any expectation of automatic reappointment to serve successive terms, and no cause need be shown by the selectmen for their failure to reappoint a Harbormaster at the end of any one-year term.
- 5.2 The Selectmen may appoint a Harbormaster from a list of nominees submitted by the MRC. The Selectmen may reappoint the Harbormaster after reviewing evaluations of the Committee.
- 5.3 The Harbormaster shall have all of those certain duties and responsibility, which are prescribed by, Title 38 MRSA excepting the power to make arrests or the authorization to carry a weapon. The Harbormaster shall have the additional duty to administer and enforce the provisions of this ordinance with the authority granted by law and through his appointment as Harbormaster.
- 5.4 A Harbormaster may be removed from office, or be subject to other disciplinary action, by the Selectmen during his/her term of office for cause under 30A MRSA sec. 2601, and 38 MRSA sec. 1.. The Board of Selectmen, as the appointing authority, shall hold a predetermination hearing on any charges or complaints prior to removing a harbormaster for cause. Any vacancy in the Harbormaster position shall be filled by the procedures set forth in sec. 4.7.1 of this Ordinance. The Board of Selectmen shall appoint an acting Harbormaster in the interim until a new appointment is made

position shall be filled by the procedures set forth in sec. 4.7.1 of this Ordinance. The Board of Selectmen shall appoint an acting Harbormaster in the interim until a new appointment is made.

5.5 Upon recommendation of the MRC, the Selectmen shall establish compensation for the Harbormaster.

5.6 Minimum qualifications of the Harbormaster are as follows:

5.6.1 Twenty-one years of age

5.6.2 U.S. Citizen

5.6.3 Maine resident

5.6.4 High school education or equivalent

5.6.5 Valid driver's license

5.6.6 Demonstrated skill in small boat handling, basic navigation and fundamentals of seamanship.

5.7 Duties of the Harbormaster shall include, but are not limited to, the following:

5.7.1 To administer and enforce the provisions of this Ordinance with the authority granted by law.

5.7.2 Within the waters of Blue Hill, the Harbormaster shall have all those certain duties and responsibilities of the office which are prescribed by 38 MSRA sec. 1 ~~et seq.~~ including resolving conflicts between parties relating to moorings and watercraft operations.

5.7.3 To manage the permitting process, permit applications and location and specifications of mooring tackle in Blue Hill pursuant to the terms and conditions of this Ordinance.

5.7.4 To work with the MRC and Selectmen to establish and maintain a Harbor Plan.

5.7.5 To work with the MRC and Selectmen to establish and maintain anchorage areas and channels in Blue Hill, to remove obstructing fishing gear and vessels and to change mooring locations when a crowded condition merits the change.

5.7.6 To aid the MRC in preparation of its annual report and budget recommendations.

5.7.7 To attend Maine Harbormasters Association seminars and to become certified within 18 months.

5.7.8 To maintain reports and logs of daily activities

5.7.9 To maintain incident logs, and report such incidents to the office of the Selectmen.

5.7.10 To Maintain a waiting list of individuals requesting a mooring in the described Harbors based on the categories of Mooring Holders outlined in Sec. 6.4.2. Current copies of such list shall be provided to the MRC and the Board of Selectmen on a monthly basis.

Section 6: MOORING PERMITS

6.1 No mooring or float shall be placed within the limits of Blue Hill unless: [1] an application for permit has been filed with the Harbormaster. [2] The Harbormaster has issued a written permit specifying the mooring's location, size, type and the maximum size and type of watercraft to be moored, and [3] the appropriate fee has been paid. See Appendix I. Of this Ordinance

Harbormaster has issued a written permit specifying the mooring's location, size, type and the maximum size and type of watercraft to be moored, and [3] the appropriate fee has been paid. See Appendix I. Of this Ordinance.

6.2 **Categories** of mooring permits:

6.3.1 Shore landowners

6.3.2 Boat Owners [resident, commercial fishermen, non-residents]

6.3.3 Commercial rental-mooring owners

6.3.4 Service moorings

6.3.5 Other [storm, float and outhauls, temporary and Aquaculture].

6.3.6 Town moorings

6.3 **Issuance** of Permits for Town Waters

6.3.1 In Year 1 of this ordinance anyone having a mooring(s) in Blue Hill at the time of enactment of this Ordinance who has maintained it in a condition suitable for the use of a watercraft within the previous 2 years shall be, upon application, granted a permit for said mooring(s).

6.3.2 When the number of applications exceeds the number of spaces available within any anchorage, the Harbormaster shall establish a waiting list by priority as follows, and pursuant to 38 MSRA, sec. 7-A.

1. Shore land owner
2. Resident Commercial Fisherman
3. Existing mooring owner requesting change of mooring location
4. Resident recreational and commercial [service, rental, charter, etc.]
5. Non-resident recreational and commercial [fishermen, service, rental, charter, etc.]

Generally an applicant's name may appear only once on the waiting list.

Multiple applications under a single name shall be subject to review by the MRC. The application for a single commercial rental mooring must be supported by evidence of a bona-fide commercial venture.

A record of all applications showing date of receipt shall be maintained at the Town Office and made available to MRC members and the general public.

6.3.3 After year 1 of this Ordinance:

6.3.3.1 Renewals of permits shall be granted if there is no substantial change in the content of the application (such as the size of the watercraft), except those moorings that fall under Section 6.3.3.2

6.3.3.2 A mooring owner with a permit valid during previous years and currently owning no boat is allowed, as a matter of right, an extension of one year on that permit. After the initial one-year extension, the Harbormaster may grant additional extensions from year to year if there is no qualified party on the waiting list for this description of mooring location or if there are extenuating circumstances.

6.4.4. **Applications**

6.4.4.1 Application forms for new and renewal mooring permits may be obtained from the Harbormaster or at the Blue Hill Town Office.

6.4.4.2 A permit application must be supported by statement of its intended

obtained from the Harbormaster or at the Blue Hill Town Office.

6.4.4.2 A permit application must be supported by statement of its intended use: primary mooring for a specific watercraft owned by the applicant, shore land owner's mooring, guest mooring, and service mooring or commercial rental mooring.

6.4.4.3 Any permit application shall be acted upon by the Harbormaster within two (2) weeks.

6.4.4.4 Any permit application, which is denied, by the Harbormaster, shall state the reason(s) on the rejection notice. The applicant shall have 30 days in which to file an appeal with the Board of Appeals as provided in section 8.4 of this Ordinance.

6.4.4.5 Moorings and anchors used solely to secure floats, walkways, and/or outhauls attached to the shore require a permit will not be subject to a fee. In the case of shore landowners, such moorings do not count as primary or guest moorings.

6.4.4.6 Those moorings for which any type of fee is assessed, including moorings offered for transient or seasonal rental by a commercial maritime business or for rent by a private individual, and those moorings used in the course of a commercial maritime business [including service moorings] must have a US Army Corps of Engineers permit in addition to a mooring permit from the Town of Blue Hill.

6.4.4.7 Any mooring intended for use as a guest mooring by a yacht club, cruising club, or other permit holder or applicant must have that use stated in the permit application.

6.4.4.8 Temporary mooring permits may be issued by the Harbormaster for a service craft requiring, by operational necessity, immediate access to a specific location.

6.4.4.9 Fees for mooring permits shall be set annually by the Selectmen with the advice of the MRC and included within Appendix I of this ordinance.

6.4.5 **Transfer** of Permits: Mooring Permits and location assignments are not transferable, except:

6.4.5.1. Resident commercial fisherman may transfer a permit to a member of his/her immediate family if the permitted use continues for commercial fishing purposes.

6.4.5.2. The owner of commercial rental moorings and/or service moorings may transfer all of his/her/its permits to the purchaser of assets of his/her/its business as long as the business continues to operate the moorings in the same manner and under USACE permits.

6.4.5.3. Among other resident permit holders, a request for transfer of a permit to an immediate family member, also a resident shall be considered to be an application for permit. Within the discretion of the Harbormaster, preference may be given above other resident recreational permit applications with respect to that specific permit location.

6.4.5.4. A permit holder no longer qualifying for, or desiring not to renew his/her permit shall so inform the Harbormaster. The Harbormaster

- location.
- 6.4.5.4. A permit holder no longer qualifying for, or desiring not to renew his/her permit shall so inform the Harbormaster. The Harbormaster shall then offer that assigned location to the next qualified and suitable applicant on the waiting list. Ground tackle placed at the assigned location may be offered for sale and, if bought by the new permit holder, may be left in place. Otherwise, its owner must remove all ground tackle.
- 6.5 **Placement** of Moorings.
- 6.5.1 Moorings shall be placed in the location indicated in the permit and marked by the Harbormaster.
- 6.5.2 The Harbormaster shall provide the permit holder with longitude and latitude coordinates of his/her mooring and with the permit number.
- 6.5.3 The permit holder shall provide the Harbormaster with the name of the individual or company responsible for the inspection and maintenance of the mooring
- 6.6 **Use** of Moorings. No one shall use a mooring without the express permission of the permit holder and the subject to review by the Harbormaster for the safety and fitness of the mooring for the watercraft. No permit holder shall sublet his/her mooring(s) or mooring space to another user or boat owner without written permission of the Harbormaster.
- 6.7. Mooring **Identification:**
- 6.7.1 The permit holder shall mark the mooring surface buoy or float with the permit number in 3" minimum height characters, in a contrasting color with his/her/its name or the watercraft name in a manner that is legible at all times.
- 6.7.2 Any winter pole or similar device shall be marked with the permit number in a manner that is visible on the surface.
- 6.8 Mooring **Inspections.**
- 6.8.1 New moorings shall be inspected by an individual or business approved by the Harbormaster, **BEFORE** the mooring is set.
- 6.8.2 All new Moorings shall comply with USCG regulations.
- 6.8.3 A list of contractors for mooring installation shall be made available at the Town Office.
- 6.8.4 Mooring Contractors, wishing for inclusion on said list, will submit to the MRC, Harbormaster and Board of Selectmen, a resume and proof of liability insurance for approval before performing work in Blue Hill Waters.
- 6.9. **Liability** related to moorings:
- 6.9.1 The permit holder has the responsibility to install (or cause to be installed) the mooring system in a manner suitable to the size, configuration, and displacement of his/her watercraft according to commonly accepted mooring practices.
- 6.9.2 The permit holder has the responsibility to maintain his/her mooring in a safe condition. Holding a permit does not absolve the holder from liability or expense resulting from the failure of his/her mooring.

6.9.2 The permit holder has the responsibility to maintain his/her mooring in a safe condition. Holding a permit does not absolve the holder from liability or damages resulting from the failure of his/her mooring.

6.10. **Movement** of moorings:

- 6.10.1 Movement of a permitted mooring from its assigned location by any individual or business is prohibited without the express written consent of the Harbormaster.
- 6.10.2 The Harbormaster, may for the safety of watercraft, the efficiency of a mooring area, the maintenance of a designated channel, the implementation of harbor management improvements, and/or the implementation of a Harbor Plan approved by the MRC, direct that mooring site to be vacated and the permit holder's ground tackle be moved to another location within the waters of Blue Hill.
- 6.10.3 With the exception of a timely movement of a mooring for safety or clear navigation purposes, any movement shall provide for fourteen (14) days notice to the permit holder (by mail or personally, by voice) and be accomplished with the least disruption to the permit holder.
- 6.10.4 The cost of moving previously permitted moorings to clear channels will be borne by the Town of Blue Hill.

6.11. Removal of Moorings: The Harbormaster may cause a mooring to be removed for the following reasons:

- 6.11.1 Non-payment of fees, fines, or lack of inspection within the prescribed period.
- 6.11.2 Abandonment of mooring. Any mooring which is not permitted for a period of more than one (1) year shall be deemed abandoned. The mooring may be removed, and the location reassigned to an applicant on the waiting list (s).
- 6.11.3 Neglect to remove or replace moorings. In the case of the neglect or the refusal of the permit holder to remove a mooring with one of different character, when so directed by the Harbormaster, the Harbormaster may cause the mooring to be removed from service or from the Harbor. Such removal shall be at the expense of the permit holder. Removal of moorings shall be in accordance with MSRA 38. sec. 4.

SECTION 7: GENERAL RULES AND REGULATIONS FOR BLUE HILL

7.1 **Speed** restrictions:

- 7.1.1 No person shall use or operate any vessel in such a way as to cause damage to or loss of property, or annoyance to other users of the waters of Blue Hill.
- 7.1.2 Any person operating a watercraft in a reckless manner, at a speed greater than is reasonable and proper having regard to other traffic, moored vessels and proximity to shore, or while intoxicated or under the influence of any narcotic drug, shall be guilty of a Class E Crime.
- 7.1.3 All vessels shall be operated in a manner so as to cause minimal wake while maintaining safe headway speed, within 200' of any anchorage or

- 7.1.3 All vessels shall be operated in a manner so as to cause minimal wake while maintaining safe headway speed, within 200' of any anchorage or within any harbor described in Section 2.

7.2 **Anchoring:**

- 7.2.1 Anchoring a vessel within the designated channels or a designated mooring area is prohibited.

7.3 **Docking** of Watercraft:

- 7.3.1 Attended watercraft may tie-up to the face of Town wharves and piers for a period not to exceed one (1) hour. Unattended watercraft may tie-up to the sides of said wharves and piers for a period not to exceed one (1) tide. Time limits for this sub-section may be extended with the express written or oral consent of the Harbormaster.
- 7.3.2 Skiff tie-up, Town Floats: By permit only, holders may tie-up one skiff type vessel, not to exceed 16' overall length (LOA). All such vessels must be properly fendered, or supplied with proper gunnel guard to protect other boats. Permit holder is responsible for keeping boat in a full floating condition at all times. Use of this space shall be totally at owner's risk. Please see Appendix I for rules.

7.4 **Swimming** from Town Wharves, Docks and Floats.

- 7.4.1 No swimming or diving shall be allowed from any Town Docks, Wharves or piers.

7.5 Designated **Swimming** areas:

- 7.5.1 Watercraft is prohibited in areas designated as swimming areas. swimming area boundaries shall be established by the Selectmen and posted at town-owned access points so designated and in the Town Office.

7.6 **Damage** to Facilities:

- 7.6.1 Any person or persons causing damage to Town-owned water access facilities shall report the damage to the Harbormaster or Town officials by the most direct method, so that repairs may be made and further damage avoided.

7.7 **Commercial Fishing, bait and fish handling:**

- 7.7.1 Any bait, fish or fish parts to be loaded onto or off-loaded from watercraft must be removed immediately from any town-owned wharf, dock, pier or float. Any spillage or residue shall be immediately cleaned up by the owner of the watercraft or conveyance involved.
- 7.7.2 Any object, not mentioned in section 7.8, sub-section 7.8.1 to be loaded onto or off-loaded from any watercraft, must be removed from the town facilities within twenty-four (24) hours.
- 7.7.3 Lobster cars may be stored at the owner's risk, on Town-owned land with the prior approval of the Harbormaster and in compliance with the Harbormaster's directions from October 1st to May 1st of each year. An annual storage fee, set by the Selectmen, will be due and payable to the Town of Blue Hill before any lobster car may be stored on Town land.

annual storage fee, set by the Selectmen, will be due and payable to the Town of Blue Hill before any lobster car may be stored on Town land.

- 7.8 **Turning Basins:** Nothing shall be placed in the areas designated as turning basins which will impede navigation. Turning basin boundaries shall be established by the MRC and Selectmen, and posted at the Facility and at the Town Office.
- 7.9 **Owners Risk:** Any person(s) using Town-owned water access facilities shall do so at their OWN RISK, and such person(s) shall use appropriate safety precautions while using such facilities.
- 7.10 **Fishing from Town Facilities:** Any person(s) fishing from Town-owned water access facilities shall retrieve fishing gear and not impede the navigation of watercraft approaching or departing Town-owned wharves, docks, piers or floats
- 7.11: **Abandoned Watercraft:**
- 7.11.1 No person may bring into or maintain in Blue Hill's Harbor's, waterways or tidal waters any derelict watercraft or watercraft for salvage, nor may any person(s) abandon any watercraft in Blue Hill's waterways harbors or tidal waters. This section shall also apply to abandoned floats, fishing gear, or aquaculture-related materials.
- 7.11.2 In addition to possible criminal prosecution permitted by MRSA 38, sec. 9, when the Harbormaster determines a watercraft has been abandoned, the Harbormaster shall order the owner of such abandoned watercraft (if known) to remove it within ten (10) days. Upon the owner's refusal to do so, or if the owner cannot be identified, the Harbormaster may cause its removal, with the costs to be paid by the Town, BUT with all reimbursements for said costs to be the responsibility of the Owner.

Section 8: Violations, Enforcement and Fees.

- 8.1 No person shall maintain or use a mooring of any type within the tidal waters of Blue Hill without first obtaining a permit or registration from the Harbormaster.
- 8.2 The Harbormaster, upon finding that any provision of this Ordinance or the condition(s) of a permit issued under this Ordinance is being violated, is authorized to issue notices of violations, orders to correct, or schedules to correct and to initiate legal proceedings as authorized by the Selectmen to enjoin violations and to recover fines and costs associated.
- 8.2 A person, who violates the provisions of this Ordinance or the condition of a permit or registration issued under this Ordinance, commits a civil violation for which the Town of Blue Hill may seek penalties and relief in accordance with 30-M.R.S.A sub-sec. 4452. The Harbormaster shall serve the violator, in person or by mail, with a citation stating (1) the date and place of the violation (2) the nature of the violation and the Ordinance provision violated, and (3) Steps the violator must take and the schedule within which those steps must be taken in order to correct the violation. The Selectmen and Harbormaster may enter into a consent agreement to remedy any violation of this Ordinance. In the event that the violator fails to correct the violation in compliance with that citation, the Selectmen may commence an enforcement action, pursuant to 30-A M.R.S.A, sec. 4452, and M.R.C.iv.P.80k., in which the Town may seek from the violator attorney's fees, expert witness fees, costs and /or injunctive relief.
- 8.4 A person aggrieved by any decision, act or failure to act of the Harbormaster, under this Ordinance, may appeal that decision in writing to the Board of Appeals within thirty (30) days of the Harbormaster's decision. The Board of

8.4 A person aggrieved by any decision, act or failure to act of the Harbormaster, under this Ordinance, may appeal that decision in writing to the Board of Appeals within thirty (30) days of the Harbormaster's decision. The Board of Appeals shall hear such appeals *de novo* under the provisions of 30-A M.R.S.A. sub-sec. 2691. Parties aggrieved by a decision of the Board of Appeals under this Ordinance, may appeal directly to the Maine Superior Court pursuant to M.R.Civ.P 80B.

Section 9: Severability Provisions

9.1 If any provision of this ordinance is held to be invalid or inoperative, the remainder shall continue in full force and effect as though such invalid or inoperative provision had not been made.

Section 10: Aquaculture

- 10.1 Moorings within Blue Hill tidal waters, related to aquaculture projects requiring a permit from any state or federal authority; also require a permit from the Town of Blue Hill, according to the fee structure as set forth in Appendix I.
- 10.2 Moorings connected to any aquaculture project requiring a permit from state or Federal authority may be subject to review with special consideration to the economic, scenic, ecological, recreational, or commercial fishing effects of the project.

Section 11: Revenues

11.1 Revenues generated by fees and civil penalties under this Ordinance, which are in excess of actual annual expenditures for the execution and enforcement of this ordinance shall be placed in a continuing account to be carried forward for future expenditures under this Ordinance or used to maintain and improve Municipally owned, water related facilities.

Section 12. Definitions

1. Abandoned watercraft: Any watercraft that the Harbormaster determines to be a threat to navigation, property, other watercraft, or the environment due to watercraft condition or to neglect on the part of the owner or master of the watercraft in question.
2. Aquaculture: Commercial or scientific marine farming for finfish, shellfish, other marine life or plants, using pens, nets, floats, stakes and or other related equipment.
3. Commercial Vessel: a vessel defined as a commercial vessel under the State of Maine Watercraft Excise Tax. Any vessel used for or engaged in any type of commercial activity including, but not limited to commercial fishing, carrying passengers for hire, or carrying cargo for hire.
4. Derelict Watercraft: Any watercraft that the MRC determines to be a threat to navigation, property, persons, other watercraft or the environment, due to the watercraft condition or neglect on the part of the owners or masters of the watercraft in question.
5. Emergency: A state of imminent or proximate danger to life, property or the environment, in which time is of the essence.
6. Float: Any floating structure connected to the shore, normally used as point of transfer of passengers or goods or for temporary or continuous attachment of

6. Float: Any floating structure connected to the shore, normally used as point of transfer of passengers or goods or for temporary or continuous attachment of a vessel.
7. Mooring:
 - 7.1 Permanent Mooring: A device, to which a vessel is attached, is not carried aboard, and whose sinker is left in place on a year-round basis.
 - 7.2 Seasonal Mooring: A mooring whose sinker is not left in place on a year-round basis.
 - 7.3 Assigned Mooring: That mooring and related gear, for which a permit has been obtained stating vessel length, use, and location.
 - 7.4 Service Mooring: Any mooring used as a service mooring or commercial mooring and assigned to a water-related business.
8. Inspection(s):
 - 8.1 Movable moorings, those having a sinker of \leq to 150#. Shall be inspected from staple to pennant prior to setting out in the spring of the year; checking all chain, seizing, safeties, thimbles and splices.
 - 8.2 Fixed/permanent moorings, those having a sinker $>$ 150#, shall be inspected from staple to pennant, by bringing the mooring completely to the surface, either aboard a boat or barge or by grounding to allow inspection at low water.
9. Obstruction: A mooring, vessel, cradle, float or other object which impedes Navigation.
10. Outhaul: A mooring used to attach dinghies or tenders by means of a continuous Line attached to the shore.
11. Permit: The official written authorization for placement of a mooring within the tidal waters of Blue Hill.
12. Resident: For the purpose of this Ordinance, a resident shall mean an individual who maintains a residence in the Town of Blue Hill, a real estate tax payer and/or a registered voter in the Town of Blue Hill as of January 1st of that year.
13. "Shall" and "May": "Shall" is mandatory, "may" is permissive.
14. Shore land owner: An owner of a parcel of land greater than 20,000 square feet, with at least 100 linear feet of shore frontage upon any of the tidal waters of the Town of Blue Hill. Condominiums, townhouses, or any similar multiple ownership parcels of land are considered as one parcel for the purpose of allocating mooring permits, and as such are entitled to one (1) mooring under 38 MRSA sec. 3. additional moorings may be allowed under other provisions of 38 MRSA.
15. Vessel: Any watercraft used of or capable of transportation over the water.
16. Watercraft: Any and all floating apparatus including but not limited to vessels, dinghies, skiffs, boats, rafts, floats, airplanes, lobster crates and/or cars, and aquaculture equipment without distinction as to method of propulsion.
17. Water-dependant business: Any business that the MRC and Planning Board determines to require the use of moorings in order to conduct its business.

18. Wharf (pier): Any permanent non-floating structure, normally used as a point of transfer for passengers and/or goods or for temporary or continuous attachment of a vessel.

APPENDIX I.

FEES AND COSTS

As outlined in Section 6 of this Ordinance, Fees are to be set annually by the Board Of Selectmen, Town of Blue Hill. Any fees and cost collected are to be used by the Town, solely for the Maintenance of Town owned maritime facilities, for the administration of this resource, and to be set aside for any capital improvements voted upon by the Town.

1. Fee Structure.

1.1: **Resident** (Sec. 12.12) \$ 30.00 per year

Persons defined by this section are allowed up to three (3) moorings at this rate. Each mooring above this number shall be charged the non-resident fee.

Persons defined by this section are allowed up to three (3) moorings at this rate. Each mooring above this number shall be charged the non-resident fee.

1.2 **Non-resident** \$150.00 per year

1.3 **Shoreland Owner** (Sec. 12.14) \$ 0.00 per year
for the **1st mooring ONLY**. Any additional moorings shall be charged the appropriate fee.

1.4 **Dinghy tie-up.** South Blue Hill Wharf Facility \$100.00 per year
Payment of this fee, entitles the permit holder to tie up one skiff or dinghy to the finger floats from May 1st to October 31st. Skiff shall be no longer than 16' overall. 25 spaces exist. Permits are issued first to renewal users then on a 1st come basis for any remaining spaces.

1.5 **Commercial vehicle transport permit**
Any vehicle transporting product or equipment on or off the Town Wharves must obtain an annual or per-day permit from the Town of Blue Hill based on the following schedule:

Per Day Permit Fee:	\$ NO FEE
18 wheel tractor and trailer	
10 wheel truck	

1.6 **Outfitters Permit** \$100.00 per year
Any individual, partnership, or corporation providing outfitting services such as watercraft rental to the public, and using town owned launching facilities, shall be assessed this fee. Permit is non-transferable.

Vehicles and trailers may not be left unattended, nor parked over-
night without written permission of the Harbormaster.

2. Storage Fees:

The Town of Blue Hill reserves the right to allow private individuals, including commercial fisherman to store lobster cars, floats or ramps on Town Facilities for the winter months. Moorings, outhauls, and fishing gear may not be stored, without exception. Such gear, if approved, shall be placed upon land no earlier than October 31st, nor shall it remain beyond May 1st. The storage location shall be approved by the Harbormaster, so as not to interfere with winter snow removal, emergency vehicle operation, or any other usage.

Any debris or damages to the facilities must be cleaned-up or repaired at the owner's expense immediately upon discovery.

fee. \$150.00 per item storage

3. Exception:

There shall be no fees levied against, or required of, operators of vehicles used to provide emergency services to the public. Use of Town owned facilities, by charitable, non-profit corporations shall be subject to consideration by the Harbormaster and the Board of Selectmen.

provide emergency services to the public. Use of town owned facilities, by charitable, non-profit corporations shall be subject to consideration by the Harbormaster and the Board of Selectmen.

APPENDIX II.

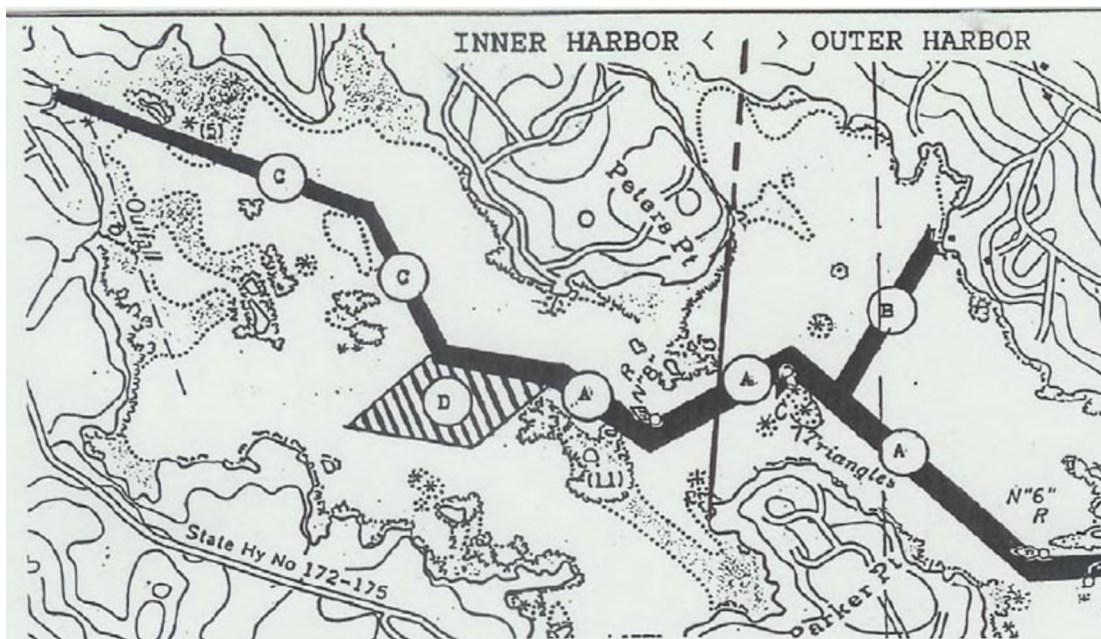
PENALTIES AND FINES

The Town of Blue Hill granted the power by this Ordinance and by 38 MRSA Maine Law shall be authorized to assess the following Penalties and Fees to violators of this Ordinance. All Fines are based per occurrence.

Overnight Parking at Town Owned facilities:	\$ 25.00
Overdue storage of floats and gear on Town Land:	\$
Late payment of Mooring Permit costs:	\$
Failure to obtain a mooring permit:	\$
Illegal dumping of waste on Town Owned Property:	\$
Watercraft exceeding speed limit in specified harbors and anchorages:	\$
Exceeding Posted vehicle weight on Town Wharves.	\$
Unattended Commercial Vehicle:	\$

APPENDIX III.

ANCHORAGES AND CHANNELS



NOT TO SCALE

- A. Channel "A" to be a channel 100 ft. wide with the navigation buoys marking the outer boundaries on the appropriate sides of the channel starting at can buoy "3" continuing in a westerly direction to can buoy "5" thence to nun buoy "6" then in a northwesterly direction to can buoy "7" then in a southwesterly direction to nun buoy "8", then in a northwesterly direction to intersect with the eastern point of the transient vessel anchorage area "D".
- B. Channel "B" to be a channel 50 feet wide, starting at the float belonging to Kollegewidgwok Yacht Club, heading on a true bearing of 210 degrees until it intersects with channel "A".
- C. Channel "C" to be a channel 50 feet wide, starting at the Blue Hill Village Wharf, heading approximately 110 degrees true until it intersects a bearing of approximately 150 degrees true to the north corner of the transient

- C. Channel "C" to be a channel 50 feet wide, starting at the Blue Hill Village Wharf, heading approximately 110 degrees true until it intersects a bearing of approximately 150 degrees true to the north corner of the transient anchorage area "D" then along this bearing to the intersection of channel "A".
- D. Channel "E" (not shown) to be a channel 100 feet wide, starting at the Seaward end of the South Blue Hill Wharf, continuing on the same bearing as the wharf in a seaward direction until it intersects the boundary of the South Blue Hill Harbor as defined in Sec. 2.2.5.

APPENDIX IV.

SAMPLE FORMS

The following forms are contained within the next pages.

- ✓ **Harbormaster Incident Report**
- ✓ **Mooring Permit Application**
- ✓ **Mooring Inspection Certificate**
- ✓ **Application for Mooring Waiting List**
- ✓ **Winter Storage Rule & Agreement**

Harbormaster Incident Report

Date: _____ **Type of Offense or Activity** _____

Location of Violation: _____ **Mooring #** _____

Date of Offense: _____ **Time:** _____ **Complainant** _____

Address: _____ **Phone#**() _____ - _____

Registration# and State: _____

Name of Watercraft: _____ **Type:** _____

Operator's name: _____

Address: _____ **Phone#** () _____ - _____

Owners Name: _____

Address: _____ **Phone#** () _____ - _____

Witness Name: _____ **Phone#** () _____ - _____

Address: _____

Details of Incident:

Signed: _____ **Harbormaster/Deputy Harbormaster**

A copy of this form must be filed with the Blue Hill Town Office immediately. Questions or comments should be made to the Board of Selectmen. 374-2811

TOWN OF BLUE HILL, MOORING PERMIT APPLICATION

Name (last name first) _____ #Assigned _____
Date: _____ New: _____ Renewal _____

Mooring tackle information:

Circle use: Personal // Commercial // Service // Permanent // Seasonal// Circle **Type:** Mushrm. // Block //

Weight: _____ Lbs. **Pennant Length:** _____ (nylon only, no floating) Pyramid

Weight: _____ Lbs. **Pennant Length:** _____ (nylon only, no floating) Pyramid
Date last inspected: ___/___/___ **Name of Inspector:** _____
GPS Location: _____
 Date Set: _____
 Mooring System Fabricator (name) _____

Watercraft Information:
 Registration/Documentation#: _____ State: _____ Name: _____
 Make of manufacture: _____ Type: _____
 Color: _____ Length: _____ Beam: _____ Draft _____
 Propulsion Type: _____

Owner Information:
 Name: _____ Phone# (____) _____ - _____
 Address: _____
 Name, address, phone # for local person responsible for watercraft (non-resident only) _____

1. This permit is non-transferable. It is illegal to rent a mooring without a federal permit
2. Location of New Moorings will be assigned by the Harbormaster ONLY
3. Approval of Applications by Harbormaster only
4. Holder of permit is responsible for setting mooring and for making adjustments as necessary for the safety of his boat and those of others.
5. Names of Owners and Mooring Permit numbers must be painted on all mooring balls in 3" letters
6. The Valid Mooring Permit sticker must be affixed to the starboard bow of the watercraft, next to the state registration sticker
7. Moorings must be inspected every 3 years by an approved contractor (sec. 12.8)
8. Winter logs shall be placed on permanent moorings no sooner than Oct. 1, and removed no later than June 1 of the calendar year. No floating rope may be used.
9. If any watercraft on a permitted mooring is taking on water, or in danger of sinking, the harbormaster or his deputy may authorize a local contractor to pump or secure said boat, at the sole expense of the owner. The owner must pay the contractor within 60 days of notification, or sacrifice his mooring privileges.
10. **Renewal form and applicable fee must be received before May 1st.** Moorings must be in their assigned location by June 1st, or their location may be reassigned. Moorings not registered at that time, will be considered abandoned, cut loose, or removed @ owners expense.

Signed: _____ Date: _____

OFFICE USE ONLY: Approved by: _____ Date: _____ Exp. 12/31

FEE: \$.00 Resident of Blue Hill // \$.00 non-resident // Late Fee: \$.00

Date received: _____ Cash/Check

Town of Blue Hill. Mooring Inspection Form

Pursuant to Sec. 6.8 of the Town of Blue Hill harbor Ordinance, all moorings, whether permanent or seasonal are required to be inspected every three (3) years. A copy of this form must be filed with the Town of Blue Hill, Office of the Harbormaster. A copy should be retained in the files of the inspector as well as provided to the permitted owner of the mooring.

Mooring #: _____

GPS Bearings: _____ Specified Harbor: _____

Name of Owner: _____

Watercraft size and name:

Name of Owner: _____

Watercraft size and name: _____

Registration # or Documentation # _____

Is name of owner and permit # displayed in 3" high lettering on Mooring Ball or Float?

Yes No

Type of Sinker (circle one): Stone // Pyramid // Mushroom // Other

Weight of Sinker: _____ #

Water depth @ mean high tide: _____ feet.

Length and diameter of bottom chain: _____ Condition: _____

Length and diameter of top chain: _____ Condition: _____

Length, diameter, and type of pennant: _____

Are all swivels, shackles, thimbles in serviceable condition and properly seized? **Y N**

Observations and comments: _____

Recommendations: _____

Have recommendations been complied with? _____

Inspector's signature: _____

Date: _____

Accepted by: _____ Town of Blue Hill

Town of Blue Hill, Application for Mooring or Skiff Tie-up Wait List

Date of Application: _____

Location of requested Mooring: _____

Boat use (circle one): Personal // Commercial // Guest // Other

Boat Registration # or Documentation # _____

Name of Boat: _____

Make: _____ Length: _____ Beam: _____ Draft: _____

Type Watercraft (circle one): Cabin Cruiser // Sail // Cuddy // Open // Lobster // Work

This application is non-transferable, and is for the intended use of the above named watercraft and owner only, except on a temporary basis at the discretion of the Harbormaster, in writing. The location is subject to change at any time, at the discretion of the Harbormaster or his deputy as conditions warrant. The holder of a permit is responsible for setting of the mooring, or for making adjustments for the safety of surrounding watercraft. Marking of the mooring ball must comply with Sec. 6.7.1 and 6.7.4 of the harbor Ordinance. The Harbormaster will oversee placement of any mooring or assignment of tie-up permit for the S. Blue Hill Facility.

Signed:

Date:

Signed: _____ Date: _____

Print name: _____

Mailing Address: _____

Legal Residence: _____

Telephone # (____) _____ - _____

A \$10.00 fee must accompany this application on an annual basis.

Accepted by: _____ For the Town of Blue Hill

TOWN OF BLUE HILL

WINTER STORAGE RULE

The Town of Blue Hill reserves the right to allow private individuals, including commercial fisherman, to store lobster cars, floats or ramps upon Town owned Facilities for the Winter Months. Moorings, outhauls, fishing gear or related items may not be stored – without exception. Such gear for storage, if approved, shall be placed on land no earlier than October 31st of any year, nor shall it remain beyond May 1st. The storage location shall be assigned and approved by the Harbormaster prior to Storage, so as to not interfere with winter snow removal, emergency vehicle operation or any other usage. **Any Property remaining after May 15th is subject to removal at the owner’s expense or sold.**

A completed Storage Agreement shall be signed and dated by the owners of such property to be stored PRIOR TO HAUL-OUT. The designated fee must also be paid at time of agreement execution –without exception.

Any debris or damages to the facilities must be cleaned-up and/or repaired at the expense of the owner immediately upon discovery.

Accepted: October 22,2004, at Blue Hill, Maine

Signed:

John Bannister, Chairman, Board of Selectmen

M. B. Grindle III, Selectman

James Schatz, Selectman

TOWN OF BLUE HILL

WINTER STORAGE AGREEMENT

This agreement is between the Town of Blue Hill (hereafter referred to as the Town) and _____, for the purposes of winter storage of property upon Town owned land. This agreement shall be executed as a seasonal agreement only, to run from October 31st to May 1st, without exception.

A **FEE** of \$150.00 shall be assessed for each item to be stored. As an example, 1 float + 1 ramp = 2 items. A **FINE** shall be assessed, to the owner of such gear, in the amount of \$25.00/day/item for each day that property remains on Town land beyond May 1st. In no case shall stored items be allowed to remain on premises beyond May 14th of any year. Any property remaining beyond that date will be removed at the owner's expense.

The **FEE** shall be paid by personal check, or cash, to the Town of Blue Hill, prior to haul-out and storage occurs.

Storage of any gear shall be **AT THE SOLE RISK OF THE OWNER. THE TOWN OF BLUE HILL ASSUMES NO LIABILITY FOR PROPERTY DAMAGE OR BODILY INJURY ARISING OUT OF THIS STORAGE AGREEMENT.**

Dated: _____

Signed: Owner of Property

Mailing Address

Phone # (winter and seasonal)

E-mail address (optional)

Signed: Harbormaster, Town of Blue Hill [OR] Selectman, Town of Blue Hill

Office Use Only: _____

Paid Date: _____

Check/cash (circle one) Check # _____

PLEASE PROVIDE A COPY OF THIS AGREEMENT AND A COPY OF THE STORAGE ORDINANCE TO ANY APPLICANT AT TIME OF EXECUTION.

**Town of Blue Hill
Marine Resource Committee**

Statement of Purpose and Organization

The purpose of the Marine Resource Committee shall be:

- 1: To prepare a Harbor Ordinance that will effectively manage the marine resources of the town of Blue Hill. This includes the town owned docks and their access, the mooring and anchorage areas, and other public uses of the harbors and water front.
- 2: To annually review the appropriate harbor management practices and the Harbor Ordinance.
- 3: To prepare an annual operating budget, to be presented to the Budget Committee, for the operation and maintenance of the town owned marine facilities.
- 4: To write the job description and qualification requirements for the Harbor Master.
- 5: To hear appeals of anyone aggrieved by the decision, act, or failure to act of the Harbor Master.
- 6: To assist in the coordination of all public and private agencies, commissions and organizations which have interest or jurisdiction within the harbor areas.

Organization of the Marine Resource Committee:

- 1: The Marine Resource Committee shall consist of seven (7) members appointed by the Town Selectmen.
- 2: The Committee members shall be residents of the Town of Blue Hill. The membership shall represent as many diverse interests in the harbors, waterways, and tidal waters as possible (i.e., commercial boat owners, recreational boat owners, abutting land owners, water related business owners, members of land use boards or committees).
- 3: The term of a member shall be three (3) years, except that initially three (3) of the Committee members shall be appointed to a three (3) year term, two (2) shall be appointed to a two (2) year term, and two (2) shall be appointed to a one (1) year term. The term shall commence on May 1.
- 4: Five (5) members shall constitute a quorum.

PROPOSAL.WPS 5/27/93

- 5: The Chairperson of the Committee shall be elected annually by a vote of the membership at its first meeting Following May 1.
- 6: The Harbor Master shall attend all meetings and be a non-voting advisor.
- 7: All meetings shall be open and announced to the public.

TOWN OF BLUE HILL

Shellfish Conservation Ordinance

Effective Date: April 3, 2010

Certified by: John R. Bannister 4-9-10
Duane B. Gray 4-9-10
[Signature] 4-9-10
Municipal Officers Date

Attest True Copy: Etta Perkins 4-9-10
Town Clerk Date

Town of Blue Hill Shellfish Conservation Ordinance

1. **Authority:** This ordinance is enacted in accordance with 12 M.R.S.A. Section 6671
2. **Purpose:** To establish a shellfish conservation program for the town of Blue Hill which will insure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means, which may include:
 - A. Licensing
 - B. Limiting the number of shellfish harvesters
 - C. Restricting the time and area where digging is permitted
 - D. Limiting the size of clams taken.
 - E. Limiting the amount of clams taken daily by a harvester daily.
3. **Shellfish Conservation Committee:** The Shellfish Conservation Program for the Town of Blue Hill will be administered by the Shellfish Conservation Committee a sub- committee of the Marine Resources Committee of the town of Blue Hill appointed by the selectmen of Blue Hill for a term of three years.

The committee's responsibilities include:

- A. Establishing annually in conjunction with the Dept of Marine Resources the number of shellfish digging licenses to be issued.
- B. Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the department a plan for implementing conservation measures
- C. Submitting to the board of selectmen proposals for the expenditures of funds for the purpose of shellfish conservation
- D. Keeping this ordinance under review and making recommendations for its amendments
- E. Securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed areas that are conditionally opened by the Department of Marine Resources
- F. Implementing conservation closures and openings or recommending conservation closures and openings to the Marine Resources Committee and the board of Selectmen in conjunction with the area biologists of the Department of Marine Resources.
- G. Submitting an annual report to the municipality and the Department of Marine Resources covering the above topics and all other committee activities.

4. **Definitions:**

- A. **Resident:** The term “resident” refers to a person who has been domiciled in this municipality for at least three months next prior to the time his claim of such residence is made.
- B. **Nonresident:** the term nonresident means anyone not qualified as a resident under this ordinance.
- C. **Shellfish, Clams and intertidal Shellfish Resources:** When used in the context of this ordinance the words “shellfish”, “clams” and “intertidal shellfish resources” mean soft shell clams.
- D. **Municipality:** Refers to the Town of Blue Hill, Maine

5. **Licensing:** Municipal shellfish digging license is required. Is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by this ordinance. A commercial digger must also have a valid State of Maine Commercial Shellfish License issued by the Department of Marine Resources.

A. **Designation, Scope and Qualifications:**

- 1. **Resident Commercial Shellfish License:** The license is available to residents of the municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality and reciprocating municipalities
- 2. **Non Resident Commercial Shellfish license:** This license is available to nonresidents of this municipality and entitles the holder to dig and take any amount of shellfish from the shores and flats of this municipality.
- 3. **Residential Recreational Shellfish License:** The license is available to residents and real estate tax payers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself or family.
- 4. **Nonresident Recreational Shellfish license:** The license is available to any person not a resident of this municipality and entitles the holder to dig and take not more than one peck of shellfish in any one day for the use of himself and his family.
- 5. **License must be signed:** The licensee must sign the license to make it valid.

B. **Application procedure:** Any person may apply to the town clerk for the licenses required by this ordinance on forms provided by the municipality:

- 1) Contents of Application: The application must be in the form of an affidavit and must contain the applicants name, current address, birth date, height, weight, signature and whatever information the municipality may require.
 - 2) Misrepresentation: Any person who gives false information on a license application will cause said license to become invalid and void.
- C. Fees: The fees for the licenses must accompany in full the application for the respective license. The town clerk shall pay all fees received to the town treasurer except \$1.00 of each license, which will be retained by the clerk as payment for issuing the license. Fees received for shellfish licensing shall be used by the town for shellfish management, conservation and enforcement. Fees shall be determined yearly by the Shellfish Conservation Committee and the Board of Selectmen of the Town of Blue Hill, Maine.
- D. Use of Fees and Fines and Funding: Fees for shellfish licenses will be set forth in the Annual Shellfish Management plan and will accompany the application for the respective license. The municipal town clerk shall pay all fees and fines collected from violators to the municipality. Fines and fees received shall be used for costs incurred in the enforcement and management of this ordinance.
1. Non-Lapse Provision: Monies in the Clam management account shall not lapse at the end of the year but shall be carried over to the next year account.
 2. Funding: The Clam management program will be self supporting as much as possible. Funds for operating the program may be generated by license fees, fines, and financial support from the town.
- E. Limitations of Diggers: If, following the annual review of the towns clam resources, its size distribution, abundance and the warden's report as required by section 3, the shellfish conservation Committee in consultation with the DMR area biologist determine limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year
1. Prior to Jan 1st: the committee shall reports its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the commissioner of DMR for concurrence.

2. After receiving approval of proposed license allocations from the Commissioner of DMR and prior to Feb 1st the shellfish Conservation Committee shall notify the town clerk in writing of the number and allocation of shellfish licenses to be issued.
3. Notice of the number of licenses to be issued and the procedure for application shall be published in a trade or industry publication, or in a newspaper with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the periods conclude.
4. The town clerk shall issue licenses to residents and nonresidents as allocated from March 1st and until May 31st after which licenses shall be without regard to residency on a first come first served basis or by lottery.
5. Licenses may be returned to the town voluntarily, and reissued to another person at the current fee according to the priorities established in this section.

F. Open license Sales: When the Shellfish Conservation Committee determines limiting shellfish licenses is not an appropriate shellfish management option for one or more license categories for the following year;

1. Notice of the dates, places, times and procedures for the license sales shall be published in a trade or industry publication or in a newspaper or combination of newspapers with general circulation, which municipal officers consider effective in reaching persons affected, not less than 10 days prior to the initial sale date and shall be provided to the Commissioner of Marine Resources.
2. For each commercial license category, the town clerk shall issue one license to nonresidents when six licenses are issued to residents and one more to non residents when four more are issued to residents; thereafter, one nonresident license will be issued for every ten additional resident license issued. For each recreational license category, the town clerk shall issue one license to a resident and one to a nonresident; thereafter one nonresident license will be issued for every ten additional resident licenses issued.

G. Conservation Benefit: Individuals holding a shellfish license issued by the municipality who perform 15 hours of conservation work authorized by the Shellfish Committee may purchase a license of the same category one week prior to the regular sale date.

- H. Seniority: When the Shellfish Committee decides that the number licenses must be reduced, licenses will be issued to eligible individuals on the basis of seniority; individuals holding a municipal license of the same category to be reduced for a greater number of years will receive a license before those who have less.
- I. License Expiration Date: Each license issued under authority of this ordinance expires at midnight on the last day of February next following date of issuance.
- J. Reciprocal Harvesting Privileges: Licenses from any other municipality cooperating with this municipality on a joint shellfish management program may harvest shellfish according to the terms of this license.
- K. Fee Waivers: Recreational shellfish license fees will be waived for individuals 65 years or older and 12 years and younger
- L. Suspension: Any shellfish licensee having three convictions for violation of this ordinance within a three year period shall have his shellfish license suspended for a period of ninety (90) days.

- 1) A licensee whose shellfish license has been suspended pursuant to this ordinance may reapply for a license only after the suspension has expired.
- 2) The suspension shall be effective from the date of mailing a Notice of Suspension by the town clerk to the Licensee.
- 3) Any licensee whose shellfish license has been suspended pursuant to this section shall be entitled to a hearing before the Shellfish Conservation Committee upon the filing of a written Request for Hearing with the town clerk within thirty (30) days following the effective date of suspension. The licensee may appeal the decision of the Shellfish Conservation Committee before the Board of Selectmen by filing a written request for Appeal with the town clerk within (7) days of the decision of the Shellfish Conservation Committee.

6. Opening and Closing of Flats: The Board of Selectmen and the Shellfish Conservation Committee, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon concurrence of the D M R area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Board of Selectmen and the Shellfish Conservation Committee may call a public hearing, and shall send a copy of the notice to the D M R. The decision of the Board of Selectmen and Shellfish Conservation Committee made after the hearing shall be based on findings of fact.

7. **Minimum Legal Size of Soft Shell Clams**: It is unlawful for any persons to possess soft shell clams within the municipality which are less than two (2) inches in the longest diameter except as provided by Subsection B of this section.

A. **Definitions**:

1) **Lot**: the word lot as used in this ordinance means the total number of soft shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.

2) **Possess**: For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy and sell retail and wholesale soft shell clam shell stock.

B. **Tolerance**: Any person may possess soft shell clams that are less than two inches if they comprise less than 10% of any lot. The tolerance shall be determined by count of not less than one peck nor more than four pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one peck.

C. **Penalty**: Whoever violates this ordinance shall be punished as provided by 12 M.R.S.A. Section 6681

8. **Penalty**: A person who violates this ordinance shall be punished as provided by 12 M.S.R.A. Section 6671 (10,10-A)

9. **Effective Date**: This ordinance, which has been approved by the Commissioner of Marine Resources, shall become effective after its adoption by the municipality provided a certified copy of the ordinance is filed with the Commissioner within (20) Twenty days of its adoption.

10. **Separability**: if any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decisions shall not affect the validity of the remaining portions of this ordinance.

11. **Repeal**: Any ordinance regulating the harvesting or conservation of shellfish in the town and any provisions of any other town ordinance, which is inconsistent with this ordinance, is hereby repealed.

TOWN OF BLUE HILL

NOTICE OF INTENT

ALTER OR CONSTRUCT BUILDINGS ORDINANCE

PURPOSE

Because Blue Hill is conducting a Tax Equalization Program, because of the difficulty in maintaining assessment equity once achieved, and because state law requires each parcel or real estate be visited only every four years that this notice of intent to Alter or Construct Buildings Ordinance is hereby enacted.

SECTION 1.

Any person altering, making additions to, or constructing buildings in the Town of Blue Hill shall first file a "Notice of Intent to Alter or Construct Buildings" form with the Tax Assessors or their designated agent.

SECTION 2 - DEFINITIONS

A. Building shall mean any improvement on real estate including but not limited to dwellings, sheds, barns, decks, patios, swimming pools and all commercial and industrial structures.

B. Altering, making additions to or construction shall mean any new building or change in an existing building which increases the value of real estate by \$250.00 or more.

SECTION 3 - NOTICES

The Notices shall be filed on a form provided by the Assessors or their designated agent. The Notices shall contain the owner's name, map and lot number, the type of activity contemplated and the approximate starting and completion dates.

SECTION 4 - PENALTY

Any person who does not comply with this Ordinance shall be subject to all back taxes due plus interest charged at the maximum allowable rate, plus a penalty of \$100.00.

SECTION 5 - EFFECTIVE DATE

This Ordinance shall be effective on the date that it is passed by a Town Meeting in the Town of Blue Hill.

Attest:

[Signature]
[Signature]
John R. Bannister
Selectmen of Blue Hill

*A true copy from March 1999 Town Meeting
attest Jeanette L. Candage
Town Clerk*

Attest: A true copy of an Ordinance entitled "Town of Blue Hill Notice of Intent to Alter or Construct Buildings Ordinance", as certified to me by the Municipal Officers of Blue Hill on this _____ day of _____, 1990.

Rufus A. Candage
Rufus Candage, Town Clerk (Dep.)
3/2/90

**Blue Hill Commercial Site Plan Review Ordinance
Proposed Revisions as of November 18, 2013**

- Sections 1-7 All the Sections retain their original numbers and titles, the detailed numbering system in each sub-section has been revised to reflect a simpler format, easier to use.
- Sections 1-7 Throughout the Ordinance, reference to a number is preceded by the typed word for that number.
example: “ one thousand (1000)”
- Section 1A. The Title of this Ordinance is now the “**Blue Hill Commercial Site Plan Review Ordinance**” *as this is the title which has been consistently used through the years.*
- Section 1B. In order to enact the listed changes in the revised Ordinance, we have to repeal the old version. *this is the language which accomplishes that goal.*
- Section 1C. *The language in this Authority section is updated to reflect the current Articles in the Maine Constitution governing Municipal Home Rule.*
The **30-A M.R.S.A.** references (formerly called Title 30-A M.R.S.A.) have been updated which deal with Home Rule. We have included the provisions of the **Planning and Land Use Regulation Act (30-A M.R.S.A. §4312, etc. seq.)**, and the **Enforcement of Land Use Laws and Ordinances (30-A M.R.S.A. § 4452)**
- Section 3 (E)(5)(h) Added the word “**current** deed” to the first sentence *to help us determine if there are any restrictions, easement problems, other problems which could be dealt with before they go any further.*
- Section 3(E.)(6.)(n.) **n. 3.5.6.14.** Location, front view, and dimensions of proposed signs; Elevation view of the building and signs, showing heights and materials.
This is a more specific request for information about the building, signs and materials to be used.
- Section 3(E.)(6.)(o.) **o. 3.5.6.15.** Proposed landscaping and buffering; Landscaping plan showing the building(s), existing and proposed vegetation, walkways and exterior lighting. Drawings to be at the scale designated in Section 3.E.6
This is again, a more specific request for detailed information about the proposed building and surrounding landscaping plan conforming to our existing requirements for drawing scale depending on the size of the property.

- Section 3(E.)(6.)(q.) q. **3.5.6.17.** An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 4.5,below;
This item is going to be moved to the bottom of this list, it will be the same, just listed as Item “s.”
- q. **The Board may, at its discretion, require the applicant to provide a visual impact assessment which may include photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee.**
This item is similar to the approved Town of Blue Hill Telecommunications Ordinance Section 6.(D.)
- Section 3(E.)(6.)(s.) s. q. **3.5.6.17.** An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 4.(E.), below;
Explained above.
- Section 3(E.)(9.)(b.) **“DHS”** is now called **“DHHS”**
- Section 4(A.) **“Archeological”** is now spelled **“Archaeological”** throughout the document, *either spelling may be used, we are using the preferred spelling.*
- Section 4(E.)(2.)(m.) **“Title 38. MRSA. Sections 480 A and 480 S”** (Natural Resource Protection Act) is now referenced as **“38 MRSA § 480 A-Z”**
- Section 5(H.) **“Title 38. MRSA. Sub Section 1022”** is now referenced as **“38 MRSA Sub § 1022”**
- Section 5(J.)(10) **10. 5.10.10. “Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.” or property values;**
Reason: This item of the Site Plan Review Criteria needs to have the “ property values” part of the undue adverse effects on surrounding properties removed because it is not within the planning board’s scope of operation to delve into property values.

Section 5.(K.)

K. 5.11.Appeals

Any aggrieved person may appeal a decision to grant or deny a permit under this Ordinance , or the imposition of conditions of approval, Site Plan Approval, or the imposition of conditions of approval, to the Blue Hill Board of Appeals. Such appeal must be made within thirty (30) days of the date of the written decision from which appeal is taken.

Any appeal from the decision of the Board of Appeals may be taken within thirty (30) days of that Board's decision. Such appeal shall be to the Hancock County Superior Court, pursuant to Maine Rule of Civil Procedure 80B.

Reason: The Town of Blue Hill has an Appeals Board and Appeals Ordinance which covers the process of appeal of decisions by the CEO or Planning Board.

Section 7. **Definitions:** Where we have updated the older definitions as follows:

1. **Aggrieved party or person:** Any person whose property is directly or indirectly affected, or who has suffered any other particularized injury, as a result of any Site Plan Review decision, and who has also taken part in the review process.
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.

Reason: This is from our approved Shoreland Zoning Ordinance and is the most current definition

2. **Agricultural activities:** 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 ornamentals and greenhouse products. Agriculture does not include uses for the processing of agricultural products for market or consumption **such as** slaughterhouses, packing plants or canneries.

Reason: Correction of a typo error.

3. **Coastal wetland:** All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the maximum spring high tide level as identified in tide tables published by the National Ocean Service.

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

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

(See “Normal high water line” definition in the SLZ Ordinance)

Reason: This is from our approved Shoreland Zoning Ordinance and is up to date. The reference to seeing “Normal high water line” is to help with clarifying the definition.

4. **Expansion of a use:** The use of more floor area or ground area devoted to a particular use.

Enlargement or Expansion of Use: Any intensification of use in time, volume or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use.
(from State of Maine Basic Land Use Model, Appendix A)

Reason: This is a much clearer definition than the one we had to use and makes it easier for everyone to understand.

5. **Forest management activities:** Added “All activities are handled by the Maine Forest Service.”

Reason: The Maine State Forestry Dept. now handles all our Forest Mgt. Activities.

6. **Freshwater wetland:**

We typed in the words for the number ten (10) in three places.

Reason: The Ordinance consistently uses this form for numbers to avoid any confusion.

7. **Height of structure:** The vertical distance between the mean elevation of the

finished grade of the building and the highest point of the roof. For those structures without roofs, the highest point of the structure. For structures with multiple roofs, each roof shall be considered in relation to the finished grade upon which that part of the structure rests.

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

Reason: This definition is appropriate to ensure a shorter building by using the downhill side and is simple and to the point. It comes from our approved SLZ Ordinance.

8. **Home occupation:** Those businesses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structures, and which are carried on primarily by those residing in the residence.

Home occupation - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

Reason: This definition is clear, a little more broad, not at all vague and comes from our approved SLZ Ordinance.

9. **Normal high-water line:**

a. Coastal waters: The elevation at which vegetation changes from predominately salt tolerant to predominantly non-salt tolerant.

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

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

NOTE: Adjacent to tidal waters, setbacks are measured from the upland edge of the “coastal wetland.” (see “Coastal Wetland”)

Reason: The wording is up to date and clearer. It is used in our approved SLZ Ordinance.

10. **Recreational vehicle:** A vehicle or 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.

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.

Reason: This definition is more complete, current and very clear.

11. **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.

River - A free-flowing body of water including its associated floodplain wetlands from that point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth. **NOTE:** The portion of a river that is subject to tidal action is a coastal wetland.

Reason: This is from the approved SLZ Ordinance and it refers the reader back to the Coastal wetland definition in this Ordinance.

12. **Subdivision:** see the Blue Hill Subdivision Ordinance. All land use activities defined as a "Subdivision" in Title 30-A M.R.S.A. § 4401, and as it may be later amended, except for those leased dwelling units which are subject to review under the "**Blue Hill Commercial Site Plan Review Ordinance**"

Reason: This spells out what is in the Blue Hill Subdivision Ordinance without the reader having to go back and look it up each time.

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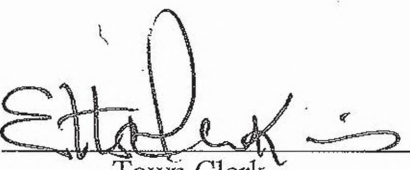
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**BLUE HILL
COMMERCIAL
SITE PLAN REVIEW
ORDINANCE**

Effective Date March 16, 2002

Amended April 5, 2014

Certified By  4/5/2014
Vaughn Leach 4/5/2014
 4/5/2014
Municipal Officers Date

Attest True Copy  4/5/14
Town Clerk Date

Blue Hill Commercial Site Plan Review Ordinance
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Section 1. General Provisions

A. Title

This Ordinance is formally known as the "Blue Hill Commercial Site Plan Review Ordinance". It shall be referred to herein as the "Ordinance".

B. Repeal of other Ordinances

The Ordinance known as the "Blue Hill Commercial Site Plan Review Ordinance", enacted October 30, 1992 and amended April 1, 1993 is hereby repealed.

The Ordinance known as the "Blue Hill Commercial Site Plan Review Ordinance, enacted March 16, 2002 is hereby amended April 5, 2014.

C. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article.VIII,Part 2 § 1 of the Maine Constitution (*Municipal Home Rule*), the provisions of 30-A M.R.S.A. § 3001 (*Home Rule*) and the provisions of the Planning and Land Use Regulation Act. 30-A M.R.S.A. § 4312, etc. seq. (*Comprehensive Planning and Regulation or "Growth Management Act"*) and 30-A M.R.S.A. § 4452 (*Enforcement of Land Use Laws and Ordinances*).

D. Purposes

1. To assure the safety, health and welfare of the people of the Town of Blue Hill
2. To promote an economically sound and stable community.
3. To lessen the danger and congestion of traffic on the roads and streets.
4. To protect and preserve the natural environment of the Town of Blue Hill.
5. To establish orderly and uniform procedures whereby the Town may review high impact developments to insure that the other purposes of this Ordinance are met.

E. Conflict with Other Laws

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance or statute which also applies to the proposed development, the requirement imposing the more restrictive or higher standard shall govern.

F. Severability

In the event that any section, subsection or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, that declaration shall not be deemed to affect the validity of any other section, subsection or provision of this Ordinance. To this end, the provisions of this Ordinance are hereby declared to be severable.

G. Effective Date

The effective date of this Ordinance or any amendments hereto is at the date of this enactment by Town Meeting.

Section 2. Site Plan Review Required

A. Permit Required .

No person shall commence or undertake any land use activity within the Town of Blue Hill, without first obtaining a Site Plan Review permit from the appropriate permitting authority as required by the following table of land uses:

B. Table of Land Uses

Land Use Activity	Permit Required
1. One or two single family dwellings on a single lot.	No
2. Duplex dwelling on a single lot.	No
3. Conversion of a single-family dwelling on a single lot to a duplex dwelling.	No
4. Any structure or activity that is an accessory structure or use to items 1 through 3 , above.	No
5. Subdivisions subject to review under the Town of Blue Hill Subdivision Ordinances.	No
6. All agricultural activities	No
7. Forest management activities	No
8. The construction of any new structure not otherwise exempted by this table.	Yes
9. Any new commercial use of land not otherwise exempted by this table.	Yes
10. Any expansion of an existing commercial use that results in: a.) lot coverage greater than fifty percent (50%); b.) a structure with a footprint greater than two thousand (2,000) sq. ft. in area; c.) total impervious surfaces on the lot in excess of four thousand (4,000) sq. ft. or seventy five percent (75%) of lot area.	Yes
11. Any use designated as development affecting water resources in Section 3.(B).(1.) of this Ordinance	Yes
12. The interior expansion of any commercial use land increases the floor area used for commercial purposes by fifty percent (50%) or more.	Yes
13. Any construction or expansion of a use that will result in groundwater extraction in excess of one thousand (1,000) gallons per day.	Yes

Section 3. Application Procedures

A. Classification of Projects

Projects subject to Site Plan Review shall be classified by the CEO into Major or Minor Developments.

B. Major Developments

Projects involving any of the following shall be classified by the CEO as a Major Development. Any project initially classified as a Major Development may be reclassified as a Minor Development upon a finding by the Planning Board that the project meets the requirements for classification as a Minor Development. After reclassification all further review shall be conducted by the CEO.

1. Developments affecting water resources.

Developments affecting water resources are developments that are not served by a public sewer, which will generate a daily average discharge of more than two thousand (2,000) gallons of waste water and which will meet any one of the following three conditions:

- a. The project is located within three hundred feet (300') of a sand and gravel aquifer, as shown on the map entitled "Hydrologic Data for Significant Sand and Gravel Aquifers" by the Maine Geologic Survey, 1985;
- b. Any part of the project is located in an area to which the Town of Blue Hill Shoreland Zoning Ordinance is applicable; or
- c. Any part of the project is located in the watershed of the Blue Hill Water District.

2. Developments extracting one thousand (1,000) gallons of water or more per day.

Developments extracting one thousand (1,000) gallons or more of groundwater per day.

3. Developments involving hazardous materials, oil or radioactive substances.

Hazardous activities involving the consumption, generation, or handling of:

- a. Hazardous wastes as defined in 38 M.R.S.A. § 1303;
- b. Hazardous materials as defined in 38 M.R.S.A. § 1317;
- c. Oil, as defined in 38 M.R.S.A. § 542; and
- d. Low-level radioactive wastes, as defined in 38 M.R.S.A. § 1451.

4. Building area in excess of ten thousand (10,000) sq. ft.

Any building or buildings on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of ten thousand (10,000) square feet;

Section 3. (B.) Major Developments (continued)

5. Impervious surfaces in excess of sixty thousand (60,000) sq. ft.

Any project where parking lots, roads, paved areas, or other areas to be stripped or graded and not to be re-vegetated causes the total project, including any buildings, to occupy a ground area in excess of sixty thousand (60,000) square feet; and

6. Conversion or expansion of a Major Development.

Any project, which is a conversion or expansion of an existing project meeting the description of a Major Development, above.

C. Minor Developments

Projects not classified by the CEO as a Major Development shall be considered a Minor Development under this Section. Any project initially classified as a Minor Development may be reclassified as a Major Development upon a finding by the CEO that the project meets the requirements for classification as a Major Development. After reclassification all further review shall be conducted by the Planning Board.

D. Submission Requirements

1. Major and Minor Developments

Projects classified as Major or Minor Developments have to submit the information specified in Section 3.(E.)

2. Developments affecting water resources

In addition to submitting the information required of Major Developments, developments affecting water resources shall submit a high intensity soil survey (Section 3.(E.)(7) and a hydrogeologic assessment (Section 3.(E.)(8).

3. Developments extracting one thousand (1,000) gallons of water or more per day.

In addition to submitting the information required of Major Developments, developments extracting one thousand (1,000) gallons or more of groundwater per day shall submit a groundwater extraction impact assessment (Section 3.(E.)(9).

4. Waiver

The permitting authority may waive any of the submission requirements upon the written request of an applicant for good cause shown. The permitting authority must state the facts constituting good cause in writing. No waiver may be granted if it will unduly restrict the review process. The permitting authority may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the permitting authority's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the permitting authority may, at any later point in the review process, rescind such waiver if it appears that any submission requirement previously waived is necessary for an adequate review. A request for submission previously waived shall not affect the pending status of an applicant.

Section 3.(D.) Submission requirements (continued)

5. Procedures

Applications for site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the CEO who shall forward it to the Planning Board, where appropriate.

6. Optional pre-application review

Whenever Site Plan Review is applicable to a particular, proposed development, the applicant may submit a sketch plan of the site and proposed development to the CEO for informal review and comment. There is no fee for pre-application review, any review or comment by the CEO is not binding upon either the CEO or Planning Board, and the use of this procedure shall not render an application to be a pending application.

E. Requirements for All Applications

The following materials and items are required of all applications.

1. Application form

A fully executed and signed copy of the application form;

2. Review fee

A non-refundable Site Plan Review fee of two hundred dollars (\$200.00), plus fifty dollars (\$50.00) for each two thousand (2,000) square feet or any fraction thereof, of gross habitable floor space (including basement and attic) over two thousand (2,000) square feet.

3. Technical review fee

For each application subject to review by the Planning Board there shall be a technical review fee of one hundred fifty dollars (\$150.00) for each two thousand (2,000) square feet or any fraction thereof, of new impervious surface over two thousand (2,000) square feet.

Upon request of the Planning Board and the approval of the Selectmen, all or any portion of the technical review fee may be expended for technical services by independent consultants. The independent consultants shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions, which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include:

An Attorney;	A Community Planner;
A Registered Professional Engineer;	A Registered Architect;
A Registered Landscape Architect;	A Registered Geologist;
A Licensed Soil Scientist;	A Registered Land Surveyor;

or

Any other Registered/Licensed Professional or Independent Expert Witness deemed fully qualified by the Planning Board.

Any moneys remaining at the end of the review shall be returned to the applicant.

Section 3.(E.) Requirements for all applications (continued)

4. Copies

- a. Applications for Minor Developments shall include two (2) copies of written materials plus two (2) sets of maps or drawings containing the information listed below. The written materials shall be stapled together, or contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.
- b. Applications for Major Developments shall include six (6) copies of written materials plus six (6) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

5. General information

The following general information is required:

- a. Name of owner of record and address;
- b. Applicant's name and address if different;
- c. The name of the proposed development;
- d. Names and addresses of all abutting property owners;
- e. Sketch map showing general location of the site within the Town;
- f. Location map showing the relationship of the proposed project to adjacent properties and to the general surrounding area within three thousand (3,000)+ feet of any property line of the site, and the location of any sand and gravel aquifers within three hundred feet (300') of the project. The scale shall not be smaller than 1" = 400'; reduced tax maps showing owner's names and other required information will be acceptable;
- g. The tax map(s) and lot number(s) of the parcel or parcels where the parcel is located and of abutting parcels;
- h. A copy of the current deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
- i. A statement stating whether any portion of the project is located within the watershed of the Blue Hill Water District; and
- j. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.

Section 3.(E.) Requirements for all applications (continued)

6. Site information

The following information regarding proposed development and existing conditions is required. This information must accompany, or be submitted on, a map using the following scale and showing the date of the map, magnetic north, the scale and the identity of the draftsman:

Acres	Scale
1-10	1"=10' to 1"=50'
10+-50	1"=50' to 1"=100'
50+(lots 4 acres)	1"=100'
50+(lots >4 acres)	1"=200'

- a. Zoning classification(s) of the property and the location of zoning district boundaries if the property is wholly or partially located in an area subject to shoreland zoning;
- b. The bearings and distance of all property lines of the property to be developed and the source of this information;
- c. Location and size of all existing and proposed wells, sewer and water mains, culverts, drains, above or below ground utilities and waste water disposal systems on the property to be developed, and of any of these items that currently serves or will serve the development from abutting streets or land;
- d. Location, names and widths of all existing and proposed streets and rights-of-way adjacent to the proposed development.
- e. The location, dimensions and ground floor elevations of all existing and proposed buildings on the site;
- f. The location and dimensions of all existing and proposed driveways, streets, parking and loading areas and walkways on the site;
- g. The existing and proposed topography of the site at an appropriate contour interval (not greater than 5') depending on the nature of the use and character of the site;
- h. Major natural features on the site and including, within two hundred fifty feet (250') of the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats including bird nesting, staging and feeding areas and deer yards (identified in the 1999 Comprehensive Plan), archaeological resources or other important natural features;
- i. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;

Section 3.(E.)(6.) Site information (continued)

- j.** The direction and amount of pre-development and proposed surface water drainage flow across and from the site, based upon 24-hour, 2-, 10- and 25-year storms. Where proposed flows exceed pre-development flows by ten percent (10%) or more, the applicant shall submit a storm water management plan, showing the steps taken to minimize the impact of storm water runoff. The storm water management plan shall be based upon 24-hour, 2-, 10- and 25-year storms.
- k.** The location and type of all existing and proposed exterior signs;
- l.** A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the site. Such covenants or deed restrictions shall be referenced on the plan;
- m.** The location of all existing and proposed building setbacks, yards and buffers required by this Ordinance;
- n.** Elevation view of the building and signs, showing heights and materials.
- o.** Landscaping plan showing the building(s), existing and proposed vegetation, walkways and exterior lighting. Drawings to be at the scale designated in Section 3.(E.)(6.)
- p.** A schedule of construction, including anticipated beginning and completion dates;
- q.** The Board may, at its discretion, require the applicant to provide a visual impact assessment which may include photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee.
- r.** Projects involving the storing, generating or handling of hazardous wastes or materials, oil or radioactive wastes shall specify the exact amount and nature of all such substances that will be on the site, and the specific method of handling and containing those substances that will be used.
- s.** An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 4.(E.), below;

7. High Intensity soil survey

A high intensity soil survey is a "high intensity soil survey" as defined by the Maine Association of Professional Soil Scientists.

Section 3.(E.) Requirements for all applications (continued)

8. Hydrogeologic assessment

Where a hydrogeologic assessment is required, the assessment shall include the following minimum information. The Planning Board may require additional information where necessary to evaluate the project's compliance with the performance standards of this Ordinance.

- a. A map showing basic soil types on the site.
- b. The depth of the water table at representative points throughout the site.
- c. Drainage conditions throughout the site.
- d. Data regarding the existing ground water quality, either from test wells on the site or from existing wells on abutting properties.
- e. An analysis and evaluation of the impact of the project on ground water resources. Residential projects shall include a projection of project nitrate-nitrogen concentrations. Projects within the watershed of a lake or pond shall include phosphate impact calculations.
- f. The location of any subsurface wastewater disposal systems and wells on the site and within two hundred (200) feet of the site boundaries.
- g. Projections of post-development water quality at any wells within the site, abutting wells of five hundred (500) feet from the point of contamination, whichever is the shorter distance. These projections shall be based upon a drought condition assumption of sixty per cent (60%) of annual average recharge from precipitation.
- h. The signature and seal of the Certified Geologist who prepared the assessment.

9. Groundwater extraction impact assessment

A groundwater extraction impact assessment shall consist of the following information:

- a. A statement from the applicant specifying the quantity of ground water to be extracted expressed as the annual total, the maximum monthly rate by calendar month, and the maximum daily rate. These rates shall be maximum rates, which rates shall not be exceeded without further Site Plan Approval by the Planning Board.
- b. For projects coming under the jurisdiction of the Maine Department of Human Services, a letter from that agency containing review comments of the DHHS .

Section 3.(E.)**(9.) Groundwater extraction impact assessment (continued)**

c. A report prepared by a Certified Geologist showing:

1. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which the water is to be extracted. The map shall include sufficient detail to support a calculation of sustained yield during a ten (10) year drought, as well as an estimate of any potential interaction between or among this and adjacent aquifers.
2. Calculations based upon the investigation showing the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by calendar month) and daily extraction rates, the cone of depression that may develop about the project and impacts upon the water table in the tributary aquifer or one thousand (1,000) feet of the proposed extraction facilities, whichever is closer.

10. Waivers sought by applicant

A list of the submission requirements for which the applicant seeks a waiver, and a written explanation of the reasons that the waiver is sought.

Section 4. Performance Standards

The following Land Use Standards shall govern all permits and approvals issued under this Ordinance.

In reviewing applications submitted pursuant to this Ordinance, the CEO or the Planning Board shall consider the following performance standards prior to issuing final approval. In all instances the burden of proof shall be upon the applicant.

A. Archaeological and Historic Sites.

Any proposed land use activity that may disturb an archaeological site as determined by the State Archaeologist, or historic site which is listed on or eligible to be listed on the National Register of Historic Places, shall require the applicant to submit comments in writing from the State Archaeologist or the Maine Historic Preservation Commission concerning the proposed activity. These comments shall be considered by the permitting authority in deciding whether to grant the permit.

B. Campgrounds

Campgrounds shall meet the following requirements, in addition to the other requirements of this Ordinance.

1. Campsites and all structures shall be located at least fifty (50) feet from any property line, and at least one hundred (100) feet from any residence on abutting property.
2. Campsites shall be laid out and screened in such a manner that they are not visible from abutting public roads, residences or approved subdivision lots.
3. No recreational vehicle shall be exhibited for commercial sale within the park.
4. Stored recreational vehicles shall be screened in such a manner that they are not visible from abutting public roads, residences or approved subdivision lots.
5. Site density shall not exceed twenty (20) tent sites or sixteen (16) recreational vehicle sites per acre (excluding circulation roads).
6. Campsites located in the Limited Residential or Limited Commercial Zones as shown on the Town of Blue Hill, Official Shoreland Zoning Map, shall conform to the following standards:
 - a. Each campsite shall contain a minimum of five thousand (5,000) square feet of land, not including roads, driveways, land supporting wetland vegetation or land below the normal high water line;
 - b. Each campsite shall have a minimum shore frontage of seventy-five (75) feet; and

Section 4.(B.) Campgrounds (continued)

- c. The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings, shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified as 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.
7. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent or shelter site.
8. There shall be a minimum of twenty-five (25) feet between recreational vehicles.
9. There shall be a minimum of seventy-five (75) feet between recreational vehicles and tent sites.
10. Each recreational vehicle, tent site or covered shelter site shall be a picnic table per site, and a covered trash receptacle for every three (3) sites. Trash receptacles shall be emptied at least once per day.
11. There shall be one toilet and lavatory for each sex, for each ten (10) campsites. Water and sewage systems shall conform to state regulation.
12. Each campsite shall be equipped with a masonry or metal fireplace, the construction of which is approved by the Blue Hill Fire Chief.

C. Commercial Recreation Facilities.

All commercial recreation facilities shall have adequate off-street parking for the anticipated maximum attendance at any event.

D. Dust, Fumes, Vapors, Gases, Odors, Glare and Explosive Materials.

1. Emissions of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.
2. No land use or establishment shall be permitted to produce unreasonable, offensive or harmful odors perceptible beyond their lot line, measured either at ground or habitable elevations.
3. No land use or establishment shall be permitted to produce unreasonable glare or brightness beyond its lot lines.
 - a. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view of motorists, pedestrians or adjacent buildings.

Section 4. (D.) Performance Standards (continued)

- b. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residences.
4. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the rules and regulations adopted by the State of Maine.

E. Erosion and Sedimentation Control.

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance:

1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and cleanup stages.
2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - a. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - b. Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - c. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
 - d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
 - e. The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - f. Disturbed soil shall be stabilized as quickly as practicable;
 - g. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 - h. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;

Section 4. (E.)(2.) Erosion and Sedimentation Control (continued)

- i. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or the other acceptable methods;
- j. The top of a cut or the bottom of a fill section shall not be closer than ten feet (10') to an adjoining property, unless specifically permitted by the permitting authority. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred feet (100') of any property line in absence of the prior written agreement of the owner of such adjoining property;
- k. During grading operations, methods of dust control shall be employed wherever practicable;
- l. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible;
- m. Any activity on a stream, watercourse, or swale or upon floodway or right-of-way shall comply with the Natural Resource Protection Act, 38, MRSA § 480 A-Z . Any such activity shall also be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed; and
- n. Maintenance of drainage facilities or watercourses originating completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

F. Groundwater Protection

Developments shall conform to the following groundwater protection criteria:

1. The quantity of water to be taken from groundwater shall not substantially lower the water table, cause salt water intrusion into any existing well, cause unreasonable changes in groundwater flow, or unreasonable ground subsidence, based upon ten(10)- year drought water levels;
2. The development shall not cause pollution or unreasonable diminution of the aquifer from which it is extracted;
3. Any development located in a defined public water supply aquifer recharge area shall not have an unreasonable adverse effect upon that public water supply;

Section 4. (F.) Groundwater Protection (continued)

4. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination;
5. The development shall not increase any contaminant concentration in ground water to more than one-half of the Primary Drinking Water Standards, nor more than the Secondary Drinking Water Standards;
6. Where existing ground water pollution already exceeds the Secondary Drinking Water Standards, the development shall not cause the concentration of the parameters in question to exceed one hundred fifty percent (150%) of the ambient concentration; and
7. Lots larger than that required by the State of Maine shall be required where necessary in accordance with the following formula:

$$d = (q)(C \text{ nitrate} - C_b) + (C_s)(q_s)$$

d is the allowable housing density in dwellings per acre.

q is the rate of natural ground water recharge, averaged over the year in gpm/acre; some representative numbers by soil type are:

glaciomarine clay	0.11 – 0.23
thick silty clay	0.23
thin soil over rock	0.33
thin till over rock	0.46
sandy glacial till	0.57
glaciomarine fine sands	0.91
raised beach deposits	1.16
sand and gravel	1.16

C nitrate is the resultant concentration of nitrate-nitrogen in ground water as a result of subsurface sewage disposal systems, 5 mg/l.

C_b is the background concentration of nitrate-nitrogen in ground water. If records are not available, assume 0.25 mg/l.

C_s is the nitrate-nitrogen concentration in the typical septic tank discharge, 30 mg/l.

q_s is the average leach field discharge rate per dwelling, which is equal to 70% of 270 gallons per day, or 0.15 gal/min.

Section 4. Performance Standards (continued)

G. Lighting

All exterior lighting shall be designed to insure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hours of use, hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

H. Oil and Chemical Storage

1. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions to 38, M.R.S.A., § 541 et seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground storage facilities and requires qualified personnel to oversee the removal of certain underground facilities;
2. Oil and chemical storage shall be in conformance with rules and regulations adopted by the State of Maine applicable to the stored substance; and
3. The applicant shall have the burden of proof to assure the Planning Board or CEO that all provisions of the above statutes have been met before the issuance of any permits may take place.

I. On-Site Circulation

1. Vehicular circulation

The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

- a. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
- b. Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.
- c. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and prevent their backing out onto a street.
- d. All streets and access ways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

2. Pedestrian circulation

The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project.

Section 4. Performance Standards (continued)

J. Signs

Where vision may be obscured entering a public street the whole of a sign board or display elements of any free-standing sign shall be either below three feet (3') or above seven feet (7') in height above street level.

Any free-standing sign located in any yard space abutting a public way or a private way at the point where it intersects a public way shall be set back at least ten (10) feet from the front lot line and at least twelve (12) feet from the side lot lines. Where an existing principal building is located within fifteen (15) feet of the right-of-way of a public way, a free-standing sign may be located no closer than two (2) feet from the right-of-way.

These sign regulations shall not apply to the following signs:

1. Legal notices, identification, informational or directional control signs erected or required by a governmental entity; and
2. Signs that guide or direct traffic and parking on private property, but bear no advertising or commercial identification.

K. Site Conditions

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition that could lead to personal injury or property damage, shall be immediately corrected by the developer upon an order by the CEO or other authorized person. The developer shall make provision for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity; and
2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the CEO.

L. Storm Water Management

All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Storm water runoff systems should be designed to facilitate aquifer recharge where it is advantageous to compensate for groundwater withdrawals and infiltration, but should avoid recharge where the groundwater effects may be harmful.

1. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff. The use of enclosed components (such as pipes, etc.) should be minimized where natural systems are able to accommodate runoff.
2. Design of permanent storage facilities should consider safety, appearances, recreational use, and the cost and effectiveness of maintenance operations in addition to the primary storage function.

Section 4.(L.) Storm Water Management (continued)

3. Energy dissipaters and other forms of outfall protection shall be employed where enclosed drains discharge into soils subject to erosion.
4. Storm water management systems shall be maintained as necessary to insure that they function properly.
5. If the development will result an increased total flow of runoff that will be discharged into the municipal storm sewer system, the developer shall pay for the cost of improvements to the municipal system so that it will have the capacity to handle one hundred twenty five percent (125%) of the projected total flow. Payment shall be made within thirty (30) days of the date of approval of the application. No construction may commence on the project before this payment is made.

M. Wastewater Disposal

Every project shall comply with the following requirements for wastewater disposal.

1. Projects served by municipal sewers

- a. Any project that will dispose of its wastewater through the municipal sewer system, and that will use more that thirty three and one third percent (33-1/3%) of the excess capacity of any portion of the sewer collection system, treatment facility and/or its discharge permits, shall be approved only if the applicant pays the cost of replacing the excess capacity needed for the development. Payment shall be made within thirty (30) days of the date of approval of the application. No construction may commence on the project before this payment is made.
- b. All discharges into the system shall be in accordance with the Blue Hill Sewer Ordinance.

2. Projects served by subsurface wastewater systems

Any project that will dispose of its wastewater through any subsurface wastewater system shall submit a completed DHHS Health Engineering site evaluation and subsurface wastewater disposal plan showing adequate soils, and adequate system design and capacity.

3. Subsurface wastewater systems in common ownership

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

Section 4. Performance Standards (continued)

N. Water Supply

1. The development shall be provided with a system of water supply that provides and adequate supply of water meeting the standards of the State of Maine for drinking water. Where groundwater pollution exceeds the Primary Drinking Water Standards, and the development is to be served by on-site ground water supplies, the applicant shall provide adequate evidence of the manner in which the water quality will be adequately improved or treated.

2. For major developments the applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for dry hydrants or ponds only upon the submittal of evidence that the soil types in the development will not permit their construction, or that a nearby water supply is available and adequate for firefighting purposes by the Fire Department.

Section 5. Site Plan Review

A. Purpose

The purpose of Site Plan Review is to promote the public health, safety and general welfare by requiring CEO or Planning Board review of plans for certain uses or structures which have a significant potential impact on the neighborhood or the environment by which, when properly designed with respect to their surroundings, can become uses or structures that are compatible with the neighborhood and environment.

B. Prohibition.

No activity or use requiring Site Plan Review shall commence until the property owner has received Site Plan Approval from the CEO or Planning Board, as appropriate, and complied with any other applicable provisions of this Ordinance.

C. Review Procedures

The procedures for Site Plan Review are as follows:

1. Submission of completed application to the CEO.

The applicant shall submit the requisite number of copies of the application and supporting information required by this Ordinance.

2. CEO classification and review

a. Dated receipt

The CEO shall issue the applicant a dated receipt and will date-stamp the application.

b. Classification

The CEO shall review the application and classify it as either a Major or Minor Development in accordance with the provisions of this Ordinance.

Section 5.(C.)(2.) CEO classification and review (continued)

c. Fees submitted

After classification, the applicant shall provide the CEO with the applicable review fees.

d. Review for completeness.

The CEO shall initially review the application and determine whether or not it is complete.

e. Notice of incomplete application.

If the application is found to be incomplete, the CEO shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, the process above shall be repeated.

3. Complete applications

If the application is found to be complete, the CEO shall take the following action with regard to that application.

a. Minor Developments

Applications determined to be Minor Developments will be reviewed and acted upon by the CEO in accordance with the procedures set forth below, and the requirements of this Ordinance.

b. Major developments forwarded to the Planning Board.

The CEO shall forward copies of a complete application and supporting documents determined to be Major Developments to the members of the Planning Board and place the project on the agenda of the next regular Planning Board meeting occurring not less than twenty-one (21) days after the CEO determines the application is complete.

c. Notice to abutters

Abutting property owners shall be notified by mail by the Town of all pending applications for Site Plan Review. For Minor Developments this notice shall indicate the address to which written comment should be sent, and the date by which it must be received to be considered by the CEO in acting upon the application. For Major Developments this notice shall indicate the date, time and place of Planning Board consideration of the application.

4. Planning Board Review

At the meeting of the Planning Board at which the proposed development is scheduled to be reviewed, the Planning Board shall:

a. CEO report

Hear any report of the CEO and if the Town has retained the services of a professional adviser, the report of the adviser regarding the proposed development;

Section 5.(C.)(4.) Planning Board Review (continued)

b. Applicant's response

Hear any comments of the applicant regarding the CEO's and Town Planner's report;

c. Request for waivers

Hear any requests from the applicant for waivers;

d. Determination of completeness

Determine whether or not the application is complete;

e. Notice of incompleteness

If the application is determined to be incomplete, the Board shall inform the CEO of the information required to make the application complete. The CEO shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant's submission of such additional material, previous steps in Section 5.(C.) (4.) (A-D) shall be repeated; and

f. Public hearing determination

If the application is determined to be complete, the Board shall deem the application pending and shall set the matter for a public hearing conducted by the Planning Board. The public hearing shall take place within thirty (30) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at a public meeting.

If the proposed development has been classified as a Minor Development such public hearing shall be held at the discretion of the CEO, and shall be conducted by the CEO.

5. Deliberation and decision

a. Deliberation

Within thirty (30) days after the public hearing on an application, or within thirty-five (35) days of a determination of completeness by the CEO, if no hearing is held, the permitting authority shall decide the matter. The Planning Board shall deliberate the matter at a public meeting. Site Plan Approval shall be granted if the proposed project complies with all applicable standards set forth in Section 4. and meets the Criteria of Approval set forth in Section 5.(J.) This deadline may be extended by mutual agreement of the permitting authority and the applicant in writing, or (in the case of Major Developments) either in writing or orally, on the record at a public meeting.

Section 5.(C.)(5.) Deliberation and decision (continued)

b. Decision

If the permitting authority finds that the proposed Site Plan complies with all such standards it shall issue an order granting Site Plan Approval subject to such terms and conditions as the permitting authority finds are reasonably necessary to insure conformity with Site Plan Review Standards and criteria of this Ordinance.

If the permitting authority finds that the proposed Site Plan does not comply with all applicable review standards, it shall issue an order denying Site Plan Approval.

In either case the permitting authority shall, within ten (10) working days after the completion of its deliberations, issue specific written findings of fact supporting its decision.

The decision shall state any conditions of approval that apply to the project and the reason for the imposition of those conditions. A copy of the decision shall be sent to the applicant at the address provided on the application. Decisions by the CEO shall also be sent to any abutter who responded, in writing, to the notice sent by the CEO.

D. Public Hearing Procedures

Site Plan Review public hearings and notice thereof shall comply with the following procedures:

1. Published notice

Notice of said hearing shall be published in a newspaper of general circulation in the Town of Blue Hill at least ten (10) days prior to the hearing date.

2. Content of notice

Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state the date, time and place of the hearing and explain how the recipient of the notice may attend and present evidence.

3. Rules

Said hearings shall be conducted according to rules adopted by the Planning Board.

4. Representation

At any hearing a party may be represented by an agent or attorney provided, however, if any party is not present, any person acting as that party's agent or attorney shall provide evidence of such authority.

5. Continuation

Any hearing may be continued or recessed to another time for good cause, or upon written or recorded agreement of the permitting authority conducting the public hearing and the applicant.

Section 5. Site Plan Review (continued)

E. Professional Review

1. Additional studies

The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

2. Independent technical review

The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include, but not be limited to:

An Attorney;	A Community Planner;
A Registered Professional Engineer;	A Registered Architect;
A Registered Landscape Architect;	A Registered Geologist;
A Licensed Soil Scientist;	A Registered Land Surveyor;

or

Any other Registered/Licensed Professional or Independent Expert Witness deemed fully qualified by the Planning Board.

The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost.

F. Failure to Act

Failure of the permitting authority to act within any of the time requirements set forth herein shall constitute a denial of the application.

G. Expiration of Approvals

All Site Plan Approvals shall expire unless work on the project is substantially commenced within twelve (12) months from the date of issuance. If work is not substantially completed within twenty-four (24) months from the date of issuance, a new application shall be required.

H. Other Permits

The granting of Site Plan Approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to building and plumbing permits, licenses granted pursuant to 38, M.R.S.A., Sub § 1022, Maine Department of Environmental Protection and United States Army Corps of Engineers' approvals, subsurface wastewater disposal permits, sewer connection permits, Maine Department of Transportation approvals, and the like. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to site Plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance. The written approval constitutes the Site Plan Review Permit for the project.

Section 5. Site Plan Review (continued)

I. Access to Site and Records

The CEO shall have reasonable access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting Site Plan Approval, waives any objection to the CEO having access to the site to review the progress of the work or to review all records and documents related to the project.

J. Site Plan Review Criteria

The permitting authority in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written conclusions and factual findings as to whether the applicant has submitted adequate evidence showing that:

1. Adequate provision has been made for off street parking and loading.
2. Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of and within the proposed project. The Planning Board shall consider traffic movement both on-site and off-site in making its determination under this criteria;
3. Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development.
4. That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems and/or any other adverse effects of inadequate drainage;
5. Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site;
6. Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.
7. Adequate provision has been made with regard to Buffers, Screening, Landscaping and the preservation and Enhancement of Significant natural features;
8. Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area including scenic areas designated in the Town's most recent comprehensive Plan, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including identified deer wintering areas, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns;

Section 5.(J) Site Plan Review Criteria (continued)

9. Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond, coastal wetland or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or within seventy five feet (75') horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities and actual points of public access to waters;
10. Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties.
11. Adequate provision has been made to avoid any undue burden on municipal services, including but not limited to water, fire, sewer and police services.
12. Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements; and
13. Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this Ordinance.

K. Appeals

Any aggrieved person may appeal a decision to grant or deny a permit under this Ordinance , or the imposition of conditions of approval, to the Blue Hill Board of Appeals.

Section 6. Enforcement

A. Enforcement Authority

The CEO is authorized to enforce the provisions of this Ordinance, and to take legal action for enforcement at the direction of the Selectmen.

B. Violations

1. Any person who undertakes any land use listed in Section II. as requiring a Site Plan Review Permit, without first obtaining such permit, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.
2. Any person who, having received a Site Plan Permit, thereafter conducts the land use in such a manner contrary to any condition set forth in the site Plan Review Permit, or to the provisions of this Ordinance, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.
3. Every violation of this Ordinance may be prosecuted pursuant to 30-A M.R.S.A. § 4452.

Section 7. Definitions

Abutter: One whose property abuts, is contiguous, or joins at a border or boundary, including property across the street, road or way.

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.

Accessory use or structure: 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.

Agricultural activities: 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 ornamentals and greenhouse products. Agriculture does not include uses for the processing of agricultural products for market or consumption such as slaughterhouses, packing plants or canneries.

Attic: That part of a building immediately below and wholly or partly within the roof framing.

Basement: Any portion of a structure with a floor to ceiling height of six (6) feet or more and having more than fifty per cent (50%) of its volume below the existing ground level.

Building: Any structure designed to shelter people, animals or property.

Campground: Any premises established for camping for which a fee is charged. Recreational vehicle parks are included in this definition.

Campsite: An area in a campground designed for use by a single recreational vehicle, tent or shelter.

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

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows. (See "Normal high water line" definition)

Code Enforcement Officer/CEO: A person appointed by the municipal officers to administer and enforce this Ordinance.

Commercial recreation facility: Any commercial enterprise that provides recreational activities including, but not limited to, racquet ball clubs, health clubs, amusement parks and golf courses.

Section 7. Definitions (continued)

Commercial use: The use of lands, buildings, or structures, other than a “home occupation” defined below, the intent or result of which activity is the generation of revenue from the buying and selling of foods and/or services, exclusive of rental of single-family or duplex residential buildings. This definition includes non-profit organizations.

Dwelling:

a. Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single, two and multi-family dwellings.

b. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking, eating.

c. Dwelling, Two-Family: A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other. (Also referred to as a duplex.)

d. Dwelling, Multifamily: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses (except where otherwise defined by State or Federal law) and row houses.

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

Enlargement or Expansion of Use: Any intensification of use in time, volume or function, whether or not resulting from an increase in the footprint, height, floor area, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be enlargements or expansions of use. *(from State of Maine Basic Land Use Model, Appendix A)*

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

Floodplain: Floodplains may be either riverine or inland depression areas. Riverine floodplains are those areas contiguous to a river, stream, or stream bed whose elevation is greater than the normal water pool elevation but equal to or lower than the projected one hundred (100) year flood elevation. Inland depression flood plains, not associated with a stream system, are low points to which surrounding lands drain.

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

Footprint: The outside perimeter of a structure at ground level.

Forest management activities: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated silvicultural activities. Timber harvesting does not include the clearing of land for approved construction of roads. All activities are handled by the Maine Forest Service.

Section 7. Definitions (continued)

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

- a. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook such that in a natural state, the combined surface area is in excess of ten (10) acres; and
- b. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Frontage, shore: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.

Great pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

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

Home occupation: An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1.) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2.) which employs no more than two (2) persons other than family members residing in the home.

Impervious surface: Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

Loading area: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot: A parcel of land undivided by any street or public road.

Lot coverage: The maximum combined footprints of all principal and accessory buildings on a lot, divided by the area of such lot, the result expressed as a percentile. In the Shoreland Area, lot coverage also includes all un-revegetated areas.

Section 7. Definitions (continued)

Lot line: A line bounding a lot that divides one lot from another, or from a street or any other public or private space, as defined below:

a. Front lot line: That lot line which separates the lot from the street or right-of-way. In the case of lots having frontage on more than one road or street, the front lot line shall be the lot line along which the lot takes access to a street.

b. Rear lot line: That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots having frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

c. Side lot line: Any lot line other than a front or rear lot line.

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

NOTE: *Adjacent to tidal waters, setbacks are measured from the upland edge of the "coastal wetland." (see "Coastal Wetland")*

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Permitting authority: The person or entity responsible for issuing a particular permit or approval under this Ordinance. The permitting authority will be either the CEO or the Planning Board.

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.

Principal structure: A building other than one that 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 that is wholly incidental or accessory to another use on the same premises.

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

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

NOTE: *The portion of a river that is subject to tidal action is a coastal wetland.*

Section 7. Definitions (continued)

Road: A thoroughfare or way 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.

a. Private Road: A thoroughfare, or way designated for private use and maintained by a property owner or group of property owners.

b. Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

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

Sign: Any structure, display, logo, device, or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place, and which is visible to the public. A sign does not include any flag, pennant or insignia of a nation, state, town or other political entity. Whenever dimensions of a sign are specified they shall include frames. Each visible sign face shall constitute a separate sign, except that a sign with two (2) faces shall be considered one (1) sign so long as the distance between the faces does not exceed twelve (12) inches. The area of both faces shall be combined in determining the total area of the sign.

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.

Street: Any public way.

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, poles, signs, sidewalks, driveways or parking lots. The term includes structures temporarily or permanently located, such as tents, decks, raised walkways, handicapped access ramps and satellite dishes.

Subdivision: All land use activities defined as a "Subdivision" in 30-A M.R.S.A. § 4401, and as it may be later amended, except for those leased dwelling units which are subject to review under the "Blue Hill Commercial Site Plan Review Ordinance"

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

Section 7. Definitions (continued)

Tributary stream: Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" or "outlet stream" as defined elsewhere in this Ordinance or the Shoreland Zoning Ordinance and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: *Water setback requirements apply to tributary streams within the shoreland zone.*

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 four (4) inches in diameter, measured at four and one half (4-1/2) feet above ground.

Yard: The area of land not occupied by buildings.

a. Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

b. Rear Yard: The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

c. Side Yard: The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line.

**BLUE HILL
COMMERCIAL SITE
PLAN REVIEW
ORDINANCE**

Effective Date : March 16, 2002

Amended:

Certified By: John R. Bonmuster 3-1-02
[Signature] 3/1/02
[Signature] 3/1/02
Municipal officers

Attest: True Copy Sharon A. Gendle 3/5/02
Town Clerk date

3-16-02

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1. GENERAL PROVISIONS.

1.1. Title.

This Ordinance is formally known as the "Site Plan Review Ordinance of the Town of Blue Hill." It shall be referred to herein as the "Ordinance."

1.2. Repeal of other ordinances.

The Ordinance known as the "Site Plan Review Ordinance of the Town of Blue Hill, Maine," enacted October 30, 1992 and amended April 1, 1993 is hereby repealed.

1.3. Authority.

This Ordinance is adopted pursuant to Maine Constitution, art. VIII-A, and Title 30-A M.R.S.A. §3001.

1.4. Purposes.

- 1.4.1. To assure the safety, health and welfare of the people of the Town of Blue Hill.
- 1.4.2. To promote an economically sound and stable community.
- 1.4.3. To lessen the danger and congestion of traffic on the roads and streets.
- 1.4.4. To protect and preserve the natural environment of the Town of Blue Hill.
- 1.4.5. To establish orderly and uniform procedures whereby the Town may review high impact developments to ensure that the other purposes of this Ordinance are met.

1.5. Conflict with other laws.

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance or statute which also applies to the proposed development, the requirement imposing the more restrictive or higher standard shall govern.

1.6. Severability.

In the event that any section, subsection or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, that declaration shall not be deemed to affect the validity of any other section,

subsection or provision of this Ordinance. To this end, the provisions of this Ordinance are hereby declared to be severable.

1.7. Effective date.

The effective date of this Ordinance or any amendments hereto at the date of this enactment by Town Meeting.

2. SITE PLAN REVIEW REQUIRED.

2.1. Permit required.

No person shall commence or undertake any land use activity within the Town of Blue Hill, without first obtaining a Site Plan Review permit from the appropriate permitting authority as required by the following table of land uses:

2.2. Table of Land Uses.

Land Use Activity	Permit required
1. One or two, single-family dwellings on a single lot.	No
2. Duplex dwelling on a single lot.	No
3. Conversion of a single-family dwelling on a single lot to a duplex dwelling.	No
4. Any structure or activity that is an accessory structure or use to items 1 through 3, above.	No
5. Subdivisions subject to review under the Town of Blue Hill Subdivision Ordinance.	No
6. All agricultural activities.	No
7. Forest management activities.	No
8. The construction of any new structure not otherwise exempted by this Table.	Yes
9. Any new commercial use of land not otherwise exempted by this Table.	Yes
10. Any expansion of an existing commercial use that results in: a) lot coverage greater than 50%; b) a structure with a footprint greater than 2,000 sq. ft. in area; or c) total impervious surfaces on the lot in excess of 4,000 sq. ft. or 75% of lot area.	Yes
11. Any use designated as development affecting water resources in Section 3.2.1 of this Ordinance.	Yes
12. The interior expansion of any commercial use that increases the floor area used for commercial purposes by 50% or more.	Yes
13. Any construction or expansion of a use that will result in groundwater extraction in excess of 1,000 gallons per day.	Yes

3. APPLICATION PROCEDURES.

3.1. Classification of Projects.

Projects subject to Site Plan Review shall be classified by the CEO into Major or Minor Developments.

3.2. Major Developments.

Projects involving any of the following shall be classified by the CEO as a Major Development. Any project initially classified as a Major Development may be reclassified as a Minor Development upon a finding by the Planning Board that the project meets the requirements for classification as a Minor Development. After reclassification all further review shall be conducted by the CEO.

3.2.1. Developments affecting water resources.

Developments affecting water resources are developments that are not served by a public sewer, which will generate a daily average discharge of more than 2,700 gallons of waste water, and which meet any one of the following three conditions:

- 3.2.1.1. The project is located within 300' of a sand and gravel aquifer, as shown on the map entitled "Hydrologic Data for Significant Sand and Gravel Aquifers" by the Maine Geologic Survey, 1985;
- 3.2.1.2. Any part of the project is located in an area to which the Town of Blue Hill Shoreland Zoning Ordinance is applicable; or
- 3.2.1.3. Any part of the project is located in the watershed of the Blue Hill Water District.

3.2.2. Developments extracting 1,000 gallons of water or more per day.

Developments extracting 1,000 gallons or more of groundwater per day.

3.2.3. Developments involving hazardous materials, oil or radioactive substances.

Hazardous activities involving the consumption, generation, or handling of:

- 3.2.3.1. Hazardous wastes as defined in Title 38, M.R.S.A., Section 1303;

3.2.3.2. Hazardous materials as defined in Title 38, M.R.S.A., Section 1317;

3.2.3.3. Oil, as defined in Title 38, M.R.S.A., Section 542; and

3.2.3.4. Low-level radioactive wastes, as defined in Title 38, M.R.S.A., Section 1451.

3.2.4. Building area in excess of 10,000 sq. ft.

Any building or buildings on a single parcel constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a ground area in excess of 10,000 square feet;

3.2.5. Impervious surfaces in excess of 60,000 sq. ft.

Any project where parking lots, roads, paved areas, or other areas to be stripped or graded and not to be re-vegetated causes the total project, including any buildings, to occupy a ground area in excess of 60,000 square feet; and

3.2.6. Conversion or expansion of a Major Development.

Any project, which is a conversion or expansion of an existing project meeting the description of a Major Development, above.

3.3. Minor Developments.

Projects not classified by the CEO as a Major Development shall be considered a Minor Development under this Section. Any project initially classified as a Minor Development may be reclassified as a Major Development upon a finding by the CEO that the project meets the requirements for classification as a Major Development. After reclassification all further review shall be conducted by the Planning Board.

3.4. Submission requirements.

3.4.1. Major and Minor Developments.

Projects classified as Major or Minor Developments have to submit the information specified in Section 3.5.

3.4.2. Developments affecting water resources.

In addition to submitting the information required of Major Developments, developments affecting water resources shall submit a

high intensity soil survey (3.5.7) and a hydrogeologic assessment (3.5.8).

3.4.3. Developments extracting 1,000 gallons of water or more per day.

In addition to submitting the information required of Major Developments, developments extracting 1,000 gallons or more of groundwater per day shall submit a groundwater extraction impact assessment (3.5.9).

3.4.4. Waiver.

The permitting authority may waive any of the submission requirements upon the written request of an applicant for good cause shown. The permitting authority must state the facts constituting good cause in writing. No waiver may be granted if it will unduly restrict the review process. The permitting authority may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the permitting authority's finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the permitting authority may, at any later point in the review process, rescind such waiver if it appears that any submission requirement previously waived is necessary for an adequate review. A request for submission previously waived shall not affect the pending status of an applicant.

3.4.5. Procedures.

Applications for Site Plan Review shall be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the CEO who shall forward it to the Planning Board, where appropriate.

3.4.6. Optional pre-application review.

Whenever Site Plan Review is applicable to a particular, proposed development, the applicant may submit a sketch plan of the site and proposed development to the CEO for informal review and comment. There is no fee for pre-application review, any review or comment by the CEO is not binding upon either the CEO or the Planning Board, and the use of this procedure shall not render an application to be a pending application.

3.5. Requirements for all applications.

The following materials and items are required of all applications.

3.5.1. Application form.

A fully executed and signed copy of the application form;

3.5.2. Review fee.

A non-refundable Site Plan Review fee of \$200.00, plus \$50.00 for each 2,000 square feet or any fraction thereof, of gross habitable floor space (including basement and attic) over 2,000 square feet.

3.5.3. Technical review fee.

For each application subject to review by the Planning Board there shall be a technical review fee of \$150.00, plus \$150.00 for each 2,000 square feet or any fraction thereof, of new impervious surface over 2,000 square feet.

Upon request of the Planning Board and the approval of the Selectmen, all or any portion of the technical review fee may be expended for technical services by independent consultants. The independent consultants shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions, which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include:

An Attorney;
A Community Planner;
A Registered Professional Engineer;
A Registered Architect;
A Registered Landscape Architect;
A Registered Geologist;
A Licensed Soil Scientist;
A Registered Land Surveyor; or
Any other Registered/Licensed Professional or Independent Expert Witness deemed fully qualified by the Planning Board.

Any moneys remaining at the end of review shall be returned to the applicant.

3.5.4. Copies.

3.5.4.1. Applications for Minor Developments shall include two (2) copies of written materials plus two (2) sets of maps or drawings containing the information listed below. The written materials shall be stapled together, or contained in a bound report or a three-ring notebook. The

maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

- 3.5.4.2. Applications for Major Developments shall include six (6) copies of written materials plus six (6) sets of maps or drawings containing the information listed below. The written materials shall be contained in a bound report or a three-ring notebook. The maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

3.5.5. General information.

The following general information is required:

- 3.5.5.1. Name of owner of record and address;
- 3.5.5.2. Applicant's name and address if different;
- 3.5.5.3. The name of the proposed development;
- 3.5.5.4. Names and addresses of all abutting property owners;
- 3.5.5.5. Sketch map showing general location of the site within the Town;
- 3.5.5.6. Location map showing the relationship of the proposed project to adjacent properties and to the general surrounding area within 3,000± feet of any property line of the site, and the location of any sand and gravel aquifers within three hundred feet of the project. The scale shall not be smaller than 1" = 400'; reduced tax maps showing owners' names and other required information will be acceptable;
- 3.5.5.7. The tax map(s) and lot number(s) of the parcel or parcels where the parcel is located and of abutting parcels;
- 3.5.5.8. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title, or interest in the property on the part of the applicant;
- 3.5.5.9. A statement stating whether any portion of the project is located within the watershed of the Blue Hill Water District; and
- 3.5.5.10. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.

3.5.6. Site information.

The following information regarding proposed development and existing conditions is required. This information must accompany, or be submitted on, a map using the following scale and showing the date of the map, magnetic north, the scale and the identity of the draftsman:

Acres	Scale
1-10	1"=10' to 1"=50'
10+-50	1"=50' to 1"=100'
50+(lots 4 acres)	1"=100'
50+(lots > 4 acres)	1"=200'

- 3.5.6.1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is wholly or partially located in an area subject to shoreland zoning;
- 3.5.6.2. The bearings and distance of all property lines of the property to be developed and the source of this information;
- 3.5.6.3. Location and size of all existing and proposed wells, sewer and water mains, culverts, drains, above or below ground utilities and waste water disposal systems on the property to be developed, and of any of these items that currently serves or will serve the development from abutting streets or land;
- 3.5.6.4. Location, names, and widths of all existing and proposed streets and rights-of-way adjacent to the proposed development;
- 3.5.6.5. The location, dimensions, and ground floor elevations of all existing and proposed buildings on the site;
- 3.5.6.6. The location and dimensions of all existing and proposed driveways, streets, parking and loading areas, and walkways on the site;
- 3.5.6.7. The existing and proposed topography of the site at an appropriate contour interval (not greater than 5') depending on the nature of the use and character of the site;
- 3.5.6.8. Major natural features on the site and including, within two hundred fifty feet (250') of the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats (including bird nesting, staging and feeding areas, and deer yards identified in the 1999 Comprehensive Plan), archaeological resources or other important natural features;

- 3.5.6.9. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified;
 - 3.5.6.10. The direction and amount of pre-development and proposed surface water drainage flow across and from the site, based upon 24-hour, 2-, 10- and 25-year storms. Where proposed flows exceeds pre-development flows by 10% or more, the applicant shall submit a storm water management plan, showing the steps taken to minimize the impact of storm water runoff. The storm water management plan shall be based upon 24-hour, 2-, 10- and 25-year storms;
 - 3.5.6.11. The location and type of all existing and proposed exterior signs;
 - 3.5.6.12. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the site. Such covenants or deed restrictions shall be referenced on the plan;
 - 3.5.6.13. The location of all existing and proposed building setbacks, yards, and buffers required by this Ordinance;
 - 3.5.6.14. Location, front view, and dimensions of proposed signs;
 - 3.5.6.15. Proposed landscaping and buffering;
 - 3.5.6.16. A schedule of construction, including anticipated beginning and completion dates;
 - 3.5.6.17. An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 4.3, below; and
 - 3.5.6.18. Projects involving the storing, generating or handling of hazardous wastes or materials, oil or radioactive wastes shall specify the exact amount and nature of all such substances that will be on the site, and the specific method of handling and containing those substances that will be used.
- 3.5.7. **High intensity soil survey.**

A high intensity soil survey is a "high intensity soil survey" as defined by the Maine Association of Professional Soil Scientists.

3.5.8. **Hydrogeologic assessment.**

Where a hydrogeologic assessment is required, the assessment shall

include the following minimum information. The Planning Board may require additional information where necessary to evaluate the project's compliance with the performance standards of this Ordinance.

- 3.5.8.1. A map showing basic soil types on the site.
 - 3.5.8.2. The depth to water table at representative points throughout the site.
 - 3.5.8.3. Drainage conditions throughout the site.
 - 3.5.8.4. Data regarding the existing ground water quality, either from test wells on the site or from existing wells on abutting properties.
 - 3.5.8.5. An analysis and evaluation of the impact of the project on ground water resources. Residential projects shall include a projection of project nitrate-nitrogen concentrations. Projects within the watershed of a lake or pond shall include phosphate impact calculations.
 - 3.5.8.6. The location of any subsurface wastewater disposal systems and wells on the site and within two hundred (200) feet of the site boundaries.
 - 3.5.8.7. Projections of post-development water quality at any wells within the site, abutting wells of five hundred (500) feet from the point of contamination, whichever is the shorter distance. These projections shall be based upon a drought condition assumption of sixty per cent (60%) of annual average recharge from precipitation.
 - 3.5.8.8. The signature and seal of the Certified Geologist who prepared the assessment.
- 3.5.9. **Groundwater extraction impact assessment.**

A groundwater extraction impact assessment shall consist of the following information:

- 3.5.9.1. A statement from the applicant specifying the quantity of ground water to be extracted expressed as the annual total, the maximum monthly rate by calendar month, and the maximum daily rate. These rates shall be maximum rates, which rates shall not be exceeded without further Site Plan Approval by the Planning Board.
- 3.5.9.2. For projects coming under the jurisdiction of the Maine Department of Human Services, a letter from that agency containing review comments of the DHS.

3.5.9.3. A report prepared by a Certified Geologist showing:

3.5.9.3.1. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which the water is to be extracted. The map shall include sufficient detail to support a calculation of sustained yield during a ten-year drought, as well as an estimate of any potential interaction between or among this and adjacent aquifers.

3.5.9.3.2. Calculations based upon the investigation showing the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by calendar month) and daily extraction rates, the cone of depression that may develop about the project and impacts upon the water table in the tributary aquifer and all wells within the tributary aquifer or one thousand (1,000) feet of the proposed extraction facilities, whichever is closer.

3.6. **Waivers sought by applicant.**

A list of the submission requirements for which the applicant seeks a waiver, and a written explanation of the reasons that the waiver is sought.

4. PERFORMANCE STANDARDS.

The following Land Use Standards shall govern all permits and approvals issued under this Ordinance.

In reviewing applications submitted pursuant to this Ordinance, the CEO or the Planning Board shall consider the following performance standards prior to issuing final approval. In all instances the burden of proof shall be upon the applicant.

4.1. Archeological and historic sites.

Any proposed land use activity that may disturb an archaeological site as determined by the State Archeologist, or historic site which is listed on or eligible to be listed on the National Register of Historic Places, shall require the applicant to submit comments in writing from the state Archeologist or the Maine Historic Preservation Commission concerning the proposed activity. These comments shall be considered by the permitting authority in deciding whether to grant the permit.

4.2. Campgrounds.

Campgrounds shall meet the following requirements, in addition to the other requirements of this Ordinance.

- 4.2.1. Campsites and all structures shall be located at least fifty (50) feet from any property line, and at least one hundred (100) feet from any residence on abutting property.
- 4.2.2. Campsites shall be laid out and screened in such a manner that they are not visible from abutting public roads, residences or approved subdivision lots.
- 4.2.3. No recreational vehicle shall be exhibited for commercial sale within the park.
- 4.2.4. Stored recreational vehicles shall be screened in such a manner that they are not visible from abutting public roads, residences or approved subdivision lots.
- 4.2.5. Site density shall not exceed twenty (20) tent sites or sixteen (16) recreational vehicle sites per acre (excluding circulation roads).
- 4.2.6. Campsites located in the Limited Residential or Limited Commercial Zones as shown on the Town of Blue Hill, Official Shoreland Zoning Map, shall conform to the following standards:

- 4.2.6.1. Each campsite shall contain a minimum of five thousand (5,000) square feet of land, not including roads, driveways, land supporting wetland vegetation or land below the normal high water line;
- 4.2.6.2. Each campsite shall have a minimum shore frontage of seventy-five (75) feet; and
- 4.2.6.3. The areas intended for placement of a recreational vehicle, tent or shelter, and utility service buildings, shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified as 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.
- 4.2.7. A minimum of three hundred (300) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent or shelter site.
- 4.2.8. There shall be a minimum of twenty-five (25) feet between recreational vehicles.
- 4.2.9. There shall be a minimum of seventy-five (75) feet between recreational vehicles and tent sites.
- 4.2.10. Each recreational vehicle, tent site or covered shelter site shall be provided with a picnic table per site, and a covered trash receptacle for every three sites. Trash receptacles shall be emptied at least once per day.
- 4.2.11. There shall be one toilet and lavatory for each sex, for each ten (10) campsites. Water and sewage systems shall conform to state regulation.
- 4.2.12. Each campsite shall be equipped with a masonry or metal fireplace, the construction of which is approved by the Blue Hill Fire Chief.

4.3. Commercial recreation facilities.

All commercial recreation facilities shall have adequate off-street parking for the anticipated maximum attendance at any event.

4.4. Dust, fumes, vapors, gases, odors, glare and explosive materials.

- 4.4.1. Emissions of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.

- 4.4.2. No land use or establishment shall be permitted to produce unreasonable, offensive or harmful odors perceptible beyond their lot lines, measured either at ground or habitable elevations.
- 4.4.3. No land use or establishment shall be permitted to produce unreasonable glare or brightness beyond its lot lines.
 - 4.4.3.1. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view of motorists, pedestrians or adjacent buildings.
 - 4.4.3.2. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residences.
- 4.4.4. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the rules and regulations adopted by the State of Maine.

4.5. Erosion and sedimentation control.

The following measures relating to conservation, erosion and sediment control shall be included where applicable as part of all projects submitted for review and approval under this Ordinance:

- 4.5.1.1. The procedures outlined in the erosion and sedimentation control plan, prepared and submitted by the applicant, shall be implemented during the site preparation, construction, and cleanup stages.
- 4.5.1.2. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - 4.5.1.2.1.1.1. Stripping of vegetation, soil removal and regrading or other development shall be done in such a way as to minimize erosion;
 - 4.5.1.2.1.1.2. Development shall preserve outstanding natural features, keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - 4.5.1.2.1.1.3. The development shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;

- 4.5.1.2.1.1.4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- 4.5.1.2.1.1.5. The disturbed area and the duration of exposure shall be kept to a practical minimum;
- 4.5.1.2.1.1.6. Disturbed soil shall be stabilized as quickly as practicable;
- 4.5.1.2.1.1.7. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
- 4.5.1.2.1.1.8. Permanent (final) vegetation and mechanical erosion control measures in accordance with the standards of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission shall be installed as soon as practicable after construction ends;
- 4.5.1.2.1.1.9. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods;
- 4.5.1.2.1.1.10. The top of a cut or the bottom of a fill section shall not be closer than ten feet (10') to an adjoining property, unless specifically permitted by the permitting authority. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred feet (100') of any property line in absence of the prior written agreement of the owner of such adjoining property;
- 4.5.1.2.1.1.11. During grading operations, methods of dust control shall be employed wherever practicable;
- 4.5.1.2.1.1.12. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible;
- 4.5.1.2.1.1.13. Any activity on a stream, watercourse or swale or upon floodway or right-of-way shall comply with the Natural Resource Protection Act, Title 38, MRSA, Sections 480-A and 480-S. Any such activity shall also

be conducted in such a manner so as to maintain as nearly as possible the present state of the stream, watercourse, swale, floodway, or right-of-way for the duration of the activity and shall be returned to its original or equal condition after such activity is completed; and

4.5.1.2.1.1.14. Maintenance of drainage facilities or watercourses originating completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

4.6. Groundwater protection.

Developments shall conform to the following groundwater protection criteria:

- 4.6.1. The quantity of water to be taken from groundwater shall not substantially lower the water table, cause salt water intrusion into any existing well, cause unreasonable changes in groundwater flow, or unreasonable ground subsidence, based upon ten-year drought water levels;
- 4.6.2. The development shall not cause pollution or unreasonable diminution of the aquifer from which it is extracted;
- 4.6.3. Any development located in a defined public water supply aquifer recharge area shall not have an unreasonable adverse effect upon that public water supply;
- 4.6.4. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Safe Drinking Water Standard, EPA Health Advisory, or NAS Health Advisory. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination;
- 4.6.5. The development shall not increase any contaminant concentration in ground water to more than one-half of the Primary Drinking Water Standards, nor more than the Secondary Drinking Water Standards;
- 4.6.6. Where existing ground water pollution already exceeds the Secondary Drinking Water Standards, the development shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration; and

- 4.6.7. Lots larger than that required by the State of Maine shall be required where necessary in accordance with the following formula:

$$d = (q)(C \text{ nitrate} - C_b) + (C_s)(q_s)$$

d is the allowable housing density in dwellings per acre.

q is the rate of natural ground water recharge, averaged over the year in gpm/acre; some representative numbers by soil type are:

glaciomarine clay	0.11 – 0.23
thick silty clay	0.23
thin soil over rock	0.33
thin till over rock	0.46
sandy glacial till	0.57
glaciomarine fine sands	0.91
raised beach deposits	1.16
sand and gravel	1.16

C nitrate is the resultant concentration of nitrate-nitrogen in ground water as a result of subsurface sewage disposal systems, 5 mg/l.

C_b is the background concentration of nitrate-nitrogen in ground water. If records are not available, assume 0.25 mg/l.

C_s is the nitrate-nitrogen concentration in the typical septic tank discharge, 30 mg/l.

q_s is the average leach field discharge rate per dwelling, which is equal to 70% of 270 gallons per day, or 0.15 gal/min.

4.7. Lighting.

All exterior lighting shall be designed to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hours of use, hazards to people and vehicular traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

4.8. Oil and chemical storage.

- 4.8.1. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions of Title 38, M.R.S.A., Section 541 et seq. which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non conforming

underground oil storage facilities and requires qualified personnel to oversee the removal of certain underground facilities;

4.8.2. Oil and chemical storage shall be in conformance with rules and regulations adopted by the State of Maine applicable to the stored substance; and

4.8.3. The applicant shall have the burden of proof to assure the Planning Board or CEO that all provisions of the above statutes have been met before the issuance of any permits may take place.

4.9. On-site circulation.

4.9.1. Vehicular circulation.

The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

4.9.1.1. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.

4.9.1.2. Non-residential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for all vehicles, including tractor trailers.

4.9.1.3. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles and prevent their backing out onto a street.

4.9.1.4. All streets and access ways shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

4.9.2. Pedestrian circulation.

The development plan shall provide for a system of pedestrian circulation within the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project.

4.10. Signs.

Where vision may be obscured entering a public street the whole of a sign board or display elements of any free-standing sign shall be either below three feet or above seven feet in height above street level.

Any free-standing sign located in any yard space abutting a public way or a private way at the point where it intersects a public way shall be set back at least ten feet from the front lot line and at least twelve feet from the side lot lines. Where an existing principal building is located within fifteen feet of the right of way of a public way, a free-standing sign may be located no closer than two feet from the right of way.

These sign regulations shall not apply to the following signs.

- 4.10.1. Legal notices, identification, informational or directional control signs erected or required by a governmental entity; and
- 4.10.2. Signs that guide or direct traffic and parking on private property, but bear no advertising or commercial identification.

4.11. Site conditions.

- 4.11.1. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition that could lead to personal injury or property damage, shall be immediately corrected by the developer upon an order by the CEO or other authorized person. The developer shall make provision for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity; and
- 4.11.2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the CEO.

4.12. Storm water management.

All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Storm water runoff systems should be designed to facilitate aquifer recharge where it is advantageous to compensate for groundwater withdrawals and infiltration, but should avoid recharge where the ground water effects may be harmful.

- 4.12.1. Where possible, existing natural runoff control features such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff. The use of enclosed components (such as pipes, etc.) should be minimized where natural systems are able to accommodate runoff.

- 4.12.2. Design of permanent storage facilities should consider safety, appearance, recreational use, and the cost and effectiveness of maintenance operations in addition to the primary storage function.
- 4.12.3. Energy dissipaters and other forms of outfall protection shall be employed where enclosed drains discharge into soils subject to erosion.
- 4.12.4. Storm water management systems shall be maintained as necessary to ensure that they function properly.
- 4.12.5. If the development will result an increased total flow of runoff that will be discharged into the municipal storm sewer system, the developer shall pay for the cost of improvements to the municipal system so that it will have the capacity to handle 125% of the projected total flow. Payment shall be made within thirty days of the date of approval of the application. No construction may commence on the project before this payment is made.

4.13. Wastewater disposal.

Every project shall comply with the following requirements for wastewater disposal.

4.13.1. Projects served by municipal sewers.

4.13.1.1. Any project that will dispose of its wastewater through the municipal sewer system, and that will use more than 33-1/3% of the excess capacity of any portion of the sewer collection system, treatment facility and/or its discharge permits, shall be approved only if the applicant pays the cost of replacing the excess capacity needed for the development. Payment shall be made within thirty days of the date of approval of the application. No construction may commence on the project before this payment is made.

4.13.1.2. All discharges into the system shall be in accordance with the Blue Hill Sewer Ordinance.

4.13.2. Projects served by subsurface wastewater systems.

Any project that will dispose of its wastewater through any subsurface wastewater system shall submit a completed DHS health Engineering site evaluation and subsurface wastewater disposal plan showing adequate soils, and adequate system design and capacity.

4.13.3. Subsurface wastewater systems in common ownership.

Where two or more buildings or lots in different ownership share a

common subsurface wastewater disposal system, the system shall be owned and maintained in common by an owners' association. Covenants shall be made in the deeds for each lot requiring membership in the association and providing adequate funding of the association to assure proper maintenance of the system.

4.14. Water supply.

- 4.14.1. The development shall be provided with a system of water supply that provides an adequate supply of water meeting the standards of the State of Maine for drinking water. Where groundwater pollution exceeds the Primary Drinking Water Standards, and the development is to be served by on-site ground water supplies, the applicant shall provide adequate evidence of the manner in which the water quality will be adequately improved or treated.
- 4.14.2. For major developments the applicant shall construct ponds and dry hydrants to provide for adequate water storage for fire fighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Board may waive the requirement for dry hydrants or ponds only upon the submittal of evidence that the soil types in the development will not permit their construction, or that a nearby water supply is available and adequate for firefighting purposes by the Fire Department.

5. SITE PLAN REVIEW.

5.1. Purpose.

The purpose of Site Plan Review is to promote the public health, safety, and general welfare by requiring CEO or Planning Board review of plans for certain uses or structures which have a significant potential impact on the neighborhood or the environment but which, when properly designed with respect to their surroundings, can become uses or structures that are compatible with the neighborhood and environment.

5.2. Prohibition.

No activity or use requiring Site Plan Review shall commence until the property owner has received Site Plan Approval from the CEO or Planning Board, as appropriate, and complied with any other applicable provisions of this Ordinance.

5.3. Review procedures.

The procedures for Site Plan Review are as follows:

5.3.1. Submission of completed application to the CEO.

The applicant shall submit the requisite number of copies of the application and supporting information required by this Ordinance.

5.3.2. CEO classification and review.

5.3.2.1. Dated receipt.

The CEO shall issue the applicant a dated receipt and will date-stamp the application.

5.3.2.2. Classification.

The CEO shall review the application and classify it as either a Major or Minor Development in accordance with the provisions this Ordinance.

5.3.2.3. Fees submitted.

After classification, the applicant shall provide the CEO with the applicable review fees.

5.3.2.4. Review for completeness.

The CEO shall initially review the application and determine whether or not it is complete.

5.3.2.5. Notice of incomplete application.

If the application is found to be incomplete, the CEO shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, the process above shall be repeated.

5.3.3. Complete applications.

If the application is found to be complete, the CEO shall take the following action with regard to that application.

5.3.3.1. Minor Developments.

Applications determined to be Minor Developments will be reviewed and acted upon by the CEO in accordance with the procedures set forth below, and the requirements of this Ordinance.

5.3.3.2. Major Developments forwarded to Planning Board..

The CEO shall forward copies of a complete application and supporting documents determined to be Major Developments to the members of the Planning Board and place the project on the agenda of the next regular Planning Board meeting occurring not less than twenty-one (21) days after the CEO determines the application is complete.

5.3.3.3. Notice to abutters.

Abutting property owners shall be notified by mail by the Town of all pending applications for Site Plan Review. For Minor Developments this notice shall indicate the address to which written comment should be sent, and the date by which it must be received to be considered by the CEO in acting upon the application. For Major Developments this notice shall indicate the date, time and place of Planning Board consideration of the application.

5.3.4. Planning Board review.

At the meeting of the Planning Board at which the proposed

development is scheduled to be reviewed, the Planning Board shall:

5.3.4.1. CEO report.

Hear any report of the CEO and if the Town has retained the services of a professional adviser, the report of the adviser regarding the proposed development;

5.3.4.2. Applicant's response.

Hear any comments of the applicant regarding the CEO's and Town Planner's report;

5.3.4.3. Request for waivers.

Hear any requests from the applicant for waivers;

5.3.4.4. Determination of completeness.

Determine whether or not the application is complete;

5.3.4.5. Notice of incompleteness.

If the application is determined to be incomplete, the Board shall inform the CEO of the information required to make the application complete. The CEO shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant's submission of such additional material, Steps 1, 2, 3, and 4 shall be repeated; and

5.3.4.6. Public hearing determination.

If the application is determined to be complete, the Board shall deem the application pending and shall set the matter for a public hearing conducted by the Planning Board. The public hearing shall take place within thirty (30) days of the Planning Board's determination that the application is complete. This deadline may be extended by mutual agreement of the Board and the applicant, either in writing or orally, on the record at a public meeting.

If the proposed development has been classified as a Minor Development such public hearing shall be held at the discretion of the CEO, and shall be conducted by the CEO.

5.3.5. Deliberation and decision.

5.3.5.1. Deliberation.

Within thirty (30) days after the public hearing on an application, or within thirty-five (35) days of a determination of completeness by the CEO, if no hearing is held, the permitting authority shall decide the matter. The Planning Board shall deliberate the matter at a public meeting. Site Plan Approval shall be granted if the proposed project complies with all applicable standards set forth in Article 4 and meets the Criteria of Approval set forth in Section 5.10. This deadline may be extended by mutual agreement of the permitting authority and the applicant in writing, or (in the case of Major Developments) either in writing or orally, on the record at a public meeting.

5.3.5.2. Decision.

If the permitting authority finds that the proposed Site Plan complies with all such standards it shall issue an order granting Site Plan Approval subject to such terms and conditions as the permitting authority finds are reasonably necessary to ensure conformity with Site Plan Review Standards and criteria of this Ordinance. If the permitting authority finds that the proposed Site Plan does not comply with all applicable review standards, it shall issue an order denying Site Plan Approval. In either case the permitting authority shall, within ten (10) working days after the completion of its deliberations, issue specific written findings of fact supporting its decision. The decision shall state any conditions of approval that apply to the project and the reason for the imposition of those conditions. A copy of the decision shall be sent to the applicant at the address provided on the application. Decisions by the CEO shall also be sent to any abutter who responded, in writing, to the notice sent by the CEO.

5.4. Public hearing procedures.

Site Plan Review public hearings and notice thereof shall comply with the following procedures:

5.4.1. Published notice.

Notice of said hearing shall be published in a newspaper of general circulation in the Town of Blue Hill at least ten (10) days prior to the hearing date.

5.4.2. Content of notice.

Notice of said hearing shall identify the applicant and the property involved, describe the specific nature of the proposal, state the date, time

and place of the hearing, and explain how the recipient of the notice may attend and present evidence.

5.4.3. Rules.

Said hearings shall be conducted according to rules adopted by the Planning Board.

5.4.4. Representation.

At any hearing a party may be represented by an agent or attorney provided, however, if any party is not present, any person acting as that party's agent or attorney shall provide evidence of such authority.

5.4.5. Continuation.

Any hearing may be continued or recessed to another time for good cause, or upon written or recorded agreement of the permitting authority conducting the public hearing and the applicant.

5.5. Professional review.

5.5.1. Additional studies.

The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

5.5.2. Independent technical review.

The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include but not be limited to:

An Attorney;
A Community Planner;
A Registered Professional Engineer;
A Registered Architect;
A Registered Landscape Architect;
A Registered Geologist;
A Licensed Soil Scientist;

A Registered Land Surveyor; or
Any other Registered/Licensed Professional or independent Expert
Witness deemed fully qualified by the Planning Board.

The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost.

5.6. Failure to act.

Failure of the permitting authority to act within any of the time requirements set forth herein shall constitute a denial of the application.

5.7. Expiration of approvals.

All Site Plan Approvals shall expire unless work on the project is substantially commenced within twelve (12) months from the date of issuance. If work is not substantially completed within twenty-four (24) months from the date of issuance, a new application shall be required.

5.8. Other permits.

The granting of Site Plan Approval does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to building and plumbing permits, licenses granted pursuant to Title 38, M.R.S.A., Sub-Section 1022, Maine Department of Environmental Protection and United States Army Corps of Engineer's approvals, subsurface wastewater disposal permits, sewer connection permits, Maine Department of Transportation approvals, and the like. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to Site Plan review may be considered by the Planning Board as evidence as to the plan's compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance. The written approval constitutes the Site Plan Review Permit for the project.

5.9. Access to site and records.

The CEO shall have reasonable access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting Site Plan Approval, waives any objection to the CEO having access to the site to review the progress of the work or to review all records and documents related to the project.

5.10. Site Plan Review criteria.

The permitting authority in reviewing projects requiring Site Plan Approval under this Ordinance shall make positive written conclusions and factual findings as to whether the applicant has submitted adequate evidence showing that:

- 5.10.1. Adequate provision has been made for off street parking and loading;
- 5.10.2. Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of, and within the proposed project. The Planning Board shall consider traffic movement both on-site and off-site in making its determination under this criteria;
- 5.10.3. Any traffic increase attributable to the proposed project will not result in unreasonable congestion or unsafe conditions on a road in the vicinity of the proposed development;
- 5.10.4. That the proposed project will be built on soil types which are suitable to the nature of the project and that adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems, and/or any other adverse effects of inadequate drainage;
- 5.10.5. Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site;
- 5.10.6. Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property;
- 5.10.7. Adequate provision has been made with regard to Buffers, Screening, Landscaping, and the preservation and Enhancement of Significant natural features;
- 5.10.8. Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area including scenic areas designated in the Town's most recent Comprehensive Plan, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including identified deer wintering areas, existing uses, air quality, water quality, or other natural resources within the town or in neighboring towns;
- 5.10.9. Whenever a project is situated, in whole or in part, within two hundred fifty feet (250'), horizontal distance, of the normal high-water line of any great pond, coastal wetland or river, or within two hundred fifty feet (250') horizontal distance, of the upland edge of a freshwater wetland, or

within seventy five feet (75'), horizontal distance, of the normal high-water line of a stream, adequate provision has been made to conserve shoreland vegetation, visual points of access to waters as viewed from public facilities, and actual points of public access to waters;

- 5.10.10. Adequate provision has been made to prevent any undue adverse effect upon adjacent or nearby properties or property values;
- 5.10.11. Adequate provision has been made to avoid any undue burden on municipal services, including but not limited to water, fire, sewer and police services;
- 5.10.12. Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements; and
- 5.10.13. Adequate provision has been made to assure that the proposed development conforms in all respects with the provisions of this Ordinance.

5.11. Appeals.

Any aggrieved person may appeal a decision to grant or deny Site Plan Approval, or the imposition of conditions of approval, to the Blue Hill Board of Appeals. Such appeal must be made within thirty (30) days of the date of the written decision from which appeal is taken.

Any appeal from the decision of the Board of Appeals may be taken within thirty (30) days of that Board's decision. Such appeal shall be to the Hancock County Superior Court, pursuant to Maine Rule of Civil Procedure 80B.

6. ENFORCEMENT.

6.1. Enforcement authority:

The CEO is authorized to enforce the provisions of this Ordinance, and to take legal action for enforcement at the direction of the Selectmen.

6.2. Violations.

- 6.2.1. Any person who undertakes any land use listed in Section 2 as requiring a Site Plan Review Permit, without first obtaining such permit, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.
- 6.2.2. Any person who, having received a Site Plan Permit, thereafter conducts the land use in a manner contrary to any condition set forth in the Site Plan Review Permit, or to the provisions of this Ordinance, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.
- 6.2.3. Every violation of this Ordinance may be prosecuted pursuant to 30-A M.R.S.A. § 4452.

7. DEFINITIONS.

Abutter: One whose property abuts, is contiguous, or joins at a border or boundary, including property across the street, road or way.

Aggrieved party or person: Any person whose property is directly or indirectly affected, or who has suffered any other particularized injury, as a result of any Site Plan Review decision, and who has also taken part in the review process.

Accessory use or structure: 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.

Agricultural activities: 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 ornamentals and greenhouse products. Agriculture does not include uses for the processing of agricultural products for market or consumption such as slaughterhouses, packing plants or canneries.

Attic: That part of a building immediately below and wholly or partly within the roof framing.

Basement: Any portion of a structure with a floor to ceiling height of six (6) feet or more and having more than fifty per cent (50%) of its volume below the existing ground level.

Building: Any structure designed to shelter people, animals or property.

Campground: Any premises established for camping for which a fee is charged. Recreational vehicle parks are included in this definition.

Campsite: An area in a campground designed for use by a single recreational vehicle, tent or shelter.

Coastal wetland: All tidal and sub-tidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the maximum spring high tide level as identified in tide tables published by the National Ocean Service.

Code Enforcement Officer/CEO: A person appointed by the municipal officers to administer and enforce this Ordinance.

Commercial recreation facility: Any commercial enterprise that provides recreational activities including, but not limited to, racquet ball clubs, health clubs, amusement parks and golf courses.

Commercial use: The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent or result of which activity is the generation of revenue from the buying and selling of goods and/or services, exclusive of rental of single-family or duplex residential buildings. This definition includes non-profit organizations.

Dwelling:

a. Dwelling: A building or portion thereof, used exclusively for residential occupancy, including single-, two- and multi-family dwellings.

b. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating.

c. Dwelling, Two-Family: A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other. Also referred to as duplex.

d. Dwelling, Multifamily: A building or portion thereof used for residential occupancy by three (3) or more families living independently of each other and doing their own cooking in the building, including apartments, group houses (except where otherwise defined by State or Federal law) and row houses.

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

Expansion of a use: 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.

Floodplain: Floodplains may be either riverine or inland depression areas. Riverine floodplains are those areas contiguous to a river, stream, or stream bed whose elevation is greater than the normal water pool elevation but equal to or lower than the projected one hundred (100) year flood elevation. Inland depression floodplains, not associated with a stream system, are low points to which surrounding lands drain.

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

Footprint: The outside perimeter of a structure at ground level.

Forest management activities: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated silvicultural activities. Timber harvesting does not include the clearing of land for approved construction or the construction of roads.

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

- a. Of ten or more contiguous acres; or of less than 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
- b. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

Frontage, shore: The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high water elevation.

Great pond: any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Height of structure: The vertical distance between the mean elevation of the finished grade of the building and the highest point of the roof. For those structures without roofs, the highest point of the structure. For structures with multiple roofs, each roof shall be considered in relation to the finished grade upon which that part of the structure rests.

Home occupation: Those businesses which may be conducted within a residential dwelling or accessory structure without substantially changing the appearance or condition of the residence or accessory structures, and which are carried on primarily by those residing in the residence.

Impervious surface: Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

Loading area: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

Lot: A parcel of land undivided by any street or public road.

Lot coverage: The maximum combined footprints of all principal and accessory buildings on a lot, divided by the area of such lot, the result expressed as a percentile. In the Shoreland Area, lot coverage also includes all unvegetated areas.

Lot line: A line bounding a lot that divides one lot from another, or from a street or any other public or private space, as defined below:

a. **Front lot line:** That lot line which separates the lot from the street or right of way. In the case of lots having frontage on more than one road or street, the front lot line shall be the lot line along which the lot takes access to a street.

b. **Rear lot line:** That lot line which is parallel to and most distant from the front lot line of the lot; in the case of an irregular, triangular, or gore-shaped lot, a line ten (10) feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line, shall be considered to be the rear lot line. In the case of lots having frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

b. **Side lot line:** Any lot line other than a front or rear lot line.

Normal high-water line:

a. **Coastal waters:** The elevation at which vegetation changes from predominately salt tolerant to predominantly non-salt tolerant.

b. **Inland waters:** The 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.

Owner: The person or persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a lot or parcel of land.

Permitting authority: The person or entity responsible for issuing a particular permit or approval under this Ordinance. The permitting authority will be either the CEO or the Planning Board.

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.

Principal structure: A building other than one that 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 that is wholly incidental or accessory to another use on the same premises.

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.

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 thoroughfare or way 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.

a. Private Road: A thoroughfare or way designated for private use and maintained by a property owner or group of property owners.

b. Public Road: A public thoroughfare, way, or easement permanently established for passage of persons or vehicles.

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

Sign: Any structure, display, logo, device or representation which is designed or used to advertise or call attention to any thing, person, business, activity or place, and which is visible to the public. A sign does not include any flag, pennant or insignia of a nation, state, town or other political entity. Whenever dimensions of a sign are specified they shall include frames. Each visible sign face shall constitute a separate sign, except that a sign with two (2) faces shall be considered one (1) sign so long as the distance between the faces does not exceed twelve (12) inches. The area of both faces shall be combined in determining the total area of the sign.

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.

Street: Any public way.

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, signs, sidewalks, driveways or parking lots. The term includes structures temporarily or permanently located, such as tents, decks, raised walkways, handicapped access ramps and satellite dishes.

Subdivision: See the Blue Hill subdivision Ordinance.

Substantial completion or substantially completed: Completion of ninety percent (90%) of a permitted structure or use measured as a percentage of estimated total cost.

Substantial commencement or substantially commenced: Completion of thirty percent (30%) of a permitted structure or use measured as a percentage of estimated total cost.

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 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 four (4) inches in diameter, measured at four and one half (4 1/2) feet above ground level.

Yard: The area of land on a lot not occupied by buildings.

a. Front Yard: The open, unoccupied space on the same lot with the principal building between the front lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

b. Rear Yard: The open, unoccupied space on the same lot with the principal building between the rear lot line and the nearest part of any building on the lot, and extending the entire width of the lot.

c. **Side Yard:** The open, unoccupied space on the same lot with the principal building between a side lot line and the nearest part of any building on the lot, extending from the front yard to the rear line.

ERRATA:

1. No section regarding performance guarantees was included, as it is not clear exactly what, if anything, would be covered by performance guarantees. I will be happy to include a performance guarantee section if necessary.

Attest Copy
changes in Site Plan review Ordinance
8/25/2000
Lewi P. Hultin
Town Clerk

Commercial Site Plan Review Ordinance of the Town of Blue Hill, Maine

Originally Adopted and Effective: March 16, 2002

Amended and Restated Effective: _____

Certified By: _____

Municipal Officers

Date

Attest: True Copy _____

Town Clerk

Date

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Section 1. General Provisions

A. Title

This Ordinance shall be known as the "Commercial Site Plan Review Ordinance of the Town of Blue Hill, Maine." It shall be referred to herein as the "Ordinance." The Ordinance known as the "Blue Hill Commercial Site Plan Review Ordinance" enacted March 16, 2002 is hereby amended and restated.

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2 of the Maine Constitution (*Municipal Home Rule*), the provisions of 30-A M.R.S.A. § 3001 (*Home Rule*) and the provisions of the Planning and Land Use Regulation Act 30-A M.R.S.A. Chapter 187 (*Comprehensive Planning and Regulation or "Growth Management Act"*) and 30-A M.R.S.A. § 4452 (*Enforcement of Land Use Laws and Ordinances*).

C. Purposes

1. To assure the safety, health and welfare of the people of the Town of Blue Hill.
2. To promote an economically sound and stable community.
3. To lessen the danger and congestion of traffic on **public roads**.
4. To protect and preserve the natural environment of the Town of Blue Hill.
5. To establish orderly and uniform procedures whereby the Town may review high impact projects to ensure that the other purposes of this Ordinance are met.

D. Conflict with Other Laws

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance or statute which also applies to the proposed project, the requirement imposing the more restrictive or higher standard shall govern.

E. Severability

In the event that any section, subsection or provision of this Ordinance shall be declared by any court of competent jurisdiction to be invalid for any reason, that declaration shall not be deemed to affect the validity of any other section, subsection or provision of this Ordinance. To this end, the provisions of this Ordinance are hereby declared to be severable.

F. Effective Date

The effective date of this Ordinance or any amendments hereto is the date of its adoption at a Town Meeting.

Section 2. Definitions

As used in this Ordinance, unless the context otherwise indicates, the following terms have the following meanings.

*NOTE: For convenience only, defined terms are marked in **bold italics** where they appear in the text.*

Abutting lot: A **lot** which abuts, is contiguous to, or joins at a border or boundary, including **lots** across a **road**, the **lot(s)** subject to the **Site Plan Review** requirement and any contiguous lots under common ownership.

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** who owns an **abutting lot** to that **lot** for which a **Site Plan Review Permit** or variance has been granted; or any other **person** who has suffered particularized injury as a result of the granting or denial of such **Site Plan Review Permit** or variance.

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**.

Agricultural activities: 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 ornamentals and greenhouse products. **Agricultural activities** do not include the processing of agricultural products for market or consumption such as slaughterhouses, packing plants or canneries.

Attic: That part of a **structure** immediately below and wholly or partly within the roof framing.

Basement: Any portion of a **structure** with a floor to ceiling height of six (6) feet or more and having more than fifty per cent (50%) of its volume below the existing ground level.

Building: Any **structure** designed to shelter people, animals or property.

Campground: Any premises established for camping, including **recreational vehicle** parks, for which a fee is charged.

Campsite: An area in a **campground** designed for use by a single **recreational vehicle**, tent or shelter.

CEO (Code Enforcement Officer): A **person** appointed by the municipal officers to administer and enforce this Ordinance.

Commercial: An activity the intent or result of which is to generate revenue from the buying and selling of goods and/or services, exclusive of rental of **single-family** or **duplex dwellings**. This definition includes non-profit organizations and activities.

Commercial recreation facility: Any **commercial** enterprise that provides recreational activities including, but not limited to, racquet ball clubs, health clubs, amusement parks and golf courses.

Commercial use: The use of lands or **structures**, other than for a "**home occupation**," for **commercial** purposes.

Duplex dwelling: A detached or semi-detached **building** consisting of two (2) **dwelling units**.

Dwelling unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) **family**, including provisions for living, sleeping, cooking and eating and, if present, a **home occupation**).

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

Expansion (of use): Any intensification of use in time, volume or function, whether or not resulting from an increase in the **footprint, height, floor area**, land area or cubic volume occupied by a particular use. Increases which are required in order to meet the requirements of the Americans with Disabilities Act and/or the State Fire Code are not considered to be **expansions** of use.

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

Floor area: The sum of the horizontal surface areas of a **structure** enclosed by exterior walls (including the gross habitable portions of any attic or basement), plus the horizontal surface area of any unenclosed portions of a **structure** such as porches and decks.

Footprint: The area enclosed by the outside perimeter of a **structure** at ground level.

Forest management activities: Timber cruising and other forest resources evaluation activities, management planning activities, insect and disease control, timber stand improvement, pruning, timber harvesting and other similar associated silvicultural activities.

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

High intensity soil survey: A "high intensity soil survey" as defined by the Maine Association of Professional Soil Scientists.

Home occupation: An occupation or profession which is customarily conducted on or in a residential **structure** or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) **persons** other than **family** members.

Impervious surface: Surfaces which do not absorb water, including, without limitation, all **buildings**, parking areas, driveways, **roads**, sidewalks and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute **impervious surfaces**.

Loading area: An off-**street** space or berth on the same **lot** with a **building** or contiguous to a group of **buildings** for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a **street**, alley or other appropriate means of access.

Lot: A parcel of land undivided by any **public road**.

Lot coverage: The maximum combined **footprints** of all **structures** on a **lot**, divided by the area of such **lot**, the result expressed as a percentage. In **shoreland areas**, **lot coverage** also includes all un-revegetated areas.

Lot line: A line bounding a **lot** that divides one **lot** from another, or from a **public road**.

Major Development: A project which has been classified as such under the provisions of Section 4(B) (or reclassified under Section 4(C)) of this Ordinance.

Minor Development: All projects not classified as a **Major Development**.

Non-conforming (building or structure): A **building** or **structure** which 1) was in **commercial use** as of the date of adoption of Section 6(H)(3) and 2) did not conform to the setback provisions of that section as of such date.

Owner: The **person** having the right of legal title to, beneficial interest in, or a contractual right to purchase a **lot**.

Permitting authority: The **person (CEO)** or entity (Planning Board) responsible for issuing a particular permit or approval under this Ordinance.

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.

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

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

Public road: A **road** designated for public use; typically maintained by a governmental body such as a town, county, state, or the Federal government.

Recreational vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more **persons**, including, without limitation, a pickup camper, travel trailer, tent trailer, motor home, or converted van or truck.

Road: A thoroughfare, way or easement permanently constructed for or created by the repeated passage of vehicles.

Site Plan Approval: A decision by the **permitting authority** to approve a project as a result of **Site Plan Review**.

Site Plan Review: The process of evaluating an application for a project under this Ordinance.

Site Plan Review Permit: A written order granting **Site Plan Approval**.

Shore frontage: The horizontal distance, measured in a straight line, between the intersections of the **lot lines** with the shoreline at the normal high water line or the upland edge of a coastal wetland. The terms "normal high water line" and "coastal wetland" shall have the meanings set forth in 38 M.R.S.A. § 480-B.

Shoreland area: All areas to which the Shoreland Zoning Ordinance for the Municipality of Blue Hill is applicable.

Sign: Any **structure**, display, logo, device, or representation which is designed or used to advertise or call attention to any thing, **person**, business, activity or place, and which is visible to the public. A **sign** does not include any flag, pennant or insignia of a nation, state, town or other political entity. Whenever dimensions of a **sign** are specified they shall include frames. Each visible **sign** face shall constitute a separate **sign**, except that a **sign** with two (2) faces shall be considered one (1) **sign** so long as the distance between the faces does not exceed twelve (12) inches. The area of both faces shall be combined in determining the total area of the **sign**.

Single-family dwelling: A detached or semi-detached **building** consisting of one (1) **dwelling unit**.

Street: A **public road**.

Structure: Anything built for the support, shelter or enclosure of **persons**, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, poles, **signs**, sidewalks, driveways or parking lots. The term includes structures temporarily or permanently located, such as tents, decks, raised walkways, handicapped access ramps, external stairways and satellite dishes.

Subdivision: All land use activities defined as a "Subdivision" under the Blue Hill Subdivision Ordinance. Note that this definition specifically excludes activities involving leased **dwelling units** which are subject to review under this Ordinance.

Substantial commencement: Completion of thirty percent (30%) of a permitted **structure** or use measured as a percentage of estimated total cost.

Vegetation: All live trees, shrubs, ground cover, and other plants.

Yard: The area of land not occupied by **buildings**.

Section 3. Site Plan Review Required

A. Permit Required

No *person* shall commence or undertake any land use activity within the Town of Blue Hill without first obtaining a *Site Plan Review Permit* as indicated by the following Table of Land Uses.

B. Table of Land Uses

Land Use Activity	<i>Site Plan Review Permit Required?</i>
1. One or two <i>single-family dwellings</i> on a single <i>lot</i> .	No
2. <i>Duplex dwelling</i> on a single <i>lot</i> .	No
3. Conversion of a <i>single-family dwelling</i> on a single <i>lot</i> to a <i>duplex dwelling</i> .	No
4. Any structure or activity that is an <i>accessory structure or use</i> to items 1 through 3, above.	No
5. <i>Subdivisions</i> subject to review under the Blue Hill Subdivision Ordinance.	No
6. All <i>agricultural activities</i> .	No
7. <i>Forest management activities</i> .	No
8. The construction of any new <i>structure</i> not otherwise exempted by this table.	Yes
9. Any new <i>commercial use</i> of land not otherwise exempted by this table.	Yes
10. Any expansion of an existing <i>commercial use</i> that results in: A. <i>lot coverage</i> greater than fifty percent (50%); B. a <i>structure</i> with a <i>footprint</i> greater than two thousand (2,000) sq. ft. in area; or C. total <i>impervious surfaces</i> on the lot in excess of four thousand (4,000) sq. ft. or seventy five percent (75%) of <i>lot area</i> .	Yes
11. Any use that will result in substantial waste water discharge as described in Section 4(B)(1) of this Ordinance.	Yes
12. The interior expansion of any <i>commercial use structure</i> that increases the floor area used for <i>commercial</i> purposes by fifty percent (50%) or more.	Yes
13. Any use that will result in substantial groundwater extraction as described in Section 4(B)(2) of this Ordinance.	Yes

Section 4. Application Procedures

A. Classification of Projects

Each project subject to *Site Plan Review* shall be classified by the *CEO* as a *Major Development* or a *Minor Development*.

B. Major Developments

Any project involving any of the following shall be classified by the *CEO* as a *Major Development*. Any project initially classified as a *Major Development* may be reclassified as a *Minor Development* upon a finding by the Planning Board that the project does not meet any of the requirements for classification as a *Major Development*. After such reclassification all further review shall be conducted by the *CEO*.

1. Projects with substantial waste water discharge

Projects that are not served by a public sewer, which will generate a daily average discharge of more than two thousand (2,000) gallons of waste water, and which will meet any one of the following three conditions:

- a. The project is located within three hundred (300) feet of a sand and gravel aquifer, as shown on the relevant map of Significant Sand and Gravel Aquifers published by Maine Geological Survey;
- b. Any part of the project is located in an area to which the Shoreland Zoning Ordinance for the Municipality of Blue Hill is applicable; or
- c. Any part of the project is located in the watershed of the Blue Hill Water District.

2. Projects with substantial groundwater extraction

Projects extracting one thousand (1,000) gallons or more of groundwater per day.

3. Projects involving hazardous materials, oil or radioactive substances.

Hazardous activities involving the consumption, generation, or handling of:

- a. Hazardous wastes as defined in 38 M.R.S.A. § 1303-C;
- b. Hazardous matter as defined in 38 M.R.S.A. § 1317;
- c. Oil, as defined in 38 M.R.S.A. § 542; and
- d. Low-level radioactive wastes, as defined in 38 M.R.S.A. § 1451.

4. Building footprint in excess of ten thousand (10,000) sq. ft.

Any *building* or *buildings* on a single lot constructed or erected with a fixed location on or in the ground or attached to something on or in the ground which occupies a footprint in excess of ten thousand (10,000) square feet.

5. Impervious surfaces in excess of sixty thousand (60,000) sq. ft.

Any project in which total *impervious surface(s)* will occupy a ground area in excess of sixty thousand (60,000) square feet.

6. Conversion or *Expansion* of a *Major Development*

Any project which is a conversion or *expansion* of an existing project meeting the description of a *Major Development*.

7. *CEO* Determination of Potential Significant Impact

Any project which the *CEO* determines a) may have significant impact to the physical, social, economic, or the environmental welfare of the Town or b) has characteristics that make it reasonable and necessary to conduct a professional review (as described in Section 5(E)) prior to considering the application for *Site Plan Approval*.

C. Minor Developments

A project not classified by the *CEO* as a *Major Development* shall be considered a *Minor Development* under this Ordinance. Any project initially classified as a *Minor Development* may be reclassified as a *Major Development* upon a finding by the *CEO* that the project meets the requirements for classification as a *Major Development*. After reclassification, all further review shall be conducted by the Planning Board.

D. Submission Requirements

1. *Major* and *Minor Developments*

All projects requiring *Site Plan Review* shall submit the information specified in Section 4(E). *Major Developments* meeting the criteria in Section 4(B)(1) (*Projects with substantial waste water discharge*) and Section 4(B)(2) (*Projects with substantial groundwater extraction*) shall submit additional information as provided in Section 4(F).

2. Waiver

The *permitting authority* may waive any of the submission requirements upon the written request of an applicant for good cause shown. The *permitting authority* must state the facts constituting good cause in writing. No waiver may be granted if it will unduly restrict the review process. The *permitting authority* may condition such a waiver on the applicant's compliance with alternative requirements. Good cause may include the *permitting authority's* finding that particular submissions are inapplicable, unnecessary, or inappropriate for a complete review. Notwithstanding the waiver of a submission requirement, the *permitting authority* may, at any later point in the review process, rescind such waiver if it appears that any submission requirement previously waived is necessary for an adequate review. A request for submission previously waived shall not affect the pending status of an application.

3. Procedures

Applications for *Site Plan Review* shall be submitted on forms provided by the Town. The complete application form, required fees, and the required plans and related information shall be submitted to the *CEO* who shall, for *Major Developments*, forward these materials to the Planning Board.

4. Optional pre-application review

Prospective applicants may submit a sketch plan of the site and proposed project to the **CEO** for informal review and comment. There is no fee for pre-application review; any review or comment by the **CEO** is not binding upon either the **CEO** or Planning Board.

E. Requirements for All Applications

The following materials and items are required of all applications.

1. Application form

A fully executed and signed copy of the application form.

2. Review and advertising fees

A non-refundable **Site Plan Review** fee of two hundred dollars (\$200.00), plus fifty dollars (\$50.00) for each two thousand (2,000) square feet or any fraction thereof of new **floor area** (or **floor area** subject to a new use) over two thousand (2,000) square feet.

Applications for which a public hearing will be held must also be accompanied by an additional advertising fee of fifty dollars (\$50.00).

3. Technical review fee

For **Major Developments** there shall be a technical review fee of one hundred fifty dollars (\$150.00) for each two thousand (2,000) square feet or any fraction thereof of new **impervious surface** over two thousand (2,000) square feet.

Upon request of the Planning Board and the approval of the Municipal Officers of the Town, all or any portion of the technical review fee may be expended for technical services by independent consultants, to be conducted as described in Section 5(E). Any moneys remaining at the end of the review shall be returned to the applicant.

4. Copies

- a. Applications for **Minor Developments** shall include two (2) copies of written materials plus two (2) sets of maps or drawings containing the information listed below.
- b. Applications for **Major Developments** shall include eight (8) copies of written materials plus eight (8) sets of maps or drawings containing the information listed below.
- c. All maps or drawings shall be at a scale sufficient to allow review of the items listed under the criteria for approval.

5. General information

The following general information is required:

- a. Name and address of **owner** of record;
- b. Applicant's name and address if different;
- c. The name of the proposed project;

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- d. Names and addresses of all **abutting lot owners**, together with certification by the applicant (on a form provided by the Town) that notice of the applicant's intent to file the application has been provided to each **abutting lot owner** by certified mail;
- e. Sketch map showing general location of the site within the Town;
- f. Location map showing the relationship of the proposed project to adjacent properties and to the general surrounding area within three thousand (3,000) feet of any property line of the site, and the location of any identified sand and gravel aquifers within three hundred (300) feet of the project. The scale shall not be smaller than 1" = 400'; reduced tax maps showing **owner's** names and other required information may be acceptable;
- g. The tax map(s) and lot number(s) of the **lot** where the project is located and of **abutting lots**;
- h. A copy of the current deed to the **lot**, option to purchase the **lot** or other documentation to demonstrate right, title, or interest in the **lot** on the part of the applicant; and
- i. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer, and/or similar professionals assisting with the preparation of the plan.

6. Site information

The following information regarding the proposed project and existing conditions is required. This information must accompany, or be submitted on, a map using the following scale and showing the date of the map, magnetic north, the scale and the identity of the draftsman:

Acres	Scale
1 to 10	1"=10' to 1"=50'
10+ to 50	1"=50' to 1"=100'
50+(lots <=4 acres)	1"=100'
50+(lots >4 acres)	1"=200'

- a. Zoning classification(s) of the **lot** and the location of zoning district boundaries if the **lot** is wholly or partially located in a **shoreland area**.
- b. The bearings and distance of all **lot lines** of the **lot** on which the project is located and the source of this information.
- c. Location and size of all existing and proposed wells, sewer and water mains, culverts, drains, above or below ground utilities and waste water disposal systems on the **lot** on which the project is located, and of any of these items that currently serves or will serve the project from **abutting lots** or **public roads**.
- d. Location, names and widths of all existing and proposed **roads** and rights-of-way adjacent to the proposed project.
- e. The location, dimensions and ground floor elevations of all existing and proposed **buildings** on the **lot**.

- f. The location and dimensions of all existing and proposed driveways, **roads**, parking and **loading areas** and walkways on the **lot**.
- g. The existing and proposed topography of the site at an appropriate contour interval (not greater than 5') depending on the nature of the use and character of the **lot**.
- h. Major natural features on the site and including, within two hundred fifty (250) feet of the **lot lines**, wetlands, streams, ponds, floodplains, groundwater aquifers, significant wildlife habitats including bird nesting, staging and feeding areas and deer yards (as identified in the Town's 1999 Comprehensive Plan), archaeological resources or other important natural features.
- i. The direction and amount of pre-development and proposed surface water drainage flow across and from the site, based upon 24-hour, 2-, 10- and 25-year storms. Where proposed flows exceed pre-development flows by ten percent (10%) or more, the applicant shall submit a storm water management plan, showing the steps taken to minimize the impact of storm water runoff. The storm water management plan shall be based upon 24-hour, 2-, 10- and 25-year storms.
- j. The location and type of all existing and proposed exterior **signs**.
- k. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the **lot**. Such covenants or deed restrictions shall be referenced on the plan.
- l. The location of all existing and proposed **building** setbacks, **yards** and buffers required by this Ordinance.
- m. Elevation view of the **building** and **signs**, showing **heights** and materials.
- n. Landscaping plan showing the **building(s)**, existing and proposed **vegetation**, walkways and exterior lighting. Drawings to be at the scale designated in Section 4(E)(6).
- o. For any project that will dispose of its wastewater through any subsurface wastewater system, a completed Maine Department of Health and Human Services (Maine DHHS) Health Engineering site evaluation and subsurface wastewater disposal system application showing adequate soils, and adequate system design and capacity.
- p. A schedule of construction, including anticipated beginning and completion dates, and the estimated total cost of the project.
- q. The **permitting authority** may, at its discretion, require the applicant to provide a visual impact assessment which may include photo simulations of the proposed facility taken from perspectives determined by the **permitting authority**, or its designee.
- r. Projects involving the storing, generating or handling of hazardous wastes or materials, oil or radioactive wastes shall specify the exact amount and nature of all such substances that will be on the site, and the specific method of handling and containing those substances that will be used.
- s. An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 6(C)(1).

7. Waivers sought by applicant

A list of the submission requirements for which the applicant seeks a waiver under Section 4(D)(2), and a written explanation of the reasons that the waiver is sought.

F. Additional Reports for Specific Project Types

1. Projects with substantial waste water discharge (Section 4(B)(1)) must submit a high intensity soil survey and a hydrogeologic assessment, which shall include, at a minimum, the following information:
 - a. A map showing basic soil types on the **lot**.
 - b. The depth of the water table at representative points throughout the **lot**.
 - c. Drainage conditions throughout the **lot**.
 - d. Data regarding the existing ground water quality, either from test wells on the **lot** or from existing wells on the **lot** or on **abutting lots**.
 - e. An analysis and evaluation of the impact of the project on ground water resources, including a projection of nitrate-nitrogen concentrations associated with the project. Projects within the watershed of a lake or pond shall include phosphate impact calculations.
 - f. The location of any existing or proposed subsurface wastewater disposal systems and wells on the **lot** and within two hundred (200) feet of the **lot lines**.
 - g. Projections of post-development water quality at any wells within the **lot** or within five hundred (500) feet from the point of contamination, whichever is the shorter distance. These projections shall be based upon a drought condition assumption of sixty per cent (60%) of annual average recharge from precipitation.
 - h. The signature and seal of the Certified Geologist who prepared the assessment.

The Planning Board may require additional information where necessary to evaluate the project's compliance with this Ordinance.
2. Projects with substantial groundwater extraction (Section 4(B)(2)) shall submit a groundwater extraction impact assessment which shall include, at a minimum, the following information:
 - a. A statement from the applicant specifying the quantity of ground water to be extracted expressed as the annual total, the maximum monthly rate by calendar month, and the maximum daily rate. These rates shall be maximum rates, which rates shall not be exceeded without further **Site Plan Approval** by the Planning Board.
 - b. For projects coming under the jurisdiction of the Maine DHHS, a letter from that agency containing its review comments.
 - c. A report prepared by a Certified Geologist showing:
 - i. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which the water is to be extracted. The map shall include sufficient detail to support a

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calculation of sustained yield during a ten (10) year drought, as well as an estimate of any potential interaction between or among this and adjacent aquifers.

- ii. Calculations based upon the investigation showing the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by calendar month) and daily extraction rates, the cone of depression that may develop about the project and impacts upon the water table in the tributary aquifer and other private or public wells within one thousand (1,000) feet of the proposed extraction facilities.

Section 5. Site Plan Review Process

A. Purpose

The purpose of *Site Plan Review* is to promote the public health, safety and general welfare by requiring *CEO* or Planning Board review of plans for certain uses or *structures* which have a significant potential impact on the neighborhood or the environment and which, when properly designed with respect to their surroundings, can become uses or *structures* that are compatible with the neighborhood and environment.

B. Prohibition

No activity or use requiring a *Site Plan Review Permit* shall commence until the applicant has been granted the requisite *Site Plan Approval* from the applicable *permitting authority* and complied with all other applicable provisions of this Ordinance.

C. Review Procedures

The procedures for *Site Plan Review* are as follows:

1. Submission of completed application to the *CEO*.

The applicant shall submit the requisite number of copies of the application and supporting information required by this Ordinance, as described in Section 4.

2. *CEO* classification and review

a. Dated receipt

The *CEO* shall issue the applicant a dated receipt and will date-stamp the application.

b. Classification

The *CEO* shall review the application and classify it as either a *Major* or *Minor Development* in accordance with the provisions of this Ordinance.

c. Fees submitted

After classification, the applicant shall provide the *CEO* with the applicable review fees.

d. Review for completeness

The *CEO* shall initially review the application and determine whether or not it is complete.

e. Notice of incomplete application

If the application is found to be incomplete, the *CEO* shall, within ten (10) days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, the process above shall be repeated.

3. Complete applications

Upon finding an application to be complete, the *CEO* shall take the following action with regard to that application.

a. Minor Developments

Applications determined to be **Minor Developments** will be reviewed and acted upon by the **CEO** in accordance with the procedures set forth below, and the other requirements of this Ordinance.

b. Major Developments forwarded to the Planning Board

The **CEO** shall forward copies of a complete application and supporting documents determined to be **Major Developments** to the members of the Planning Board and place the project on the agenda of the next regular Planning Board meeting occurring not less than forty (40) days after the **CEO** determines the application is complete.

c. Notice of public hearing to abutting lot owners

In the event that a public hearing will be held in connection with the project, the **CEO** shall notify **abutting lot owners** of the date, time and place of such hearing by certified mail when the hearing date has been determined.

4. Planning Board Review

For **Major Developments**, the Planning Board shall meet to review the project as follows. The Planning Board shall:

a. CEO report

Hear any report of the **CEO** and, if the Town has retained the services of a professional adviser, the report of the adviser regarding the proposed project;

b. Applicant's response

Hear any comments of the applicant regarding the **CEO** and professional advisor reports;

c. Request for waivers

Hear any requests from the applicant for waivers;

d. Determination of completeness

Determine whether or not the application is complete;

e. Notice of incompleteness

If the application is determined to be incomplete, the Planning Board shall inform the **CEO** of the information required to make the application complete. The **CEO** shall, within ten (10) days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant's submission of such additional material, previous steps in Sections 5(C)(2 through 4) shall be repeated; and

f. Public hearing determination

If the application is determined to be complete, the Planning Board shall set the matter for a public hearing conducted by the Planning Board. The public hearing shall take place within forty (40) days of the Planning Board's determination that the application is

complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record, at a public meeting.

5. Public hearing for *Minor Developments*

At the **CEO's** discretion, a public hearing may also be required for ***Minor Developments***, in which case such public hearing shall be conducted by the **CEO** within forty (40) days of the **CEO's** determination that the application is complete. This deadline may be extended by mutual agreement, in writing, of the **CEO** and the applicant.

6. Deliberation and decision

a. Deliberation

Within forty (40) days after the public hearing on an application or, if no hearing is held, within forty (40) days of a determination of completeness by the **CEO**, the **permitting authority** shall decide the matter. For ***Major Developments***, the Planning Board shall deliberate the matter at a public meeting. **Site Plan Approval** shall be granted if the proposed project complies with all applicable criteria and minimum standards set forth in Section 6. This deadline may be extended by mutual agreement of the **permitting authority** and the applicant in writing, or (in the case of ***Major Developments***) either in writing or orally, on the record, at a public meeting.

b. Decision

If the **permitting authority** finds that the proposed project complies with all criteria and minimum standards of this Ordinance it shall issue an order granting **Site Plan Approval** subject to such terms and conditions as the **permitting authority** finds are reasonably necessary to ensure conformity with the criteria and minimum standards of this Ordinance.

If the **permitting authority** finds that the proposed project does not comply with all applicable review criteria and minimum standards, it shall issue an order denying **Site Plan Approval**.

In either case the **permitting authority** shall, within fifteen (15) days after the completion of its deliberations, issue specific written findings of fact supporting its decision.

The decision shall state any conditions of approval that apply to the project and the reason for the imposition of those conditions. A copy of the decision shall be sent to the applicant at the address provided on the application. Decisions by the **CEO** shall also be sent to any **abutting lot owner** who responded, in writing, to the notice sent by the **CEO**.

D. Public Hearing Procedures

Site Plan Review public hearings and notice thereof shall comply with the following procedures:

1. Published notice

Notice of the hearing shall be published in a newspaper of general circulation in the Town of Blue Hill at least ten (10) days prior to the hearing date.

2. Content of notice

Such notice shall identify the applicant and the *lot* involved, describe the specific nature of the proposal, state the date, time and place of the hearing.

3. Rules

Hearings shall be conducted according to rules adopted by the Planning Board.

4. Representation

At any hearing a party may be represented by an agent or attorney, provided, however, that if any party is not present, any *person* acting as that party's agent or attorney shall provide evidence of such authority.

5. Continuation

Any hearing may be continued or recessed to another time for good cause, or upon written or recorded agreement of the *permitting authority* conducting the hearing and the applicant.

E. Professional Review of Major Developments

1. Additional studies

The Planning Board may require the applicant to undertake any additional studies which it deems reasonable and necessary to insure that the requirements of the Ordinance are met. The cost of all such studies shall be borne by the applicant.

2. Independent technical review

The Planning Board may require that an independent consultant(s) review one (1) or more submissions of an application. The independent consultant(s) shall report to the Planning Board as to the project's compliance or non-compliance with the applicable provisions of this Ordinance and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include, but not be limited to:

An Attorney;	A Community Planner;
A Registered Professional Engineer;	A Registered Architect;
A Registered Landscape Architect;	A Registered Geologist;
A Licensed Soil Scientist;	A Registered Land Surveyor;

or

Any other Registered/Licensed Professional or Independent Expert
Witness deemed fully qualified by the Planning Board.

The consultant(s) selected shall estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost to the extent it exceeds the amount paid as a technical review fee (Section 4(E)(3)).

F. Failure to Act

Failure of the *permitting authority* to act within any of the time requirements set forth herein shall constitute a denial of the application.

G. Appeals

Any *aggrieved party* may appeal a decision to grant or deny a permit under this Ordinance, or the imposition of conditions of approval, to the Blue Hill Board of Appeals.

H. Expiration of Approvals

Unless specifically authorized by the *permitting authority* at the time *Site Plan Approval* is granted, all *Site Plan Approvals* shall expire unless work on the project is *substantially commenced* within twelve (12) months from the date *Site Plan Approval* is granted. If work is not substantially completed within twenty-four (24) months from the date *Site Plan Approval* is granted, a new application and *Site Plan Approval* shall be required prior to the commencement of any project activity or use.

I. Other Permits

The granting of *Site Plan Approval* does not relieve the applicant from the need to obtain any other permits or approvals required prior to the commencement of any activity or use. Such other required permits or approvals may include, but are not limited to, building and plumbing permits, permits required under other ordinances of the Town of Blue Hill, licenses granted pursuant to 38 M.R.S.A., § 1022, Maine Department of Environmental Protection and United States Army Corps of Engineers' approvals, subsurface wastewater disposal permits, sewer connection permits, and Maine Department of Transportation approvals. The fact that the applicant may have obtained or may have been granted such permits or approvals prior to *Site Plan Review* may be considered by the Planning Board as evidence as to the project's compliance with applicable review standards, but shall not be deemed conclusive evidence as to compliance. The written order granting *Site Plan Approval* constitutes the *Site Plan Review Permit* for the project.

J. Access to Site and Records

The *CEO* shall have reasonable access to the site at all times to review the progress of the work and shall have the authority to review all records and documents related to the project. The applicant, by accepting *Site Plan Approval*, waives any objection to the *CEO* having access to the site to review the progress of the work or to review all records and documents related to the project.

Section 6. Site Plan Review Criteria

The **permitting authority**, in reviewing projects requiring **Site Plan Approval** under this Ordinance, shall make positive written conclusions and factual findings as to whether the applicant has submitted adequate evidence showing that the following criteria have been met.

In addition, the minimum standards listed in this Section shall govern all permits and approvals issued under this Ordinance. In reviewing applications submitted pursuant to this Ordinance, the **permitting authority** shall consider these minimum standards prior to issuing final approval. In all instances, the burden of proof shall be upon the applicant.

A. Parking and Loading

Criterion: Adequate provision has been made for off-**street** parking and loading.

Minimum Standards:

1. All **commercial recreation facilities** shall have adequate off-**street** parking for the anticipated maximum attendance at any event.

B. Traffic Movement, Congestion and Safety

Criterion: Adequate provision has been made for traffic movement of all types, including pedestrian, into, out of and within the proposed project and any traffic increase attributable to the project will not result in unreasonable congestion or unsafe conditions on a **road** in the vicinity of the project.. The **permitting authority** shall consider traffic movement both on-site and off-site in making its determination under this criterion.

Minimum Standards:

1. Vehicular circulation

The layout of the site shall provide for the safe movement of passenger, service, and emergency vehicles through the site.

- a. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate language.
- b. The layout and design of access ways and parking areas shall provide for safe and convenient circulation of vehicles, including delivery vehicles, and prevent their backing out onto a street.
- c. All **roads** shall be designed to harmonize with the topographic and natural features of the site. The **road** network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

2. Pedestrian circulation

The project shall provide for a system of pedestrian circulation within the site. This system shall connect with existing sidewalks if they exist in the vicinity of the project.

C. Soil Types, Erosion, Contamination, Drainage, etc.

Criterion: The project will be built on soil types which are suitable to the nature of the project and adequate provision has been made to avoid erosion, contamination of ground or surface waters, interference with adjacent land, over-burdening of natural or artificial drainage systems and/or any other adverse effects of inadequate drainage.

Minimum Standards:

1. Conservation, erosion and sediment control.

- a. The procedures outlined in the erosion and sedimentation control plan prepared and submitted by the applicant shall be implemented during the site preparation, construction, and cleanup stages.
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the Maine Erosion and Sediment Control Best Management Practices (BMPs). To the extent the applicant cannot employ all of the BMPs, the application shall identify all BMPs from which relief is sought, together with the reason the BMP cannot be employed and any alternative measures proposed by the applicant. The **permitting authority** will determine whether to waive full compliance with the BMPs as part of its **Site Plan Review**.
- c. In addition:
 - i. The project shall preserve outstanding natural features, keep cut-fill operations to a minimum and insure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff;
 - ii. Whenever feasible, natural **vegetation** shall be retained, protected and supplemented;
 - iii. The disturbed area and the duration of exposure shall be kept to a practical minimum;
 - iv. Permanent (final) **vegetation** and mechanical erosion control measures shall be installed as soon as practicable;
 - v. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an **abutting lot**, unless specifically permitted by the **permitting authority**.
 - vi. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred (100) feet of any **lot line** unless specifically permitted by the **permitting authority** and upon the prior written agreement of the **owner** of such **abutting lot**;
 - vii. Whenever sedimentation is caused by stripping **vegetation**, re-grading or other development, it shall be the responsibility of the applicant to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible; and
 - viii. Maintenance of drainage facilities or watercourses originating completely on private property is the responsibility of the **applicant** to the point of open discharge at the **lot line** or at a communal watercourse on the **lot**.

2. Groundwater protection

- a. The quantity of water to be taken from groundwater shall not substantially lower the water table, cause salt water intrusion into any existing well, cause unreasonable changes in groundwater flow, or unreasonable ground subsidence, based upon ten (10)-year drought water levels.
- b. The project shall not cause pollution or unreasonable diminution of the aquifer from which it is extracted.
- c. Any project located in a defined public water supply aquifer recharge area shall not have an unreasonable adverse effect upon that public water supply.
- d. Any pollutant introduced into soil on the site shall not exceed a concentration in the ground water that is greater than the guideline established for it in the Maine CDC Maximum Exposure Guidelines (MEGs) for Drinking Water. Any violation of this standard shall be cause to order the immediate cessation of the use or activity responsible for the contamination.
- e. The project shall not increase any contaminant concentration in ground water to more than one-half of the Primary Drinking Water Standards, nor more than the Secondary Drinking Water Standards (however, where existing ground water pollution already exceeds the Secondary Drinking Water Standards, the project shall not cause the concentration of the parameters in question to exceed one hundred fifty percent (150%) of the ambient concentration).
- f. All projects shall be designed to minimize any increase in storm water runoff from the site from the natural predevelopment conditions. Storm water runoff systems should be designed to facilitate aquifer recharge where it is advantageous to compensate for groundwater withdrawals and infiltration, but should avoid recharge where the groundwater effects may be harmful.
- g. Where possible, existing natural runoff control features such as berms, swales, terraces, and wooded areas shall be retained in order to reduce runoff. The use of enclosed components (such as pipes, etc.) should be minimized where natural systems are able to accommodate runoff.
- h. Design of permanent runoff storage facilities should consider safety, appearances, recreational use, and the cost and effectiveness of maintenance operations in addition to the primary storage function.
- i. Energy dissipaters and other forms of outfall protection shall be employed where enclosed drains discharge into soils subject to erosion.
- j. Storm water management systems shall be maintained as necessary to insure that they function properly.
- k. If the project will result an increased total flow of runoff that will be discharged into the municipal storm sewer system, the applicant shall pay for the cost of improvements to the municipal system so that it will have the capacity to handle one hundred twenty five percent (125%) of the projected total flow. Payment shall be made within thirty (30)

days of the date **Site Plan Approval** is granted. No construction may commence on the project before this payment is made.

D. Outdoor Displays and Storage Areas

Criterion: Adequate provision has been made to locate and design proposed outdoor display and/or storage areas so as to avoid any safety hazard to vehicular and pedestrian traffic on and off the site.

E. Hazards and Nuisances

Criterion: Adequate provision has been made to avoid any hazard to travel on public or private ways, or any glare or other nuisance to the use of adjoining public or private property.

Minimum Standards:

1. Emissions

- a. Emissions of dust, dirt, fly ash, fumes, vapors or gases which pose an unreasonable risk of harm to human health or the environment shall be prohibited.
- b. No land use activity shall be permitted to produce unreasonable, offensive or harmful odors perceptible beyond the **lot lines**, measured either at ground or habitable elevations.

2. Lighting

- a. No land use activity shall be permitted to produce unreasonable glare or brightness beyond the **lot lines**.
- b. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view of motorists, pedestrians or **buildings on abutting lots**.
- c. Direct or indirect illumination shall not exceed 0.5 foot-candles upon residences on **abutting lots**.
- d. All exterior lighting shall be designed to insure safe movement of people and vehicles, and to minimize adverse impact on **abutting lots** and **public roads**. Adverse impact is to be judged in terms of hours of use, hazards to people and vehicular traffic and potential damage to the value of **abutting lots**. Lighting shall be arranged to minimize glare and reflection on **abutting lots** and the traveling public.

3. Hazardous materials

- a. No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground, unless they are stored in compliance with the requirements of the rules and regulations adopted by the State of Maine.
- b. All storage of petroleum or liquid petroleum products shall be in conformance with the provisions to 38 M.R.S.A. §§ 541-560 which, among other things, establishes a ten-year compliance schedule for the discontinuance and removal of non-conforming underground storage facilities and requires qualified personnel to oversee the removal of certain underground facilities.

- c. Oil and chemical storage shall be in conformance with rules and regulations adopted by the State of Maine applicable to the stored substance.
4. The applicant shall have the burden of proof to assure the Planning Board or **CEO** that all provisions of the above statutes have been met before **Site Plan Approval** may be granted.

F. Buffers, Screening, Landscaping, Natural Features

Criterion: Adequate provision has been made with regard to buffers, screening, landscaping and the preservation and enhancement of significant natural features.

G. Avoidance of adverse effects, generally

Criterion: Adequate provision has been made to avoid unreasonable adverse effects on the scenic or natural beauty of the area including scenic areas designated in the most recent Comprehensive Plan adopted by the Town, historic sites, archaeological resources, rare and irreplaceable natural areas, wildlife habitats including identified deer wintering areas, existing uses, air quality, water quality, or other natural resources within the Town or in neighboring towns.

Minimum Standards:

1. Any proposed land use activity that may disturb an archaeological site as determined by the Maine Historic Preservation Commission, or historic site which is listed on or eligible to be listed on the National Register of Historic Places, shall require the applicant to submit comments in writing from the Maine Historic Preservation Commission concerning the proposed project. These comments shall be considered by the **permitting authority** in deciding whether to grant the permit.

H. Avoidance of Adverse Effects on Nearby Properties

Criterion: Adequate provision has been made to prevent any undue adverse effect upon **abutting** or nearby **lots**.

Minimum Standards:

1. Wastewater disposal.

- a. Projects served by subsurface wastewater systems.
All projects served by subsurface wastewater systems shall construct and use such systems and the overall project in accordance with the design, specifications and terms of the subsurface wastewater disposal system application and permit.
- b. Subsurface wastewater systems in common ownership
Where two or more **buildings** or **lots** in different ownership share a common subsurface wastewater disposal system, the system shall be owned and maintained in common by an owners' association. Covenants shall be made in the deeds for each **lot** requiring membership in the association and providing adequate funding of the association to assure proper maintenance of the system.

2. Water Supply

- a. The project shall be provided with a system of water supply that provides an adequate supply of water meeting the standards of the State of Maine for drinking water. Where groundwater pollution exceeds the Primary Drinking Water Standards and the project is to be served by on-site ground water supplies, the applicant shall provide adequate evidence of the manner in which the water quality will be adequately improved or treated.
- b. For **Major Developments** the applicant shall construct ponds and dry hydrants to provide for adequate water storage for firefighting purposes. An easement shall be granted to the Town granting access to the dry hydrants where necessary. The Planning Board may waive the requirement for dry hydrants or ponds only with the written concurrence of the Blue Hill Fire Chief.

3. Lot line setback

- a. Except as provided in Section 6(H)(3)(c) below, all **structures** must be set back at least ten (10) feet from all **lot lines** and must be set back at least ten (10) feet from the edge of the traveled way of any **road**.
- b. Original **non-conforming structures** are not subject to the setback requirements above; however, replacements or significant repairs to such **structures** shall be subject to such requirements except as provided in Section 6(H)(3)(c) below.
- c. In the event a **non-conforming structure** is removed, damaged or destroyed, such **structure** may be repaired or replaced, subject to the following provisions:
 - i. Any such reconstruction or replacement may not increase the **footprint** of the previous **structure** within the setback area. Furthermore, reconstructed or replaced **buildings** may not be sited within the **footprint** of a previous non-**building structure**.
 - ii. A permit for the project must be obtained within eighteen (18) months of the date of the damage, destruction or removal of the **non-conforming structure**.
 - iii. The provisions of Section 6(A) and Section 6(B) will only apply to the same extent that they applied to the **non-conforming structure** and its **commercial use**.
 - iv. An existing **commercial use** of a **non-conforming structure** may be changed to another **commercial 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 **permitting authority**.
 - v. A permit for the repair or replacement of a **non-conforming structure** shall only be granted in the event no reasonable alternative is available. The historic appearance and context of the **non-conforming structure** shall be a factor in making the determination of reasonableness.

I. Municipal Services

Criterion: Adequate provision has been made to avoid any undue burden on municipal services including, but not limited to, water, fire, sewer and police services.

Minimum Standards:

1. Municipal sewer system

- a. Any project that will dispose of its wastewater through the municipal sewer system, and that will use more than thirty three and one third percent (33 1/3%) of the excess capacity of any portion of the sewer collection system, treatment facility and/or its discharge permits, shall be approved only if the applicant pays the cost of replacing the excess capacity needed for the project. Payment shall be made within thirty (30) days of the date **Site Plan Approval** is granted. No construction may commence on the project before this payment is made.
- b. All discharges into the system shall be in accordance with the Sewer Use Ordinance for Town of Blue Hill, Maine.

J. Provision for Proper Operation

Criterion: Adequate provision has been made to assure the proper operation of the proposed business(es) or activity(ies) on the site through the provision of adequate and appropriate utilities, drainage, water supply, sewage disposal, solid waste disposal, access, parking and loading, and other necessary site improvements.

K. Campgrounds

Criterion: **Campgrounds** shall meet the following requirements, in addition to the other requirements of this Ordinance.

Minimum Requirements:

1. **Campsites** and all **structures** shall be located at least fifty (50) feet from any **lot** line, and at least one hundred (100) feet from any residence on an **abutting lot**.
2. **Campsites** shall be laid out and screened in such a manner that they are not visible from abutting **public roads**, residences or approved **subdivision lots**.
3. No **recreational vehicle** shall be exhibited for sale on the **lot**.
4. Stored **recreational vehicles** shall be screened in such a manner that they are not visible from abutting **public roads**, residences or approved **subdivision lots**.
5. Site density shall not exceed twenty (20) tent sites or sixteen (16) **recreational vehicle** sites per acre (excluding circulation **roads**).
6. **Campsites** located in a **shoreland area**, shall have a minimum **shore frontage** of seventy-five (75) feet.
7. A minimum of three hundred (300) square feet of off-**street** parking plus maneuvering space shall be provided for each **recreational vehicle**, tent or shelter site.
8. There shall be a minimum of twenty-five (25) feet between **recreational vehicles**.
9. There shall be a minimum of seventy-five (75) feet between **recreational vehicles** and tent sites.

10. Each **recreational vehicle**, tent site or covered shelter site shall include at least one picnic table per site, and at least one (1) covered trash receptacle for every three (3) sites. Trash receptacles shall be emptied at least once per day.
11. There shall be one toilet and lavatory for each five (5) **campsites**. Water and sewage systems shall conform to state regulation.
12. Each **campsite** shall be equipped with a masonry or metal fireplace, the construction of which is approved by the Blue Hill Fire Chief.

L. Signs

Criterion: Adequate provision has been made to ensure that any **signs** associated with the project do not create a safety hazard.

Minimum standards:

1. Where vision may be obscured entering a **public road** the whole of a sign board or display elements of any free-standing **sign** shall be either below three (3) feet or above seven (7) feet in height above level.
2. Any free-standing **sign** located in any **yard** space abutting a **public road** shall be set back at least ten (10) feet from the edge of the traveled way of such **public road** and at least twelve (12) feet from all other **lot lines**. Where an existing **principal structure** is located within fifteen (15) feet of the edge of the traveled way of a **public road**, a free-standing **sign** may be located no closer than five (5) feet to the edge of the traveled way.
3. These **sign** design and placement standards shall not apply to the following:
 - a. Legal notices, identification, informational or directional control **signs** erected or required by a governmental entity; and
 - b. **Signs** that guide or direct traffic and parking on private property, but bear no advertising or commercial identification.

M. Site Conditions

Criterion: Adequate provision has been made to ensure that, during construction, the site and surrounding area is safe.

Minimum standards:

1. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition that could lead to personal injury or property damage, shall be immediately corrected by the applicant upon an order by the **CEO** or other authorized person. The applicant shall make provision for disposal of oil and grease from equipment, and the site area should be regularly treated to control dust from construction activity; and
2. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris. Excess or scrap building materials shall be removed or destroyed immediately upon the request of and to the satisfaction of the **CEO**.

N. Ordinance Conformity

Criterion: Adequate provision has been made to assure that the proposed project conforms in all respects with the provisions of this Ordinance.

Section 7. Enforcement

A. Enforcement Authority

The **CEO** is authorized to enforce the provisions of this Ordinance, and to take legal action for enforcement at the direction of the Municipal Officers of the Town.

B. Violations

1. Any **person** who undertakes any land use activity listed in Section 3 as requiring a **Site Plan Review Permit**, without first obtaining such permit, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.
2. Any **person** who, having received a **Site Plan Review Permit**, thereafter conducts the land use activity in such a manner contrary to any condition set forth in the **Site Plan Review Permit**, or to the provisions of this Ordinance, violates this Ordinance. Each day that such use continues shall constitute a separate violation of this Ordinance.
3. Every violation of this Ordinance may be prosecuted pursuant to 30-A M.R.S.A. § 4452.

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF BLUE HILL, MAINE

ENACTED: April 2, 2016
Date

EFFECTIVE: July 20, 2016
Date

CERTIFIED BY: Etta E Perkins
Signature

CERTIFIED BY: Etta E. Perkins
Print Name

Town Clerk
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I – PURPOSE AND ESTABLISHMENT

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

Therefore, the Town of Blue Hill, 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 this Floodplain Management Ordinance.

It is the intent of the Town of Blue Hill, 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.

The Town of Blue Hill has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Blue Hill having a special flood hazard be identified by the Federal Emergency Management Agency 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 Blue Hill, Maine.

The areas of special flood hazard, Zones A, AE, and VE for the Town of Blue Hill, Hancock County, Maine, identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Hancock County, Maine,” dated July 20, 2016 with accompanying “Flood Insurance Rate Map” dated July 20, 2016 with panels: 719D, 738D, 910D, 912D, 914D, 916D, 918D, 920D, 926D, 927D, 928D, 929D, 931D, 935D, 937D, 939D, 940D, 941D, 942D, 943D, 944D, 953D, 961D, 963D, 1151D, 1152D, 1154D, 1156D, 1157D, 1158D, 1159D, 1167D, 1176D, 1178D, 1179D, and 1186D, derived from the county wide digital Flood Insurance Rate Map entitled “Digital Flood Insurance Rate Map, Hancock County, Maine,” are 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 XIV), 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 Code Enforcement Officer except as provided in Article VII. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Blue Hill, Maine.

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;

- C. A site plan showing location of existing and/or proposed development, including but not limited to 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 and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.3. apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), 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 AE and VE from data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265), including information obtained pursuant to Article VI.K. and IX.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) 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;

- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate
- K. The following certifications as required in Article VI by a registered professional engineer or architect:
 - 1. a Floodproofing Certificate (FEMA Form 81-65, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 - 2. a V-Zone Certificate to verify that the construction in coastal high hazard areas, Zone VE, will meet the criteria of Article VI.P.; and other applicable standards in Article VI;
 - 3. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 - 4. a certified statement that bridges will meet the standards of Article VI.M.;
 - 5. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. 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 \$50.00 for all minor development and \$100.00 for all new construction or substantial improvements shall be paid to the Town Treasurer and a copy of a receipt for the same shall accompany the application.

An additional fee may be charged if the Code Enforcement Officer 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 to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 - 1. the base flood and floodway data contained in the "Flood Insurance Study - Hancock County, Maine," as described in Article I.;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article IX.D., in order to administer Article VI of this Ordinance; and,
 - 3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- 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. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits, based on the type of development:
 - 1. 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 a Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, H, or P. Following review of the Elevation Certificate data, which shall take place within 72 hours of 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; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated

but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,

3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

For development that requires review and approval as a Conditional Use, as provided for in this Ordinance, the Flood Hazard Development Permit Application shall be acted upon by the Planning Board as required in Article VII.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article X of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VIII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development 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 to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

- C. **Sanitary Sewage Systems** - 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** – On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
 - 1. Zone AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 - 2. 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.H.1.b.; Article V.B.; or Article IX.D.
 - 3. Zone VE shall meet the requirements of Article VI.P.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
 - 1. Zone AE 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 elevation so that below that elevation the structure is watertight with walls substantially impermeable to the 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 floodproofing 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.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
 - 2. 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.H.1.b.; Article V.B.; or Article IX.D., or

- a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

3. Zone VE shall meet the requirements of Article VI.P.

H. Manufactured Homes - New or substantially improved manufactured homes located within:

1. Zone AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured 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 (manufactured 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.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article IX.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

3. Zone VE shall meet the requirements of Article VI.P.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A and AE shall either:

- a. be on the 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. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

2. Zone VE shall meet the requirements of either Article VI.I.1.a. and b., or Article VI.P.

J. Accessory Structures - Accessory Structures, as defined in Article XIV, located within Zones A and AE, shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. have unfinished interiors and not be used for human habitation;
2. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
3. be located outside the floodway;
4. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
5. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate 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 AE and A riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,

- b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
- 3. In Zones AE and A riverine areas, for which no regulatory floodway is designated, 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.
- L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zones A and AE 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 crawl spaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:
 - 1. Enclosed areas are not "basements" as defined in Article XIV;
 - 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and 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 below the base flood elevation and 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;
 - 3. The enclosed area shall not be used for human habitation; and,
 - 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones A, AE, and VE shall be designed such that:
 - 1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and

2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A, AE, and VE shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - 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.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A, AE, and VE, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

P. Coastal Floodplains -

1. All new construction located within Zones AE and VE shall be located landward of the reach of mean high tide except as provided in Article VI.P.6.
2. New construction or substantial improvement of any structure located within Zone VE shall:
 - a. be elevated on posts or columns such that:
 - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to one foot above the base flood elevation;

- (2) the pile or column foundation and the elevated portion of the structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components; and,
 - (3) water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state and local building standards.
 - b. have the space below the lowest floor:
 - (1) free of obstructions; or,
 - (2) constructed with open wood lattice-work, or insect screening intended to collapse under wind and water without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting piles or columns; or,
 - (3) constructed to enclose less than 300 square feet of area with non-supporting breakaway walls that have a design safe loading resistance of not less than 10 or more than 20 pounds per square foot.
 - c. require a registered professional engineer or architect to:
 - (1) develop or review the structural design, specifications, and plans for the construction, which must meet or exceed the technical criteria contained in the *Coastal Construction Manual*, (FEMA-55); and,
 - (2) certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the criteria of Article VI.P.2.
3. The use of fill for structural support in Zone VE is prohibited.
4. Human alteration of sand dunes within Zone VE is prohibited unless it can be demonstrated that such alterations will not increase potential flood damage.
5. The area below the lowest floor shall be used solely for parking vehicles, building access, and storage.
6. Conditional Use - Lobster sheds and fishing sheds may be located seaward of mean high tide and shall be exempt from the elevation requirement in Article VI.G. only if permitted as a Conditional Use following review and approval by the Planning Board, as provided in Article VII, and if all the following requirements and those of Article VI.A., VI.K., and VI.L. are met:
 - a. The conditional use shall be limited to low value structures such as metal or wood sheds 200 square feet or less and shall not exceed more than one story.

- b. The structure shall be securely anchored to the wharf or pier to resist flotation, collapse, and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.
- c. The structure will not adversely increase wave or debris impact forces affecting nearby buildings.
- d. The structure shall have unfinished interiors and shall not be used for human habitation.
- e. Any mechanical, utility equipment and fuel storage tanks must be anchored and either elevated or floodproofed to one foot above the base flood elevation.
- f. All electrical outlets shall be ground fault interrupt type. The electrical service disconnect shall be located on shore above the base flood elevation and when possible outside the Special Flood Hazard Area.

ARTICLE VII - CONDITIONAL USE REVIEW

The Planning Board shall hear and decide upon applications for conditional uses provided for in this Ordinance. The Planning Board shall hear and approve, approve with conditions, or disapprove all applications for conditional uses. An applicant informed by the Code Enforcement Officer that a Conditional Use Permit is required shall file an application for the permit with the Planning Board.

A. Review Procedure for a Conditional Use Flood Hazard Development Permit

1. The Flood Hazard Development Permit Application with additional information attached addressing how each of the conditional use criteria specified in the Ordinance will be satisfied, may serve as the permit application for the Conditional Use Permit.
2. Before deciding any application, the Planning Board shall hold a public hearing on the application within thirty days of their receipt of the application.
3. If the Planning Board finds that the application satisfies all relevant requirements of the ordinance, the Planning Board must approve the application or approve with conditions within 45 days of the date of the public hearing.
4. A Conditional Use Permit issued under the provisions of this Ordinance shall expire if the work or change involved is not commenced within 180 days of the issuance of the permit by the Planning Board.
5. The applicant shall be notified by the Planning Board in writing over the signature of the Chairman of the Planning Board that flood insurance is not available for structures located entirely over water or seaward of mean high tide.

B. Expansion of Conditional Uses

1. No existing building or use of premises may be expanded or enlarged without a permit issued under this section if that building or use was established or constructed under a previously issued Conditional Use Permit or if it is a building or use which would require a Conditional Use Permit if being newly-established or constructed under this Ordinance.

ARTICLE VIII - 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. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer:
 1. an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, H, or P and,
 2. for structures in Zone VE, certification by a registered professional engineer or architect that the design and methods of construction used are in compliance with Article VI.P.2.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the required certificate(s) and the applicant's written notification; and,
 2. upon determination that the development conforms to the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE IX - 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, local ordinances or regulations, and all projects on 5 or more disturbed 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 in order to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE X - APPEALS AND VARIANCES

The Board of Appeals of the Town of Blue Hill may, upon written application of an aggrieved party, 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 or enforcement 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 issuance 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 of 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, and the Board of Appeals may impose such conditions to a variance as is deemed necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article X and Article VI.K. 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 for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article X, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article X, 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. Appeal Procedure for Administrative and Variance Appeals
 - 1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. 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.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
7. 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 days from the date of any decision of the Board of Appeals.

ARTICLE XI - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to other actions, the Code Enforcement Officer may, upon identifying a violation, submit a declaration to the Administrator of the Federal Insurance Administration requesting a flood insurance denial. 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, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;
 4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
 5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XII - 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 XIII - 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 XIV - 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.

Accessory Structure - a small detached structure that is incidental and subordinate to the principal structure.

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

Area of Special Flood Hazard - 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 – a flood having a one percent chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement - area of a building that includes a floor that is subgrade (below ground level) on all sides.

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

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 – a person certified under Title 30-A MRSA, Section 4451 (including exceptions in Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws.

Conditional Use - a use that, because of its potential impact on surrounding areas and structures, is permitted only upon review and approval by the Planning Board pursuant to Article VII.

Containment Wall – wall used to convey or direct storm water or sanitary water from the initial source to the final destination.

Development – a manmade change to improved or unimproved real estate. This includes, but is not limited 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.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - a non-basement building that is:

- a. built, in the case of a building in Zones A or AE, so that the top of the elevated floor, or in the case of a building in Zone VE, to have the bottom of the lowest horizontal structural member of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored to not impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A or AE, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L. In the case of Zone VE, **Elevated Building** also includes a building otherwise meeting the definition of elevated building, even though the lower area is enclosed by means of breakaway walls, if the breakaway walls meet the standards of Article VI.P.2.b.(3).

Elevation Certificate - an official form (FEMA Form 81-31, as amended) that:

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- b. is required for purchasing flood insurance.

Flood or Flooding

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or

by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph a.1. of this definition.

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

Flood Insurance Rate Map (FIRM) - an official map of a community, on which the Federal Insurance Administrator 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 Floodprone Area - 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 - zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

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

Floodway - see **Regulatory Floodway**.

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

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

Functionally Dependent Use - a use that 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 - for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) 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 - 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.L. of this Ordinance.

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

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

Mean Sea Level – when related to the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

National Geodetic Vertical Datum (NGVD) - the national vertical datum, a standard established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD is based upon mean sea level in 1929 and also has been called “1929 Mean Sea Level (MSL)”.

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

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

100-year flood - see **Base Flood**.

Recreational Vehicle - a vehicle that is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway –

- a. 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
- b. when not designated on the community's Flood Insurance Rate Map, it 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 - 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 - 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, or

modification of any construction element, 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:

- a. 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
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

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 XV - 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).

60.3 (e) Rev. 01/16
Prepared by DACF/JP

Planning Board Ordinance of the Town of Blue Hill, Maine

Originally Adopted and Effective: October 30, 1992

Amended and Restated Effective: February 16, 2017

Certified By:	<u>John R Bannister</u>	<u>2/16/17</u>
	<u>Vaughn W Beach</u>	<u>2/16/17</u>
	<u>[Signature]</u>	<u>2/16/17</u>
	Municipal Officers	Date
Attest: True Copy	<u>Elton E Serkin</u>	<u>2/16/17</u>
	Town Clerk	Date

Planning Board Ordinance
of the
Town of Blue Hill, Maine

I. AUTHORITY

1. The Blue Hill Planning Board (the Board) is hereby reestablished pursuant to the enabling provisions of Article VIII, Part 2 of the Maine Constitution (Municipal Home Rule) and the provisions of 30-A M.R.S.A. § 3001 (Home Rule). This ordinance supersedes and revokes any previous Planning Board ordinance.
2. This ordinance shall be known as the "Planning Board Ordinance of the Town of Blue Hill, Maine," and shall take effect and be in force from the date of its adoption at a Town Meeting.

II. DUTIES OF THE BOARD

1. The Board shall perform such duties and exercise such powers as are provided for by town ordinance and the laws of the State of Maine.
2. The Board shall propose new ordinances and revisions to the town's comprehensive plan and existing ordinances, as it deems appropriate and in accordance with State law.

III. BOARD MEMBERSHIP

1. Board members shall be elected at the annual Town Meeting (or appointed pursuant to Section III (3)) and sworn in by the Town Clerk or other person authorized to administer oaths.
2. The Blue Hill Planning Board shall consist of seven (7) members, each a resident in the Town of Blue Hill. The term of each member shall be three (3) years. The terms shall be staggered such that no more than three (3) terms end in any given year.
3. A vacancy shall be deemed to exist upon the resignation or death of any member, or when a member:
 - A. fails to attend at least 75% of all meetings during the preceding twelve (12) months,
 - B. ceases to be a resident of the Town of Blue Hill, or
 - C. otherwise becomes unable to serve.

The Board may, if it determines by majority vote that a member's failure to meet the attendance test specified above is for good reason, waive the application of this test in determining whether a vacancy exists.

4. In the event of a vacancy on the Board, the Chairperson, upon approval by the Board, shall immediately notify the municipal officers. The municipal officers shall within sixty (60) days of its occurrence appoint a person to serve for the remainder of the unexpired term associated with the vacancy.

5. A written letter of resignation must be received by the Chairperson or the municipal officers before a resignation can be accepted.
6. A Board member may not hold an incompatible appointed, or elected, position within the Town of Blue Hill government. Two offices shall be deemed incompatible if the duties of each are so conflicting that one person holding both offices would not be able to perform the duties of each with undivided loyalty. A municipal officer may not be a member of the Board.

IV. ORGANIZATION AND PROCEDURES

1. At its first meeting after town meeting, the Board shall elect by majority vote a Chairperson and Vice Chairperson from among its members. The Board may either elect a secretary from among its members or hire a non-Board member to serve as secretary. The secretary shall be responsible to keep a faithful record of all meetings of the Board, and generally to perform such duties as may be required by the Chairperson and the Board. Vacancies in any office may be filled at any time by members of the Board.
2. A quorum of the Board necessary to conduct an official Board meeting and to render a decision shall consist of at least four (4) members. The Board shall act by majority vote of the members present and voting.
3. The Board shall adopt rules of procedure for the conduct of public hearings, meetings, and other matters, and the Board shall keep minutes of all meetings. Copies of the minutes shall be distributed to all members and made available for public inspection.
4. The Chairperson shall be responsible for calling Board meetings and for setting the agenda. The Chairperson shall preside at all meetings and be the official spokesperson of the Board. In the absence of the Chairperson, the Vice Chairperson shall preside over meetings of the Board.

V. MEETINGS

1. The Board shall hold regular monthly meetings, unless the Chairperson determines that there is no pending business requiring the Board's attention.
2. Special meetings may be called by the Chairperson or by a majority of the Board.
3. Notice of regular, special and emergency meetings shall be given in accordance with the Maine Freedom of Access Act.
4. All meetings shall be open to the public except executive sessions as provided under the laws of the State of Maine.
5. The Board shall request one annual meeting with the municipal officers.

VI. CONFLICTS OF INTEREST

1. Direct or indirect pecuniary interest

- A. Board members shall make full disclosure of any interest that may have a bearing on questions before the Board, whether or not such interest is a direct or indirect pecuniary interest as hereinafter defined.
- B. A Board member is deemed to have a direct or indirect pecuniary interest in a question when that member is an officer, director, partner, associate, employee or stockholder of a private corporation, business or other economic entity to which the question relates or the member is directly or indirectly the owner of at least 10% of the stock of the private corporation or owns at least a 10% interest in the business or other economic entity.
- C. When a member is determined to have a direct or indirect pecuniary interest in a question, the member shall abstain from voting and from otherwise attempting to influence a decision in which that member has such an interest. The member's disclosure and a notice of abstention from taking part in all related decisions shall be recorded in the minutes of the Board.

2. Interest by family relationship

As per 1 M.R.S.A. §71, a relationship within the sixth degree between a Board member and a party appearing before the Board, shall disqualify that Board member from voting on the question presented. The member's disclosure of the relationship and a notice of abstention from taking part in all related decisions shall be recorded in the minutes of the Board.

3. Avoidance of appearance of conflict of interest

Every Board member shall attempt to avoid the appearance of a conflict of interest by disclosure or by abstention.

4. Abstention by reason of interest

If any member having a pecuniary interest in a question, a disqualifying relationship as defined in Section VI (2) above, or other conflict of interest, declines to abstain from voting, and if any interested party or other Board member so requests, the remaining Board members shall by majority vote determine whether the challenged member shall be disqualified from voting on the question.

VII. FUNDS, SERVICES, SUPPLIES

All funds appropriated for the Board shall be expended under the supervision of the municipal officers. The Board may obtain goods and services necessary to its proper function. The Board shall be supplied with a paid recording secretary for its meetings.

VIII. VALIDITY AND SEPARABILITY

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

~~BLUE HILL~~
~~PLANNING BOARD~~
~~ORDINANCE~~ Planning Board
Ordinance
of the
Town of Blue Hill, Maine

Originally Adopted and Effective: October 30, 1992

Amended and Restated Effective: _____

Effective Date: ~~March 17, 2001~~

~~Amended: Enacted~~

Certified By: _____

Municipal Officers

Date

Attest: True Copy

Town Clerk

Date

SEWER USE ORDINANCE
FOR
TOWN OF BLUE HILL, MAINE

AUGUST, 2003

ENACTED: Sept 24, 2003
date
CERTIFIED BY: MEG...
name
John R. Bagmeister
name
...
name
Selectmen
title

A TRUE COPY OF THE "BLUE HILL SEWER USE ORDINANCE"
VOTED ON SEPTEMBER 24, 2003

ATTEST: Etta E. Perkins
ETTA E. PERKINS
CLERK OF BLUE HILL

Office Copy
Town of Blue Hill

SEWER USE ORDINANCE
FOR
TOWN OF BLUE HILL, MAINE

AUGUST, 2003

DRAFT

The purpose of this Ordinance is to promote the health and general welfare of the citizens of the Town of Blue Hill by regulating and restricting the construction and use of sewerage systems and the accumulation, transportation, treatment and disposal of sewage in such a manner that the creation of any sewerage system, whether public, private, or commercial, shall not result in pollution, health hazard, or other nuisance. Hereafter, any person owning any building or structure within the Town of Blue Hill which is the source of sewage and/or commercial wastes, or who proposes to erect such building or structure, shall conform to the requirements of this Ordinance.

ARTICLE I - DEFINITIONS

Unless the context specifically indicates otherwise; the meaning of the terms used in this ordinance will be as follows:

- (1) "A.S.T.M." shall mean American Society for Testing and Materials.
- (2) "Builder" shall mean any person, persons, or corporation who undertakes to construct, either under contract or for resale, any habitable building.
- (3) "BOD" (denoting Biochemical Oxygen Demand) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter in five (5) day at 20 degrees C, expressed in milligrams per liter, as determined by test methods defined in Standard Methods.
- (4) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning eight (8) feet outside the inner face of the building wall.
- (5) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.
- (6) "Categorical User" shall mean any user of the Town's wastewater treatment system whose discharges are regulated under 40 CFR Part 403 and 40 CFR Parts 405-471, or who is otherwise subject to U.S. EPA pretreatment requirements.

- (7) "Chlorine Demand" shall mean the amount of chlorine required to destroy all pathogenic organisms present, and oxidize all organic, inorganic, and ammonia-based compounds in, a sewage stream.
- (8) "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.
- (9) "DEP" shall mean the Maine Department of Environmental Protection.
- (10) "Developer" shall mean any person or persons who undertake to construct simultaneously, or in planned sequence, more than one housing unit on a given tract or land subdivision or any other commercial project involving municipal sewer.
- (11) "Engineer" shall mean a Professional Engineer retained as Town Engineer or Consulting Engineer by the Board of Selectmen.
- (12) "EPA" shall mean the United States Environmental Protection Agency.
- (13) "Excessive" shall mean masses or concentrations of a constituent in a sanitary or commercial wastewater which, in the judgment of the Town:
(a) will cause damage to any facility, (b) will be harmful to any wastewater treatment process, (c) cannot be properly removed in the Town's treatment facilities, (d) may inhibit the final disposal or reuse of the treatment plant's sludge residuals, (e) can otherwise endanger life or property, or (f) can constitute a nuisance.
- (14) "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.
- (15) "Health Officer" shall mean the person appointed as Local Health Officer pursuant to the provisions of Title 22 M.R.S.A., §451.
- (16) "Industrial or Commercial Wastes" shall mean the liquid or solid wastes from industrial or commercial processes, trades, or businesses as distinct from sanitary wastewater. Industrial or commercial wastes may or may not be discharged separately from sanitary wastewaters. For a combined

discharge, the Town shall determine if the discharge meets the definition of "industrial or commercial wastes".

- (17) "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.
- (18) "Owner" shall mean both the person who is the vested holder of title for any real estate and all tenants, lessees, or others in control or use of the property in question. Excluded from this definition is a mortgagor of the property in question unless the mortgagee exercises his mortgage rights and becomes an owner.
- (19) "Person" shall mean any individual, firm, company, association, society, corporation, or group.
- (20) "pH" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution and is a term used to express the relative acidity or alkalinity of a substance or solution.
- (21) "Plumbing Inspector" shall mean the person or persons appointed Local Plumbing Inspector under the provisions of the State Plumbing Code.
- (22) "State Plumbing Code" shall mean the State of Maine Plumbing Code, as it may be amended from time to time.
- (23) "Private Sewer Systems" shall mean any sewer that collects wastewater from one or more building sewers, owned separately, and discharging to a public sanitary sewer. Private sewer systems are not permitted except by specific agreement with the Town.
- (24) "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.
- (25) "Property Line" shall mean the edge of a road right-of-way in those instances where the building sewers connect to the public sewer in a right-of-way.

- (26) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by the Town.
- (27) "Sanitary Sewer" shall mean a sewer which carries sanitary wastewater sewage and to which storm, surface, and groundwaters are not intentionally admitted.
- (28) "Septage" shall mean the mixture of liquids and solid matters removed from septic tanks during normal cleaning.
- (29) "Sanitary Wastewater" shall mean the liquid waste discharged from a building's or structure's sanitary fixtures, such as toilets, washrooms, urinals, sinks, showers, small laundries, and from kitchens and cafeterias essentially free of industrial wastes or toxic materials. Sanitary wastewater may or may not be discharged separately from industrial or commercial wastewater. For a combined discharge, the Town shall determine if a wastewater discharge meets the definition "sanitary wastewater".
- (30) "Selectmen" shall mean the Board of Selectmen of Blue Hill or authorized deputy, agent, or representative.
- (31) "Sewage" (sometimes termed "Wastewater" or "waste") shall mean a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface, and storm water as may be present.
- (32) "Sewage Treatment Plant or Water Pollution Control Facility" shall mean any arrangement of devices and structures used for treating sewage.
- (33) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.
- (34) "Sewer" shall mean a pipe or conduit for carrying sewage.
- (35) "Shall" is mandatory; "May" is permissive.
- (36) "Significant Industrial User" shall mean a user subject to categorical pretreatment standards; or a user that (a) discharges an average of 10,000

gpd or more of process wastewater to the sewage works, excluding sanitary, noncontact cooling, and boiler blowdown wastewater; or (b) contributing a process wastestream which makes up two percent (2%) or more of the average dry weather hydraulic or organic capacity of the sewage works; or (c) is designated as such by the Town on the basis that it has a reasonable potential for adversely affecting the sewage work's operation or for violating any pretreatment or effluent standard or requirement.

- (37) "Slug" shall mean any discharge of water or wastewater in which the rate of discharge, or the mass or concentration of any given constituent exceeds, in the opinion of the Town, the ability of the sewage works to function efficiently or properly.
- (38) "Standard Methods" shall mean Standard Methods for the Examination of Water and Wastewater, latest edition.
- (39) "Storm Drain" (sometimes termed "storm sewer") shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than non-contaminated cooling water.
- (40) "Superintendent" shall mean the person retained or designated by the Selectmen to supervise and oversee the operation and maintenance of the municipal sewer system and sewage treatment plant.
- (41) "Suspended Solids" (also called "Total Suspended Solids") shall mean solids that either float on the surface of, or are in suspension in, water, sewage, or other liquids, and which are determined in accordance with Standard Methods.
- (42) "Town" shall mean the Town of Blue Hill, Maine.
- (43) "Watercourse" shall mean a channel in which flow of water occurs, either continuously or intermittently.

8

ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

Section 2.01

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Blue Hill, or in any area under jurisdiction of said Town, any human or animal excrement, garbage, grey water or other objectionable waste. The term "Unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

Section 2.02

It shall be unlawful to discharge to any watercourse within the Town of Blue Hill, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of State, Federal, and all other local laws.

Section 2.03

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except where no sewage facilities are available and subject to the State of Maine Subsurface Disposal Rules.

Section 2.04

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice by Selectmen to do so, provided that said public sewer is within two hundred (200) feet of the property line as measured

along any public way, provided, however, that the Owner of any house, building or property, existing and connected to a private sewage disposal system prior to the effective date of this Ordinance may remain connected to such private sewage disposal system, when no hazard, nuisance or unsanitary condition is evident and when written permission has been obtained from a committee consisting of the Selectmen, the Local Health Officer, and the Local Plumbing Inspector. This written permission may be withdrawn by this committee at any time in the sole discretion of said committee.

ARTICLE III - PRIVATE SEWAGE DISPOSAL

Section 3.01

Where a public sanitary sewer is not available under the provisions of Article II, the building sewer shall be connected to a private disposal system complying with the requirements of the State of Maine Plumbing Code, Subsurface Wastewater Disposal Rules and/or Town Ordinances as from time to time amended.

Section 3.02

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Local Plumbing Inspector. The application for such permit shall be made on a form furnished by the Town, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Local Plumbing Inspector. A permit and inspection fee shall be paid in advance. The amount of this fee shall be established by the Board of Selectmen.

Section 3.03

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Local Plumbing Inspector. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Local Plumbing Inspector when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) business hours of the receipt of notice by the Local Plumbing Inspector.

Section 3.04

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.

Section 3.05

No statement contained in this Article shall be construed to interfere with any additional requirements that may be imposed by the Town.

Section 3.06

When a public sewer becomes available, the building sewer shall be connected to said sewer within ninety (90) days after date of official notice and private septic tank or cesspool shall be cleaned of sludge and filled with clean bank run gravel or dirt.

ARTICLE IV - BUILDING SEWERS AND CONNECTIONS

Section 4.01

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town. All work related to the installation of building sewers and the connection to the public sewer shall be performed by persons qualified and approved by the Town of Blue Hill's Selectmen.

Section 4.02

There shall be two (2) classes of building sewer permits: (a) for residential service, and (b) for service to establishments producing commercial, industrial, or other non-residential wastes. In either case, the owner or his agent shall make application on a special form furnished by the Town. This permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to the Town at the time the application is filed. The permit and inspection fee shall include the cost of constructing the building connection from the public sewer to the property line. The amount of said fee shall be set by the Board of Selectmen. One copy of the permit shall be available for inspection at all times at the site of the work.

In the case of multiple building units or connections, connections involving sewer extensions, or industrial discharge or pretreatment applications, the Town may require a monetary deposit sufficient to cover the cost of review of the application, including any expert advice deemed necessary by the Town. The amount of deposit shall be estimated by the Town and upon payment by the applicant, kept in a non-interest bearing account. Upon completion of the review process, the unused portion, if any, will be refunded. If the initial deposit is not sufficient to pay for the costs incurred by the Town, a second deposit shall be made and handled in the same manner as the first.

Section 4.03

All costs and expenses incidental to the installation and testing and connections of the building sewer shall be borne and paid in advance by the owner. The owner shall indemnify the Town from any loss and damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 4.04

Sewer lines which are constructed within subdivisions, condominiums and other developments, and which eventually discharge or connect into the public sewer system shall not be accepted by the Town of Blue Hill for ownership and maintenance; but remain privately owned and privately maintained unless within a public right-of-way. The engineering design for the construction of sewer lines within subdivisions, condominiums and other developments shall comply with this Ordinance and shall be submitted to the Selectmen and Superintendent for written approval. The Selectmen and Superintendent may require that the engineering design plans be submitted to the Town's Consulting Engineer for their evaluation and approval prior to final approval by the Selectmen and Superintendent. Cost of the Town's Consulting Engineers to review, comment, recommend and approve the engineering design plans and the cost of on-site inspection during construction shall be borne by the applicant, subdivider, developer or builder who shall agree in writing when the sewer plans are submitted to the Selectmen that he/she will pay for all review, approval and inspection costs. Private individual connections into private sewer lines shall conform to this Ordinance.

Section 4.05

A separate and independent sewer shall be provided for every building, except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building if approved in writing by the Selectmen. Both buildings shall be considered as one building sewer except for the purposes of impact fees and sewer service charges established under Article XII herein.

Section 4.06

Old building sewers may be used in connection with new buildings only when they are found, upon examination and testing by the Town, to meet all requirements of this Ordinance.

Section 4.07

Building sewer cleanouts shall be installed at intervals not to exceed 100 feet in straight lines and at all bends greater than 22 ½ degrees. The cleanouts shall consist of wyes and 45 degree elbows. Cleanouts shall be installed vertically to within 6 inches of the surface. A stainless steel strap shall be installed around the top of cleanouts constructed of nonmetallic pipe.

Section 4.08

Whenever practical, the building sewer pipe shall be brought to the building drain at an elevation below the basement floor. In buildings in which any building drain is too low to permit gravity flow to the public sewer, wastewater carried by such building drain shall be lifted by an approved means and discharged to the building sewer or service lateral. Plans and details of the proposed lifting method shall be submitted to the Selectmen for review.

A clean septic tank in good condition as determined by the Selectmen may be used for a pump tank. The outlet to the disposal field shall be disconnected and plugged. If required by the Selectmen, the tank shall be tested for water tightness.

Section 4.09

The construction used and manner of connecting a building sewer to an existing public sewer shall conform to the requirements of the Town of Blue Hill Guidelines for Design and Construction of Sewers (Appendix A of this Ordinance), and procedures set forth in appropriate sections of the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and water tight. For sewer extensions,

the connection shall be made in accordance with approved drawings. Any deviation from the prescribed procedures and materials must be approved in writing by the Selectmen before installation. Where a building sewer is to be connected directly into an existing manhole (because no service connection is available) the hole in the manhole wall shall be cut in with a coring machine.

Section 4.10

The applicant for the building sewer permit shall notify the Town at least forty-eight (48) hours prior to beginning work and also when the building sewer is ready for inspection, testing, and connection to the public sewer. The testing and connection shall be made under the supervision of the Superintendent, or his representative.

When trenches are opened for the laying of building sewer pipes, such trenches shall be inspected by the Superintendent before the trenches are filled, and the person performing such work shall notify the Superintendent when the installation of the building sewer is completed. If the trench is filled before inspection, the Superintendent may require it to be reexcavated for inspection.

Section 4.11

Upon completion of the connection of the building sewer of a property formerly served by a private disposal system to the public sewer, all contents of the old septic tank or other structures shall be pumped out, two or more holes punched in the bottom, and the tank filled with sand or gravel, or the tank(s) removed.

Section 4.12

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to, and in conformance with, the standards of the Town.

Section 4.13

No connection of any kind shall be made directly from any private property to a Town pressurized force main sewer.

Section 4.14

The connection of the building sewer into an existing public sewer shall be made at the existing public sewer. All costs and expense incidental to the installation and connection of the entire length of building sewer shall be borne by the owner. The owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. The method of connection of the building sewer to the public sewer will be dependent upon the type of pipe material used and in all cases shall be approved by the Town. The connection of the building sewer into the public sewer shall be made with a wye or tee branch. If none is available, a connection may be made by tapping the existing sewer with a saddle by a method approved by the Town.

Section 4.15

When any building sewer is to serve a school, hospital, or similar institution, or is to serve a complex of industrial or commercial buildings, or which, in the opinion of the Town, will receive sewage or industrial wastes of such rate, volume, or character that frequent maintenance of said building sewer is anticipated, then such building sewer shall be connected to the public sewer through a manhole. The Town shall determine if and where this type of connection to the public sewer is required. Connections to existing manholes shall be made as directed by the Town or its representative. If required, a new manhole shall be installed in the public sewer pursuant to Appendix A, and the building sewer connection made thereto as directed by the Town or its representatives.

Section 4.16

All parts of new building drains and sewers shall withstand, under test without observable leakage, a ten foot head of water for a minimum period of fifteen minutes at a temperature above the freezing point of water.

Section 4.17

No persons shall make connections of roof drains, downspouts, foundation drains, areaway drains, basement drains, sump pumps, or other sources of surface runoff or groundwater, to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

Section 4.18

The covers of all building drain and building sewer manholes, inspection chambers, cleanouts, and the like shall be watertight and shall be capable of withstanding, without damage or displacement, any traffic loads to which they may be subjected.

Section 4.19

The building drain system shall be so vented that under no circumstances will the seal of any appliance be subjected to a pressure differential in excess of one inch of water. All appliances connected directly or indirectly to the building drain shall have traps with a liquid seal not less than two inches in depth.

Section 4.20

Sewer design including building services, sewer collectors and interceptors shall conform to the State Plumbing Code and to the specifications set forth in the Guidelines for Design and Construction of Sewers which is found in Appendix A. Any deviation from the prescribed procedures and materials must be approved by the Town Engineer as being equivalent of, or superior to, those specified before installation.

ARTICLE V - SEWER EXTENSIONS

Section 5.01

Sewer extensions, including individual building sewers from the sewer to the property line, may be constructed by the Town under public contract if, in the opinion of the Selectmen, the number of properties to be served by such extension warrants its cost and if the treatment plant has the capacity to handle said extension. Under this arrangement, the property owner shall pay for and install the building sewer from the public sewer to his residence or place of business in accordance with the requirements of Article IV. Property owners may propose sewer extensions within the incorporated Town by drafting a written petition, signed by a majority of the benefiting property owners, and filing it with the Selectmen. The cost of such extensions may be assessed to the benefited property owners in any manner determined by the Selectmen.

Section 5.02

If the Town does not elect to construct a sewer extension under public contract, the property owner, builder or developer may construct the necessary sewer extension, if such extension is approved by the Town Selectmen in accordance with the requirements of this Article. He or they must pay for the entire extension, including all expenses incidental thereto. Each building sewer must be installed and inspected as previously required and the inspection fee shall be paid. Design of sewers shall be as specified in this Article and the specifications set forth in the Guidelines for Design and Construction of Sewers which is found in Appendix A. The installation of the sewer extension must be subject to periodic inspection by the Town or Town's Engineer and the expenses for this inspection shall be paid for by the owner, builder or developer. The Town's decisions shall be final in matters of quality and methods of construction. The sewer, as constructed, must pass the leakage test required in Appendix A before it is to be used. The cost of sewer extensions thus made shall be absorbed by the developers or the property owners, including the costs of all building sewers.

Section 5.03

All extensions to the sanitary sewer system shall be designed by a Professional Engineer registered in the State of Maine. Plans and specifications for sewer extensions shall be submitted to the Town forty-five (45) days before the regularly scheduled Selectmen's meeting at which Town approval of the extension will be evaluated. The expenses incurred by the Town in reviewing the plans and specifications shall be paid from a deposit made by the owner, builder, or developer at the time of application. The design of sewers and pump stations to be deeded to the Town shall anticipate and allow for flows from possible future system extensions or developments within the future drainage areas.

Section 5.04

All testing of sewers shall be conducted in the presence of the Superintendent. If the installation fails any test, the source of leakage shall be found and repaired and all defective materials shall be replaced.

Section 5.05

All sewer extensions constructed at the property owner's, builder's or developer's expense in which installation follows the specifications set forth in this Ordinance, after formal written final approval and acceptance by the Selectmen, shall become the property of the Town and shall thereafter be maintained by the Town. Said sewers, after their acceptance by the Town, shall be guaranteed by the owner, builder, or developer against defects in materials or workmanship for twelve (12) months. The guarantee shall be in the form of a maintenance guarantee bond in an amount not less than 100% of the Engineer's estimate of the cost of the extension.

Section 5.06

No builder or developer shall be issued a building permit for a new dwelling or structure requiring sanitary facilities within the Town, unless a suitable and approved method of sewage disposal is proposed.

Section 5.07

Connection of the sewer extension to the Town's facilities shall not be permitted until, 1) the completed sewer has been tested and passed to the satisfaction of the Superintendent, 2) all fees have been paid to the Town for the approved lots to be connected, 3) reproducible, mylar record drawings of the completed sewer have been furnished to the Town, 4) the one year maintenance guarantee bond in a form acceptable to the Town has been delivered, and 5) an offer is made from the owner(s), builder(s), or developer(s), in a form acceptable to the Town, to transfer ownership and maintenance responsibilities and property and easement rights to the Town.

ARTICLE VI - USE OF PUBLIC SEWERS

Section 6.01

No person shall discharge, or cause to be discharged, any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. No direct connection shall be made from a public or private water supply to a building drain discharging to any sanitary sewer.

Section 6.02

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the Selectmen. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Selectmen, to a storm sewer, or natural outlet, if in accordance with permitting regulations of the Department of Environmental Protection.

Section 6.03

Except as hereinafter provided, no person shall discharge or cause to be discharged, any of the following described waters or wastes to any public sewer:

- a. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
- b. Any water or wastes containing fats, grease or oil, or other substances in excess of 100 mg/l, whether emulsified or not, that will solidify or become viscous at temperatures between 32 and 150 degrees Fahrenheit or that, in the opinion of the Superintendent may overload or inhibit the Pollution Control Facility's processes.
- c. Any water or wastes containing residuals of free or combined chlorine compounds which will result in a measurable chlorine residual at the headworks of the Town's wastewater treatment facilities.

- d. Any gasoline, benzene, naphtha, fuel oil, mineral oil, or other flammable or explosive liquid, solid or gas.
- e. Any noxious or malodorous gas such as hydrogen sulfide, sulfur dioxide or nitrous oxide or other substance, which either singly or by interaction with other wastes, are capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- f. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 3/4 horsepower or greater shall be subject to the review and approval of the Superintendent.
- g. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, cardboard, wood, paunch manure, hair and fleshings, entrails, lime slurry, lime residues, beer or distillery slops, whey, chemical residues, paint residues, cannery waste, bulk solids, or any other solid or viscous substance capable of causing obstruction to the flow of the sewers, or other interference with proper operation of the sewage works.
- h. Any waters or wastes, acid or alkaline in reaction, having corrosive properties capable of causing damage or hazard to structures, equipment and personnel of the sewage works. Free acids and alkalis must be neutralized at all times, within a permissible pH range of 6.0 to 9.0.
- i. Radioactive wastes or isotopes of half-life or concentrations as may exceed limits established by the Town in compliance with applicable State or Federal regulations.
- j. Quantities of flow, or concentrations of any wastewater constituent, or both, which would constitute a "slug" as defined in Article I.
- k. Any stormwater, roof drains, spring water, cistern or tank overflow, footing drains, discharge from any vehicle wash rack or water motor, or the contents of any privy vault, septic tank or cesspool, or

the discharge of effluent from any air conditioning machine or refrigeration unit.

1. No person shall discharge or cause to be discharged any waters or wastes containing a toxic or poisonous substance, a high chlorine or oxygen demand, or suspended solids in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard or violation in the receiving waters or effluent of the Town's sewage treatment plant, or contaminate or restrict the final end use of the treatment plant's sludge residuals. Such toxic substances shall be limited to the average concentrations listed hereinafter in the sewage as it leaves the building sewer and at no time shall the hourly concentration at the sewage treatment plant exceed three times the average concentration. If concentrations listed are exceeded, individual establishments will be subject to control by the Superintendent in volume and concentration of wastes discharged.

Limits of Toxic Substances in Sewage

Iron, as Fe.....	5.0 ppm
Chromium, as Cr (hexavalent).....	1.0 ppm
Copper, as Cu.....	1.0 ppm
Chlorine Residual	0.05 ppm
Phenol	0.5 ppm
Cadmium, as Cd.....	0.5 ppm
Zinc, as Zn	0.5 ppm
Nickel.....	1.0 ppm

The Town may periodically modify the above list of regulated toxic substances and allowable concentrations in accordance with EPA/DEP protocol for the development of technically based local limits. The Town will provide advance written notice of new local limits or control limits to users prior to initiating enforcement actions.

- m. Waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions, whether neutralized or not.

- n. Waters or wastes containing phenols, or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Town as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- o. Waters or wastes containing substances which are not amenable to treatment or reduction by the waste treatment processes employed, which may inhibit treatment plant processes or sludge quality or disposal, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over the discharge to the receiving waters.
- p. Any heated waters or pollutants in amounts which will inhibit or interfere with biological activity in the Town's wastewater treatment facilities, but in no case heated waters or pollutants in such quantities that the temperature at the Pollution Control Facility's influent exceeds 104 degrees Fahrenheit (40 degrees Celsius).
- q. Any waters or wastes containing color, dissolved solids, or dye which would cause a visible discoloration of the treatment's plant's effluent or receiving water.
- r. Any waters or wastes containing suspended solids, whether inert or organic, which would cause visible turbidity of the treatment plant's effluent or receiving water.
- s. Any waters, wastes or substance which would cause the treatment plant's effluent to exceed whole effluent toxicity testing limits and priority pollutant limits as may be required by applicable State or Federal law.
- t. Any septage or septic process discharges.

Section 6.04

Any discharge of waters or wastes having a) a five (5) day Biochemical Oxygen Demand (BOD) greater than 300 parts per million; or b) containing more than 350 parts per million of suspended solids, or c) containing more than 15 parts per million of chlorine demand, or d) containing any quantity of substances having the characteristics described in this Article or e) having an average daily flow or pollutant mass greater than two (2) percent of the average daily sewage flow of the Town, shall be subject to the review and approval of the Town. Where necessary, in the opinion of the Town, the owner shall provide, at his expense, such pretreatment as may be necessary to, 1) reduce the Biochemical Oxygen Demand to 300 parts per million and the suspended solids to 350 parts per million by weight, or 2) reduce the chlorine demand to 15 parts per million, or 3) reduce objectionable characteristics or constituents to within the maximum limits provided for in this Article, or 4) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed pretreatment facilities shall be submitted for the approval of the Town, and no construction of such facilities shall be commenced until said approvals are obtained in writing. Failure to comply with one or more of the remedial procedures as required by the Town shall constitute a violation of this Ordinance.

Section 6.05

All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Article shall be determined in accordance with "Standard Methods for the Examination of Water and Wastewater", upon suitable samples taken at a control manhole or other combined discharge location provided for in Article VII. In the event that no specific sample location has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer from the point at which the building sewer is connected.

Section 6.06

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any commercial or industrial concern whereby an commercial or industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment thereof by the commercial or industrial concern.

Section 6.07

All of the preceding standards are to apply at the point where the commercial or industrial wastes are discharged into the public sanitary sewerage system and any pretreatment required must be accomplished to practical completion before the wastes reach that point. The laboratory methods used in the examination of all industrial wastes shall be those set forth in the latest edition of "Standard Methods for the Examination of Wastewater". However, alternate methods for the analysis of commercial or industrial wastes may be used subject to mutual agreement between the Town and the producer of such wastes. The frequency and duration of the sampling of any waste shall depend on the type of discharge and will be designated at the discretion of the Superintendent.

Section 6.08

If any waters or wastes are discharged, or are proposed to be discharged, to the public sewers, which waters contain the substances or possess the characteristics enumerated in this Article and which, in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- a. Reject the wastes and require separate treatment,
- b. Require pretreatment to an acceptable condition before discharge to the public sewers,
- c. Require control over the quantities and rates of discharge and/or,
- d. Require payment under the provisions of this Ordinance to cover the added cost of handling and treating of such wastes.

If the Superintendent permits the pretreatment or equalization of waste flows, the design, specifications, plans and installation of plants and equipment shall be subject to the review and approval of the Town, and subject to the requirements of all applicable codes, Ordinances and laws, including State DEP and Federal EPA pretreatment standards.

ARTICLE VII - PRETREATMENT AND PERMITTING OF INDUSTRIAL
OR COMMERCIAL AND UNUSUAL WASTES

Section 7.01

The Town, at its discretion, may elect to allow an industrial or commercial or unusual waste producer to utilize the sewage works provided that it can be demonstrated that acceptance of the waste will result in:

- a. No violation of applicable Federal or State regulations, including DEP/EPA pretreatment requirements.
- b. No inhibition of, or damage to, the treatment plant's processes or equipment and no upsets of the plant's processes which lead to nuisance conditions, operational problems, or discharge license non-compliance.
- c. No pass through of any waste material not treatable in the Town's treatment plant to the receiving waters.
- d. No contamination of the Town's sewage sludge with toxic or undesirable waste constituents and no impairment of the Town's ability to dispose of the treatment plant's sludge residuals.
- e. No creation of hazardous or unsafe conditions in the sewer system or treatment plant which might jeopardize the health and welfare of the general public or the Town's staff.
- f. Equitable allocation of sewer user fees such that the true cost of treating the industrial or unusual waste is fully borne by the sewer user that generated the wastes.

Prior to accepting the waste, the Town may require that appropriate industrial or unusual wastes undergo pretreatment or flow equalization prior to its discharge into the Town's sewer system.

Section 7.02

Where pretreatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.

Section 7.03

When required by the Town, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole or other acceptable sampling location in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, or sample location when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Town. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Section 7.04

No discharger or user shall increase the use of potable or process water, in any way, for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this Ordinance. Pollutants, substances or wastewater prohibited by this Ordinance shall not be processed or stored in a manner that would allow them to be discharged to the treatment plant.

Section 7.05

Grease, oil, and sand interceptors shall be provided when the Ordinance limits for those substances are exceeded or when, in the opinion of the Town, they are necessary for the proper handling of wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Town, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperatures. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in-place, shall be gastight and watertight.

Where installed, all grease, oil and sand interceptors shall be maintained by the Owner, at his expense, in continuously efficient operation at all times and shall be readily accessible and open to inspection by the Superintendent at any time.

Section 7.06

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are incorporated herein by reference. These standards must be adhered to by dischargers to, or users of, the Town's sewage works.

Section 7.07

Local limits for certain pollutants may be established by the Town to protect against pass through, interference, process inhibition and damage, safety concerns, and sludge residual contamination. No person shall discharge wastewater containing in excess of the instantaneous maximum allowable discharge limits as identified in this Ordinance or on the user's wastewater discharge permit.

Section 7.08

When requested by the Town or Superintendent, users must complete a wastewater survey form, on a form supplied by the Town, which contains information on the nature and characteristics of their wastes. This form must be submitted to the Town prior to the discharge of the user's wastewater into the Town's sewage works. The Superintendent is authorized to prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this wastewater survey form shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Ordinance. Existing industrial dischargers or any other commercial establishment shall file wastewater survey forms within thirty (30) days after being notified by the Town, and proposed new dischargers shall file such forms at least ninety (90) days prior to connecting to the sewage works. The form shall include, but not be limited to, the following information:

- a. The name, address, and location of the user and the number of employees.
- b. The Standard Industrial Classification (SIC) Code of the user if applicable.
- c. The known, or suspected to be present, wastewater constituents and characteristics, including, but not limited to, those listed in this Ordinance. Any sampling and analysis that is required by the Town shall be performed in accordance with Standard Methods. The costs of all such sampling, analysis, and reporting shall be fully borne by the user.
- d. The time and duration of discharges.
- e. The average daily and instantaneous peak wastewater flow rates, in gallons per day, including daily, monthly and seasonal variations, if any. All flows shall be as actually measured unless other verifiable measurement techniques are approved by the Town.
- f. The site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, inspection manholes,

sampling chambers and appurtenances by size, location, and elevation adjacent to, or at, the user's premises.

g. The activities, facilities, and plant processes on the premises, including all materials which are, or may be, discharged to the sewage works.

h. The nature and concentration of any known or suspected pollutants or materials prohibited by this Ordinance from being included in the discharge, together with a statement regarding whether or not compliance is being, or will be, achieved with this Ordinance on a consistent basis and if not, whether additional operations and maintenance activities and/or additional pretreatment is required for the user to comply with this Ordinance.

i. The identification of each product produced by the user by type, amount, process or processes, and rate of production.

j. The type and amount of raw materials utilized, average and maximum per day, by the user.

Section 7.09

All disclosure forms and any periodic reports submitted by a user shall be signed by the principal executive officer of the user and shall contain the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations".

Section 7.10

The Town will evaluate the completed wastewater survey forms and material safety data furnished by the user and may require the user to furnish additional information within fifteen (15) days after receiving notification from the Town that additional information is required. After full evaluation and acceptance of all submitted data, the Superintendent shall make the determination as to whether the user is subject to pretreatment requirements. If the Superintendent determines that the user is subject to pretreatment requirements, the Town shall require the user to apply for a Wastewater Discharge Permit as required by this Article. The user shall make application for a Wastewater Discharge Permit, on a form provided by the Town, within thirty (30) days after having received notification from the Town to do so. The user shall provide with the permit application, at the user's own expense, the results of all sampling and analysis of the user's wastewater effluent as the Town may require to accompany the permit application. If so requested by the Town, the user shall collect all required samples in the presence of the Superintendent.

Section 7.11

Every new or existing user of the Town's sewage works who is determined to be a categorical user or significant industrial user as defined in Article I of this Ordinance is required to obtain a wastewater discharge permit from the Superintendent.

Section 7.12

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the Superintendent to prevent waste pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the sewage works. Wastewater discharge permits may impose effluent restrictions or limits on the user if the Superintendent determines that such limits are necessary to protect the quality of the treatment plant influent, effluent, or sludge, or to maintain compliance with any applicable Federal or State law, including requirements under the Town's DEP or NPDES permit and national categorical

pretreatment standards for new and existing sources set forth in 40 CFR Chapter I, Subchapter N Parts 401-471.

Section 7.13

Wastewater discharge permits shall be issued for a specified time period not to exceed five (5) years. A wastewater discharge permit may be issued for a period of less than five (5) years. Each wastewater discharge permit shall indicate a specific date upon which it will expire.

Section 7.14

Wastewater discharge permits shall be issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner or a new user, different premises, or a new or changed operation. To facilitate the issuance of new, separate permits, the Superintendent may allow new owners or individuals to operate under an existing wastewater discharge permit for a period not to exceed ninety (90) days.

Section 7.15

Wastewater discharge permits may contain requirements and compliance schedules for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, any of which would be designed to reduce, eliminate, or prevent the introduction of pollutants into the Town's sewerage works.

Section 7.16

Wastewater discharge permits may contain requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges to the Town's sewerage works.

Section 7.17

Wastewater discharge permits may contain requirements for the installation and maintenance of inspection and sampling facilities and equipment and for the reporting of all results to the Town.

Section 7.18

The Superintendent may modify, at any time, the wastewater discharge permit with good cause.

Section 7.19

Any user who violates any condition of its permit, or of this Ordinance, or of applicable State and Federal statutes and regulations, may have its permit revoked by the Superintendent.

Section 7.20

The Superintendent may require any user to develop and implement an accidental discharge/slug control plan. At least once every two (2) years, the Superintendent shall evaluate whether each significant industrial user needs such a plan. Any user required to develop and implement an accidental discharge/slug control plan shall submit a plan which addresses, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Town of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in this Ordinance; and
- d. Procedures to prevent adverse sewage works impacts from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of

plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

Section 7.21

Where additional pretreatment and/or operations or maintenance activities will be required to comply with this Ordinance, the user shall provide a declaration of the shortest schedule by which the user will provide such additional pretreatment and/or implementation of additional operations and maintenance activities. The Town reserves the right to determine the reasonableness of the proposed schedule, to modify the proposed schedule, or to reject the schedule. The schedule shall contain milestone dates for the commencement and completion of major events leading to the construction and operation of additional treatment required for the user to comply with the requirements of this Ordinance, including, but not limited to, dates relating to hiring an engineer, completing preliminary plans, completing final plans, executing contracts for major components, commencing construction, completing construction, and all other acts necessary to achieve compliance with this Ordinance. No later than fourteen (14) days following each milestone date in the schedule and the final date for compliance, the user shall submit a progress report to the Town including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return to the approved schedule.

Section 7.22

All significant industrial user(s) shall, at a frequency stated in their wastewater permit or as determined by the Superintendent, but in no case less than once per year, submit a report to the Town indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment permit criteria or Ordinance standards and the measured or estimated average and maximum daily flows and loadings for the reporting period. All periodic compliance reports must be signed and certified in accordance with this Ordinance. All

wastewater samples collected must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge. If a user subject to the reporting requirement in this Ordinance or its permit monitors any pollutant more frequently than required, the results of this additional monitoring shall be included in the report.

Section 7.23

Each user must notify the Superintendent in writing of any planned significant changes to its operations or process systems which might alter the nature, quality or volume of its wastewater at least sixty (60) days before the change. No user shall implement the planned changed condition(s) until and unless the Superintendent has responded in writing to the user's notice. Significant changes include, but are not limited to, flow or pollutant load increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

Section 7.24

If sampling performed by a user indicates a violation of their permit or this Ordinance, the user must notify the Superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Superintendent within thirty (30) days after becoming aware of the violation. In the case of any discharge, including, but not limited to, hazardous waste discharges, accidental discharges, discharges of a nonroutine or episodic nature, a noncustomary batch discharge, or a slug load that may cause potential problems for the sewage works, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. Within five (5) days following such a discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss,

damage, or other liability which may be incurred as a result of damage to the sewage works, natural resources or other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Ordinance. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

ARTICLE VIII - ORDINANCE COMPLIANCE MONITORING

Section 8.01

The Superintendent, the Engineer, and other duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Ordinance.

Section 8.02

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

Section 8.03

The Superintendent shall have the authority to set up, on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's waste discharges. The user shall bear the costs of such setup or installation.

Section 8.04

The Superintendent shall require the user to install monitoring equipment as the Superintendent deems necessary. The user's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

Section 8.05

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records or information obtained pursuant to any monitoring activities required by this Ordinance and any additional records or information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include, but not be limited to, the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall be retained by the user for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Town, or where the user has been specifically notified of a longer retention period by the Superintendent.

Section 8.06

Information and data on a user obtained from reports, surveys, wastewater discharge permits and monitoring programs, and from the Town's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Town, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or proprietary information on the user under applicable State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose such confidential information shall not be made available for inspection by the public, but shall be made available immediately, upon request, to State and Federal governmental agencies for uses related to the MEPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR Part 2.302 will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE IX - PROTECTION FROM DAMAGE

Section 9.01

No unauthorized person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenances or equipment which is a part of the sewage works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

Section 9.02

A contractor must present a certificate of insurance showing minimum liability coverage of \$1,000,000/\$2,000,000 for bodily injury and a \$100,000 limit for property damage including collapse and underground coverage before a permit will be issued for construction of building sewers or sewer extensions. Sewer extensions may require higher coverage if so recommended by the Engineer.

ARTICLE X - POWER AND AUTHORITY OF INSPECTORS

Section 10.01

The Superintendent and other duly authorized employees of the Town bearing proper credentials and identifications shall be permitted to enter upon all properties for the purposes of inspection, observation, and measurement sampling and testing in accordance with the provisions of this ordinance.

Section 10.02

If the Superintendent or any other authorized employee has been refused access to any building, structure or property, or any part thereof, for the purpose of inspecting, sampling or otherwise monitoring compliance with this Ordinance, the Town shall seek to secure an Administrative Inspection Warrant pursuant to M.R.Civ.P. 80E. The warrant, if issued by the District Court, shall be executed pursuant to M.R.Civ.P. 80E.

ARTICLE XI - PENALTY

Section 11.01

Any person found to be violating any provision of this Ordinance shall be served by the Town with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 11.02

Any person, individual, firm, corporation or partnership who fails to comply with the provisions of this Ordinance, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to a fine not exceeding one hundred dollars (\$100.00) for each offense. The continued violation of any provision of any section of this Ordinance, other than those pertaining to the payment of charges for services established herein, shall constitute a separate offense for each and every day in which such violation of any provision hereof shall continue.

Section 11.03

The proper authorities of the Town, in addition to other remedies, may institute any appropriate action or proceedings including an injunction to prevent such unlawful use, and to correct or abate such violation and to prevent the occupancy of any building structure or land where said violations of this Ordinance are found.

Section 11.04

Any person violating any of the provisions of this Ordinance shall become liable to the Town for any expense, loss, or damage occasioned the Town by reason of such violation. In addition, the Town of Blue Hill shall be entitled to all relief, including its costs and legal fees as allowed by law. Notwithstanding any provision to the contrary, including the provision of 30 M.R.S.A. Section 4452, as now existing or amended in the future, the Town of Blue Hill shall be

entitled to judgment against any violator for its costs, expert witness fees, code enforcement expenses and attorney's fees incurred in enforcing this Ordinance.

ARTICLE XII - SEWER SERVICE CHARGES

Section 12.01

The source of a portion of the revenues for retiring debt services, for capital expenditures, operations, and maintenance of the public sewage works shall be a Sewer Service Charge assigned to owners of property within limits of the Town whose residence or place of business is connected to the public sewer system. A Sewer Service Charge shall also be made to owners of property in Town on a "readiness to serve" basis, calculated in accordance with the same rate structure established under Section 12.02 of this ordinance.

Section 12.02

Sewer Service Charge rates shall be determined by the Selectmen on a year-to-year basis, and in general, such charges will be determined on a rate structure established by the Selectmen as may be amended from time to time. The Sewer Service Charge will be computed and billed at regular intervals throughout each calendar year, as established by the Selectmen.

Section 12.03

A special service charge shall be established for any industrial or commercial entity or organization who, by virtue of the volume, strength or unusual characteristic of their waste alone, would overload or upset the capacity or efficiency of the sewerage works or any part thereof if such waste entered the public sewer. The Selectmen, after appropriate study and advice from the Engineer, shall establish a Special Sewer Service Charge to the industrial firm by separate agreement with said firm.

Section 12.04

The Selectmen reserves the right, from time to time, to change sewer service charges originally or previously assigned to any property owner.

Section 12.05

The Selectmen may charge interest on delinquent accounts at a rate not to exceed the highest lawful rate.

Section 12.06

There shall be a lien placed on real estate served or benefited by a municipal sewer to secure the payment of sewer service charges duly established hereunder which shall take precedence over all other claims on such real estate excepting only claims for taxes. The Town shall have the same authority and power to collect such sewer service charges as are granted in M.R.S.A. Title 38, Chapter 11, Subchapter III, Section 120B. In addition to the lien established hereby, the Town may bring a civil action against the party so charged for the amount of said sewer service charges in any court competent to try the same, and in such action may recover the amount of such charges with legal interest on the same from the date of said charge plus costs.

ARTICLE XIII - VALIDITY

Section 13.01

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 13.02

The invalidity of any section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

ARTICLE XIV - EFFECTIVE

This Ordinance received its final reading on _____ and was passed by unanimous vote at that time and shall be in full force and effect upon being published in full within ten days after its final passage.

Attest: _____
James Schatz, Selectman

Attest: _____
John Bannister, Selectman

Attest: _____
William Grindle, Selectman

APPENDIX A

TOWN OF BLUE HILL GUIDELINES FOR DESIGN AND CONSTRUCTION OF SEWERS

1. Sewer design including sewer collectors, interceptors, and building services shall be in accordance with the following minimum guidelines:
 - a. Pipe material shall be PVC and manufactured in accordance with ASTM Specification D 3034, or cement lined ductile iron conforming to ASTM Specification A 746; or other material approved by the Town.
 - b. All joints shall be prepared and installed in accordance with the manufacturer's recommendations, and shall be gastight and watertight. Joint materials shall be as follows:
 - (1) PVC - ASTM D 3212
 - (2) Ductile Iron - AWWA C 111
 - c. Minimum internal pipe diameter for gravity collectors and interceptors shall be eight (8) inches and shall be four (4) inches for building sewers that serve a single residence or housing unit. Pipe sizes for building sewers that serve multiple housing units, residences or industrial or commercial concerns shall be determined by Engineer based upon connected fixture unit or design flow analysis as defined under Maine State Plumbing Code or other applicable standards.
 - d. Branch fittings for house services shall be PVC wyes or tees, or PVC or ductile iron saddles, as appropriate, with stainless steel straps and "O-ring" seal set in mastic to affect a watertight connection. Fittings shall be of a style and material designed specifically for connection to sewer material that exists in public way. If, in the opinion of the Town, an appropriate fitting is not available to properly connect the building sewer material to the public sewer material, the Town may require an approved section of suitable sewer material to be spliced into the public sewer. Appropriate splicing connections, Fernco or equal, shall be used to connect the new fitting to either end of the existing public sewer which shall first be cut evenly and smoothly prior to installation of the spliced

section. In no case will connection by hole cutting, pipe protrusion, and mortaring be allowed.

- e. Minimum slope of sewer pipe shall be as in the following table:

	<u>Pipe Diameter</u>	<u>Minimum Slope in Feet Per 100 Feet</u>
Building services	4"	2.08 (1/4" per foot)
	6"	1.04 (1/8" per foot)
Sewer lines	8"	0.40
	10"	0.28
	12"	0.22
	14"	0.17
	15"	0.15
	16"	0.14

- f. Sewer pipe shall be laid on a minimum 6" of screened gravel or crushed stone bedding material.

- g. Screened gravel shall have the following gradation:

<u>Sieve Size</u>	<u>% By Weight Passing</u>
1 inch	100
3/4 inch	90 - 100
3/8 inch	20 - 55
#4 mesh	0 - 10
#8 mesh	0 - 5

- h. 3/4" Crushed Stone: Durable, clean angular rock fragments obtained by breaking and crushing rock material. Sieve analysis by weight:

<u>Sieve Size</u>	<u>% Passing by Weight</u>
1"	100
3/4"	95 - 100
1/2"	35 - 70
3/8"	0 - 25
No. 200	0 - 2

- i. The screened gravel bedding shall be brought to at least twelve (12) inches over the top of the pipe.
- j. Backfill material shall be placed and compacted. Suitable backfill material shall be the following or a combination of the following:
 - (1) Excavated material that will compact to the compaction requirements.
 - (2) Native material that does not contain rocks larger than 3" in any dimension.
 - (3) Dry clay backfill free from lumps.
 - (4) Wet clay that alone would pump, but when mixed with sand and/or gravel will be stable and will compact.
- k. Compaction densities specified herein shall be the percentage of the maximum density obtainable at optimum moisture content as determined and controlled in accordance with ASTM D 698, depending on the material size. Field density tests shall be made in accordance with ASTM D 1556 (Sand-Cone Method), ASTM D 2167 (Rubber Balloon Method), or ASTM D 2922 (Nuclear Method). Each layer of backfill shall be moistened or dried as required, and shall be compacted to the following densities:

(1) Pipe bedding material and trench sand	92%
(2) Suitable backfill under paved or shoulder areas	95%
(3) Gravel base:	
(a) Under paved areas	95%
(b) In shoulder areas	95%
(4) Unpaved areas	90%
(5) Beside structures: foundation walls, retaining walls, and tank walls	95%
- l. A minimum pipe wall thickness of SDR 35 shall be used for all sewer lines and services. Minimum pipe thickness for deep burial or special

applications shall be determined by methods outlined in ASCE Manuals and Reports on Engineering Practice - No. 60/WPCF Manual of Practice - No. FD-5 "Gravity Sanitary Sewer Design and Construction", latest edition.

- m. All excavations required for the installation of sewers shall be open trench work unless approved otherwise by the Town. No backfill shall be placed until the work has been inspected by the Town or authorized representative.
- n. The depth of new sewer collectors, interceptors and building services sewers shall be sufficient as determined by the Town to afford protection from frost, but in no event shall be less than five (5) feet to the crown of the pipe. The building sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only at a manhole in the public way or with pipe and fittings with a vertical cleanout to grade on private building sewers. The ends of building sewers, which are not connected to the building drain of the structure for any reason, shall be sealed against infiltration by a suitable stopper, plug, or other approved means.
- o. Manholes shall be constructed at all changes in slope or alignment or at intervals not exceeding 400 linear feet, unless acceptable to the Superintendent, and shall be precast concrete.
 - (1) Precast manhole sections shall conform to ASTM C 478; cement shall be Type II with a minimum compressive strength of 4,000 psi.
 - (2) Precast base and barrel sections shall have tongue and groove joints, with two strips of 1" diameter butyl rubber base joint sealant that permits installation in temperatures from -20°F to 120°F, as manufactured by Kent Seal or equivalent.
 - (3) Each section of the precast manhole shall have two (2) holes for the purpose of handling and setting. These holes shall be tapered and shall be plugged with nonshrink mortar or grout in combination with concrete plugs after installation.

- (4) Pipe to manhole joints shall be Interpace CP Series, flexible utility access hole sleeve, manufactured to fit diameter and size of pipe without use of gaskets, "Link-Seal Century Line" Model CS100 by Thunderline Corporation with sleeve seal equal to "Link-Seal", or equivalent.
- (5) All manholes shall be wrapped in a minimum of 4 layers of high grade polyethylene frost wrap 6 mils thick to a minimum depth of 7 feet.
- (6) Dampproofing for concrete shall be semi-mastic type Horn "Dehydratine #4," "RIW Marine Emulsified Liquid" by Toch Bros., Inc., "Hydrocide 600" by Sonneborn, or equivalent.
- (7) Manhole rungs shall be Aluminum alloy 6061-T6, reinforced plastic rungs, or polypropylene reinforced with steel rod, with a minimum width of 14", 12" on center. Aluminum to be cast into concrete must be coated with bituminous paint.
- (8) After the excavation has been done and leveled, one (1) foot of ¾" crushed stone bedding material shall be placed in the bottom of the excavation, leveled, and thoroughly compacted.
- (9) Precast concrete manhole sections shall be set so as to be vertical and with sections in true alignment, 1/4-inch maximum tolerance to be allowed.
- (10) The top of the precast reinforced concrete unit shall be set at a grade that will allow a minimum of one and a maximum of three precast concrete risers before setting the cast iron frame and cover.
- (11) The inside and outside of the masonry work of all manholes shall be plastered with a 1:2 Portland cement mortar. The thickness of the mortar shall be one-half (1/2) inch, and the mortar shall be carefully spread and thoroughly troweled, leaving a smooth, substantially waterproof surface. The mortar shall be extended to completely cover the outside and inside surfaces of all masonry work.

- (12) The concrete manholes shall have a channel passing through the bottom which corresponds in shape with the lower two-thirds of the pipe. Inverts shall be cast in place or precast concrete, 3000 psi minimum strength. Side inverts shall be curved and main inverts (where direction changes) shall be laid out in smooth curves of the longest possible radius. The top of the shelf shall slope to drain towards the flow through channel.
- (13) Manholes shall be constructed as the sections of the pipelines between them are completed, and, unless this is done, the Superintendent shall have the authority to stop trenching and pipe laying until manhole construction is brought up properly. All ground water shall be kept away from any newly placed concrete or freshly laid masonry work until new cement has properly set and a watertight job is obtained.
- (14) All surfaces to be dampproofed shall be clean, smooth, dry, and free from loose material. Brush the dampproofing onto the outside concrete manhole surface and fill all voids. Apply in two (2) coats and conform to the covering capacity of the material used in strict accordance with the manufacturer's recommendations and directions and applied by the manufacturer of the manholes. Contractor shall apply dampproofing to masonry. Do not apply dampproofing in freezing or wet weather.
- (15) Iron castings for manhole frames and covers shall be the same as used on the Town's existing sewer system or equivalent.
 - (a) Manhole frames and covers shall be ductile iron free from cracks, holes, swells, and cold shuts. The quality shall be such that a blow from a hammer will produce an indentation on an edge of the casting without flaking the metal. Frames and covers shall be machine seated and provided with a gasket so as to provide a tight, even fit.
 - (b) Covers shall be solid and shall have the word "SEWER" (3" high) cast on the top. Frames and covers shall be certified as

meeting H-20 loading and shall be compatible with existing frames and covers.

- (c) Casting shall be given one (1) coat of cold-tar pitch varnish at the factory before shipment, and said coating shall be smooth and tough and not brittle.
- (d) Frames shall be set concentric with the top of the masonry and in full bed of mortar so that the space between the top of the manhole masonry and the bottom flange of the frame shall be completely filled and made watertight. A thick ring of mortar extending to the outer edge of the masonry shall be placed all around and on top of the bottom flange. Mortar shall be smoothly finished and have a slight slope to shed water away from the frame.

2. All sewers shall satisfy requirements of a leakage test before they are accepted by the Town. The leakage test shall be as follows:

- a. For each size of pipeline, an initial leakage test shall be made on the first section of the pipeline completed between two adjacent manholes. Thereafter, the leakage tests shall be made on sections of approved lengths of completed pipeline, which in no case shall exceed 1,000 feet.
- b. Each section shall be tested upon its completion.
- c. Air checking of sewer lines shall be as follows:
 - (1) After backfilling sewer line from manhole to manhole, the Contractor shall conduct an air leakage test in the presence of the Superintendent, using low pressure air.
 - (2) The equipment used shall meet the following minimum requirements:
 - (a) Pneumatic plugs shall have a sealing length equal to or greater than the diameter of the pipe to be inspected.

- (b) Pneumatic plugs shall resist internal test pressures without requiring external bracing or blocking.
 - (c) All air used shall pass through a single control panel.
 - (d) Three individual hoses shall be used for the following connections:
 - (i) From control panel to pneumatic plugs for inflation.
 - (ii) From control panel to sealed line for introducing the low pressure air.
 - (iii) From sealed line to control panel for continually monitoring air pressure rise in the sealed line.
- (3) Procedures:
- (a) All pneumatic plugs shall be seal tested before being used in the actual test installation. One length of pipe shall be laid on the ground and sealed at both ends with the pneumatic plugs to be checked. Air shall be introduced into the plugs to 25 psig. The sealed pipe shall be pressurized to 5 psig. The plugs must hold against this pressure without having to be braced.
 - (b) After a manhole to manhole reach of pipe has been backfilled and cleaned, and the pneumatic plugs are checked by the above procedure, the plugs shall be placed in the line at each manhole and inflated to 25 psig. Low pressure air shall be introduced into this sealed line until the internal air pressure reaches 4 psig greater than the average back pressure of any ground water that may be over the pipe. At least two minutes shall be allowed for the air pressure to stabilize.
 - (c) After the stabilization period (3.5 psig minimum pressure in the pipe), the air hose from the control panel to the air supply shall be disconnected. The portion of line being tested shall

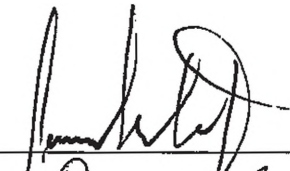
- (d) If the installation fails to meet this requirement, the Contractor shall, at his/her own expense, determine the source of the leakage. He/she shall then repair or replace all defective materials and/or workmanship.
- d. Manholes shall be tested by plugging the pipes and filling the utility access holes with water for an exfiltration test, or by an air vacuum test.
- (1) Water exfiltration test:
 - (a) Fill manholes to allow for concrete absorption, and leave overnight.
 - (b) On the following morning, fill manhole to a level no less than one (1) foot above the beginning of the utility access hole taper, and test for 8 hours.
 - (c) Water level shall be carefully marked, and at end of following 8-hour period, sufficient water shall be added to bring water level back to mark. Water added shall be supplied from a metered source and quantity so added shall be converted to gallons per day lost through manhole leakage.
 - (d) The loss of water shall be less than one (1) gallon per day per foot of depth of manhole.
 - (e) If the measured exfiltration exceeds the allowable rate, the necessary repairs shall be made by the Contractor, to reduce the leakage.
 - (f) In areas with a high groundwater table, the Superintendent may require a visual infiltration test rather than an exfiltration test. In this case, all leaks or weepings visible from the inside of the manhole shall be repaired, and the manhole made watertight.


(2) Air vacuum test:


- (a) Manholes shall be tested by a vacuum test immediately after assembly of the manholes and connecting pipes and before any backfill is placed around the manholes, and again after backfilling.
 - (b) All lift holes shall be plugged with nonshrink grout and all pipes entering the manhole shall be plugged, taking care to securely brace the plugs and pipe.
 - (c) The test shall be made using an inflatable compression band, vacuum pump and appurtenances specifically designed for vacuum testing manholes. Test procedures shall be in accordance with the equipment manufacturer's recommendations.
 - (d) After the testing equipment is in place, a vacuum of 10" of Hg shall be drawn on the manhole. The manhole will be considered to have passed the test if the vacuum does not drop more than 1" of Hg in one minute.
- (e) If the manhole fails the initial test, the Contractor shall locate the leakage and make proper repairs as directed by the Superintendent, and re-tested until a satisfactory test result is obtained.

**AMENDMENT TO THE TOWN OF BLUE HILL 1974
SEWER ORDINANCE (UPDATED AND REPLACED
SEPTEMBER 24,2003)**

Effective Date: April 1, 2011

Certified By:  4/7/11
Donald B. Gray 4/7/11
John Banister 4/7/11
Municipal Officers Date

Attest True Copy:  4-7-11
Town Clerk

ATTEST TRUE COPY
Date 4-7-11
Signature 

In Reference to Article 22 Page 79 in Town Report

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ARTICLE II - USE OF PUBLIC SEWERS REQUIRED

Section 2.01

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Town of Blue Hill, or in any area under jurisdiction of said Town, any human or animal excrement, garbage, grey water or other objectionable waste. The term "Unsanitary manner" shall not include reasonable spreading of animal excrement or other fertilizer in farming or animal husbandry operations.

Section 2.02

It shall be unlawful to discharge to any watercourse within the Town of Blue Hill, or in any area under the jurisdiction of said Town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Ordinance and the requirements of State, Federal, and all other local laws.

Section 2.03

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage, except where no sewage facilities are available and subject to the State of Maine Subsurface Disposal Rules.

Section 2.04

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes requiring the disposal of sewage situated within the Town and abutting on any street, alley, or right-of-way in which there is located a public sanitary sewer of the Town is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly to the proper public sewer in accordance with the provisions of this Ordinance, within ninety (90) days after date of official notice by Selectmen to do so, provided that ~~said public sewer is within two hundred (200) feet of the property line as measured along any public way~~ any portion of said public sewer is within 200 feet of any structure meeting the above classification, provided, however, that the Owner of any house, building or property, existing and connected to a private sewage disposal system prior to the effective date of this Ordinance may remain connected to such private sewage disposal system, when no hazard, nuisance or unsanitary condition is evident and when written permission has been obtained from a committee consisting of the Selectmen, the Local Health Officer, and the Local Plumbing Inspector. This written permission may be withdrawn by this committee at any time in the sole discretion of said committee.

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TOWN OF BLUE HILL

Shoreland Zoning Ordinance

Effective Date: May 23, 1994

Amended: March 19, 1994

Certified By: Robert Emerson 7/1/94
Julia Danico 7/1/94
John R. Barnister 7/1/94
Municipal Officers Date

Attest: True Copy Jannette L. Poudage 7/1/94
Town Clerk Date

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Shoreland Zoning Ordinance for the Municipality of
Blue Hill

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 shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

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, or saltwater body; within 250 feet, horizontal distance, of the upland edge of a coastal wetland; within 250 feet of a freshwater wetland rated by the Maine Department of Inland Fisheries and Wildlife as having moderate or high value; within 250 feet of freshwater wetlands where (1) any outlet stream(s) are not shoreland zoned stream protection, and (2) the wetland is rated low value or not rated by the Maine Department of Inland Fisheries and Wildlife; within 75 feet of freshwater wetlands where (1) any outlet stream(s) are zoned stream protection, and (2) the wetland is rated low value or not rated by the Maine Department of Inland Fisheries and Wildlife; 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 or located beyond the normal high-water line of a water body or within a wetland.

Section 4. Effective Date and Repeal of Formerly Adopted Ordinance

This Ordinance, which was adopted by the municipal legislative body on _____, 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 of Environmental Protection 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 September 24, 1974 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 Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

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(s) which is (are) made a part of this Ordinance:

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. Commercial Fisheries/Maritime Activities
5. Stream Protection

B. Scale of Map

The Official Shoreland Zoning Map is drawn at a scale of 1 inch = 2000 feet.

C. Certification of Official Shoreland Zoning Map

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

D. Changes to the Official Shoreland Zoning Map

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

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.

Further Limitations:

- 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 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; that 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, basing its decision on the criteria specified in subsection 2. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet.
- c. No structure which is less than the required setback from the normal high-water line of a

water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

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 reconstructed 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 code enforcement officer.

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, including water dependent uses in the CFMA district, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C) (4) above.

E. Non-conforming Lots

1. Non-conforming Lots: A non-conforming lot of record as of the effective date of this 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 law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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.

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 Commercial

Fisheries/Maritime Activities Districts need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value 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 thru 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 or 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.

2. Flood plains defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or the flood of record whether mapped or not, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps.
3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
5. Lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.
6. Other important wildlife habitat, natural sites of significant scenic or aesthetic value, natural areas of significance to be protected from development, and other areas as are specifically designated in this Ordinance.

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 Commercial Fisheries/Maritime Activities District.

C. Limited Commercial District

The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection 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. Commercial Fisheries/Maritime Activities District

1. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- a. Shelter from prevailing winds and waves;
- b. Slope of the land within 250 feet, horizontal distance, of the normal high-water line;
- c. Depth of the water within 150 feet, horizontal distance, of the shoreline;
- d. Available support facilities including utilities and transportation facilities; and
- e. Compatibility with adjacent upland uses.

2. Activities considered compatible with the CF/MAD designation include but are not limited to traditional commercial fishing enterprises, public shore front parks, recreational boating facilities and excursion vessels and similar functionally water dependent uses. Uses not considered compatible include but are not limited to the following: canneries, fish processing of any kind, (excluding transfer from a vessel to land transportation for removal from the site).

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 saltwater body, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is 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

LC - Limited Commercial

CFMA - Commercial Fisheries/Maritime Activities

SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

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

¹ In RP not permitted within 75 feet of the normal high-water line of great ponds, except to remove safety hazards.

² Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³ In RP not permitted in areas so designated because of wildlife value.

⁴ Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁵ Functionally water-dependent uses and uses accessory to such water dependent uses.

⁶ See further restrictions in Section 15(K)(L).

⁷ Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.

⁸ If the area is zoned RP due solely to flood plain criteria, change of use of an existing structure from one to two family residential or from one or two family residential to commercial or from commercial to one or two family residential is allowed with a permit from the planning board provided that: the change of use is compatible with the nearest adjacent shoreland district; there is no increase in the building footprint, building volume, or square footage of floor area; no new fill is required. (New) single family residential structures may be allowed by Special Exception only according to the provisions of Section 16.E. Special Exceptions. Two-family residential structures are not permitted.

⁹ Except 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.

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;
- C. Filling, including adding sand or other material to a sand dune; or
- D. 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

1.

Minimum	<u>Lot Area (sq.ft.)</u>	<u>Minimum Shore Frontage (ft.)</u>
<u>Residential per dwelling unit</u>		
a. Within the Shoreland Zone Adjacent to Tidal Areas	40,000	150
b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
<u>Governmental, Institutional, Commercial or Industrial per principal structure</u>		
a. Within the Shoreland Zone * Adjacent to Tidal Areas Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
b. Within the Shoreland Zone * Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(Any residential dwelling unit permitted shall con- form to all of the provisions contained in this ordinance for residential dwelling units.)		
c. Within the Shoreland Zone * Adjacent to Non-tidal Areas	60,000	300
<u>Public and Private Recreational Facilities</u>		
a. Within the Shoreland Zone Adjacent to Tidal and Non- Tidal Areas	40,000	200

Footnote: In LC zone minimum lot requirements shall not apply to existing building footprints even if use changes occur or intensity of use increases.

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
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.

Clustered housing is permitted 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 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 Limited Commercial District the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback.

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. 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 where 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 Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent for water dependent uses.
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 Protection 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, Wharfs, 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 Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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 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 this 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 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 (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses

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

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations, including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving, and furniture stripping
- f. Dry cleaning establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. 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
- k. Photographic processing
- l. Printing

G. Parking Areas

1. Parking areas shall meet the shoreline setback

requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the Commercial Fisheries/Maritime Activities Districts 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 stormwater 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 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/or 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 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.
4. 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.
5. Road grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
6. 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.
7. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow 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:

<u>Road Grade (Percent)</u>	<u>Spacing (Feet)</u>
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 downslope 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.
8. 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 (including sand, gravel and loam)

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 3 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 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. 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. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area.

Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

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

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 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.
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 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 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. Within the strip of land extending 75 feet inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
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 and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no 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 and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet 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.
 - b. 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.

- c. Timber harvesting equipment shall not use stream channels as travel routes except when:
 - i. Surface waters are frozen; and
 - ii. The activity will not result in any ground disturbance.
- d. 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.
- e. 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.
- f. 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 two hundred fifty (250) feet, horizontal distance, inland from the normal high-water line of a great pond 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. Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No vegetation may be removed if mineral soil would be exposed.

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.

- b. In order to protect water quality and wildlife habitat, adjacent to great ponds and streams which flow to great ponds the ground cover shall not be removed.
- c. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- d. 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.
- e. 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 including land previously developed. This provision shall not apply to the Commercial Fisheries/Maritime Activities District.
- f. 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.
- g. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section P.

Q. Erosion and Sedimentation Control

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

- b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - 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 wherever 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, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. 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 rip-rap.

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 Sites

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.

Section 16. Administration

A. Administering Bodies and Agents

1. Code Enforcement Officer

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

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 plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

D. Procedure for Administering Permits

Within 35 days of the date of receiving a 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 within 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 one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

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 and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
8. Will avoid problems associated with flood plain development and use; and
9. 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 and outside the velocity zone in areas subject to tides, 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.
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 100 feet from the normal high-water line of great ponds and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. 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 two years of the date of the permit, the permit shall lapse and become void.

G. Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may 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. Following installation of service, the company or district shall forward the written authorization to the

municipal officials, indicating that installation has been completed.

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 enforcement or 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. Except as provided for in Subsection E, 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 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.
- e. Disability variance. The board 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. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, section 4553.
- 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 by 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 an 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 the vote on the original 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.

A vote to reconsider and the action taken on that reconsideration must occur and be completed within 30 days of the date of the vote on the original decision.

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

4. 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.

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, estuarine, or marine plant or animal species.

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.

Coastal wetland - all tidal and subtidal lands; all lands below any identifiable debris line left by tidal action; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

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; other uses that are not home occupation, residential or industrial.

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

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 - the construction, alteration or maintenance of 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 weeks or months to a use's operating season; additional hours of operation; 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.

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.

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 which are:

1. Of ten or more contiguous acres; or of 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, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, and uses which primarily provide general public access to marine or tidal 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 has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where

the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Height of a structure - the vertical distance between the mean original grade at the uphill 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 - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than four (4) persons other than family members residing in the home.

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 marine 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.

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

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

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

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 great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Outlet stream - any perennial or intermittent stream, as shown on the most recent edition of the 7.5 minute series topographic map produced by the United States Geological Survey, that flows from a freshwater wetland.

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, wharfs, 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	Cornish	Charles
Fryeburg	Hadley	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.

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.

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.

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

Salt meadow - Areas which support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

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, river, or saltwater body; within 250 feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

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

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

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, stream or tidal area.

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.

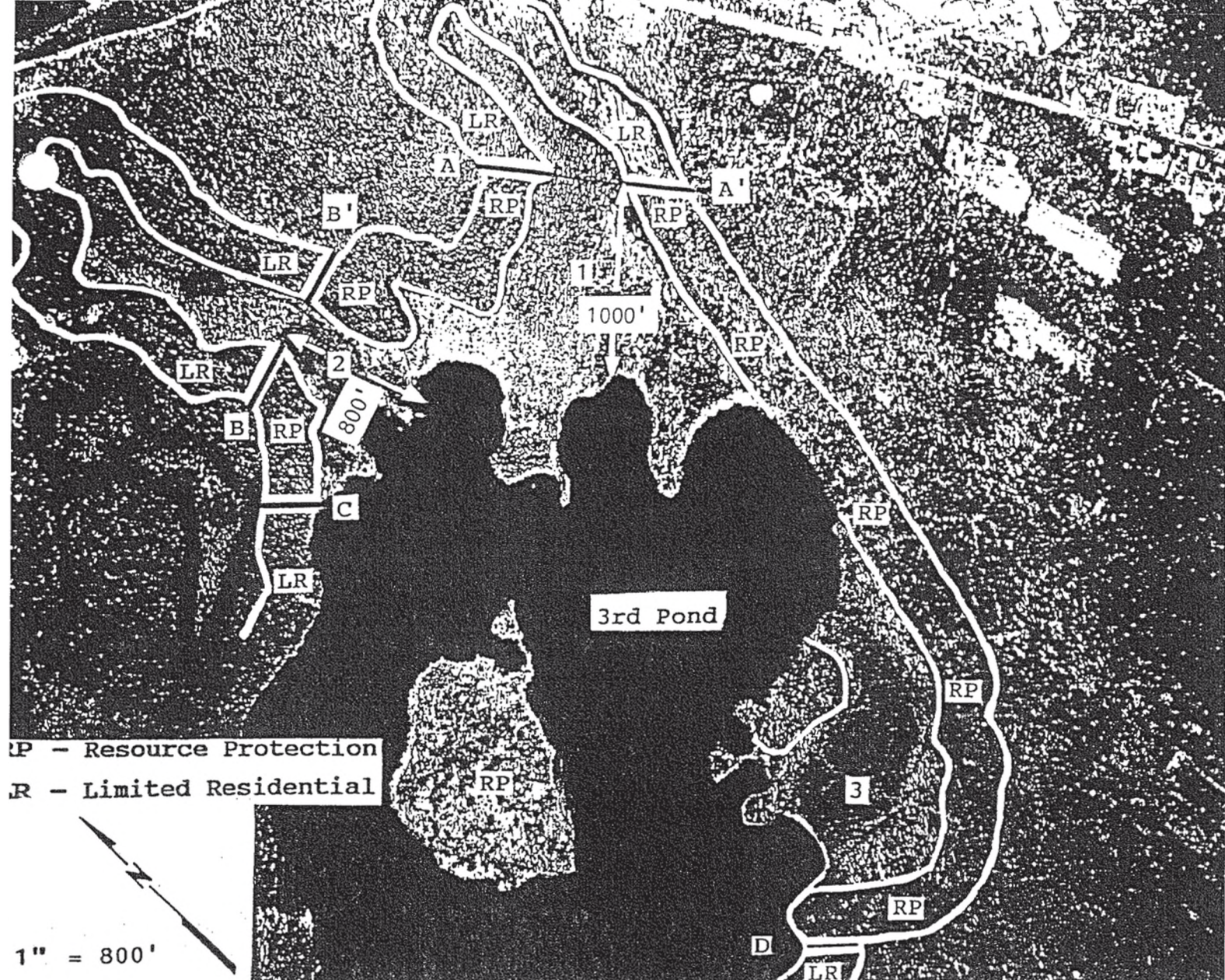
Wetland - a freshwater or coastal wetland.

Wetlands associated with great ponds - wetlands contiguous with or adjacent to a great pond, and which during normal high water, are connected by surface water to the great pond. Also included are wetlands which are separated from the great pond 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. Wetlands associated with great ponds are considered to be part of that great pond or river.

ADDENDUM

Due to map scale, certain specific Shoreland Zone boundaries on First, Second, Third, and Toddy Ponds could not be clearly defined on the Official Shoreland Zoning Map for the Town of Blue Hill. The following maps depict those specific zone boundaries.

The base for these maps was photocopies of aerial photography (1" = 800'). The original aerial photographs are available for review at the Blue Hill Town Office.



RP - Resource Protection
 LR - Limited Residential

1" = 800'

The Town of Blue Hill has designated certain areas of wetlands 1, 2, and 3 as resources warranting special protection.

Zone boundaries and/or division lines for these areas are as follows:

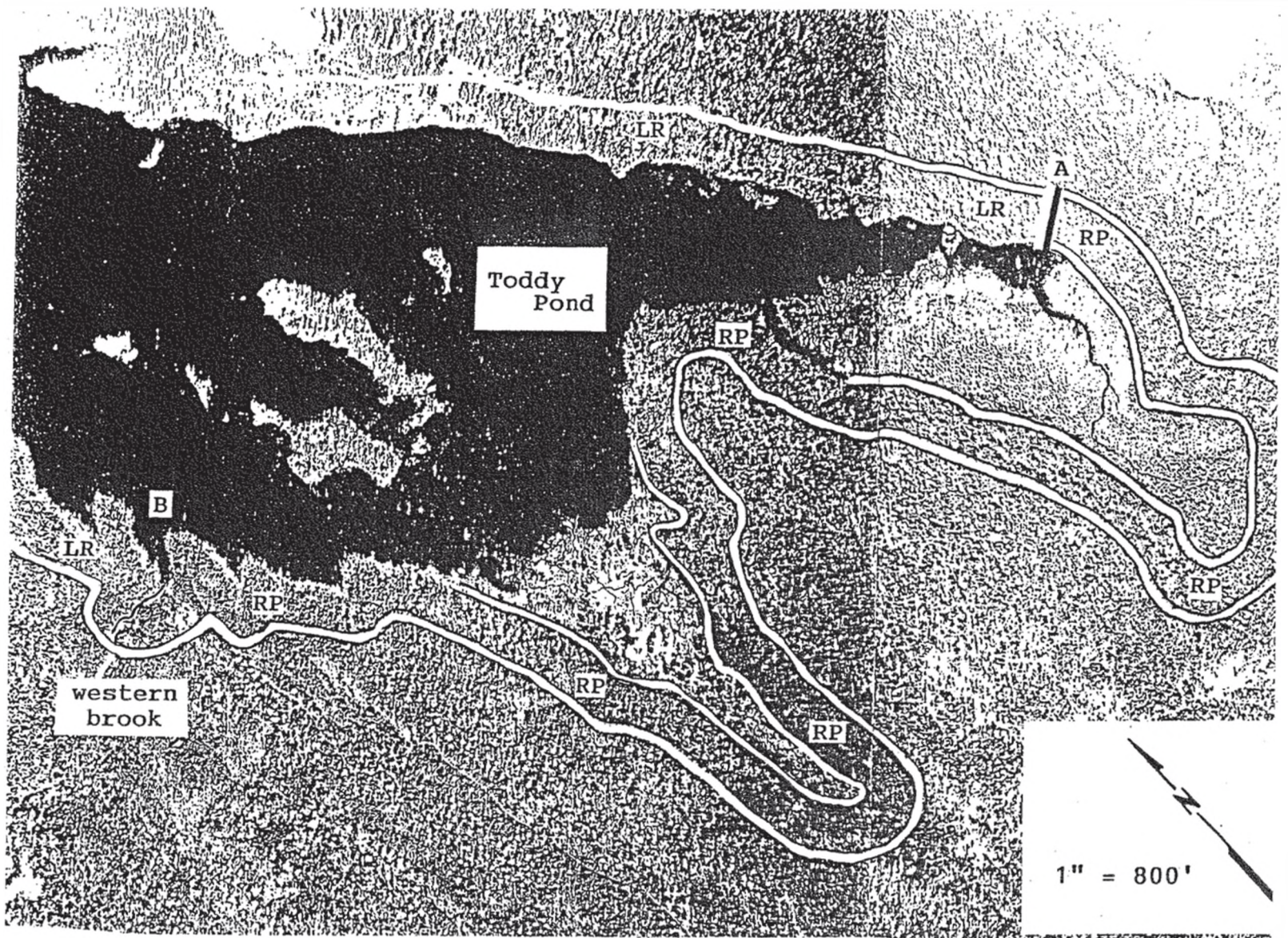
Zone division line A to A' is located approximately 1000' northeasterly of the most northeasterly edge of the open water of the designated cove in 3rd Pond as shown above. It is intended that the division line begins at point A and bisects a forested point of land that extends into the wetland from the northwest. The line extension crosses the wetland southeasterly to a point on the opposite side where a brook enters a small area of open water at the edge of the wetland. The division boundary then continues this same course, away from the upland/wetland boundary 250' to point A'.

Zone division line B to B' is located approximately 800' northwest of the point in 3rd Pond as shown above. It is intended that the division line bisect a forested point extending into the wetland. The course of this line then extends across the wetland to point B'. Points B and B' are each located 250' away from the the boundary where the emergent marsh and/or scrub-shrub wetland boundary becomes forested wetland or upland. Setback in LR zone north of B - B' is 75'.

Zone division line C begins on the shore of 3rd Pond, 75' southwest of the centerline of a small brook at its entry point into 3rd Pond and extends away from the shoreline 250' on a course of N45°W (mag).

Zone division line D begins on the shore of the designated cove in 3rd Pond at the most southeasterly reach of the open water in the cove, and extends away from the shore line 250' on a course of S45°E (mag).

The remainder of the shoreline of 3rd Pond is in the Limited Residential zone (excepting 100 year flood plain areas and Mary Jane Island)



LR - Limited Residential

RP - Resource Protection

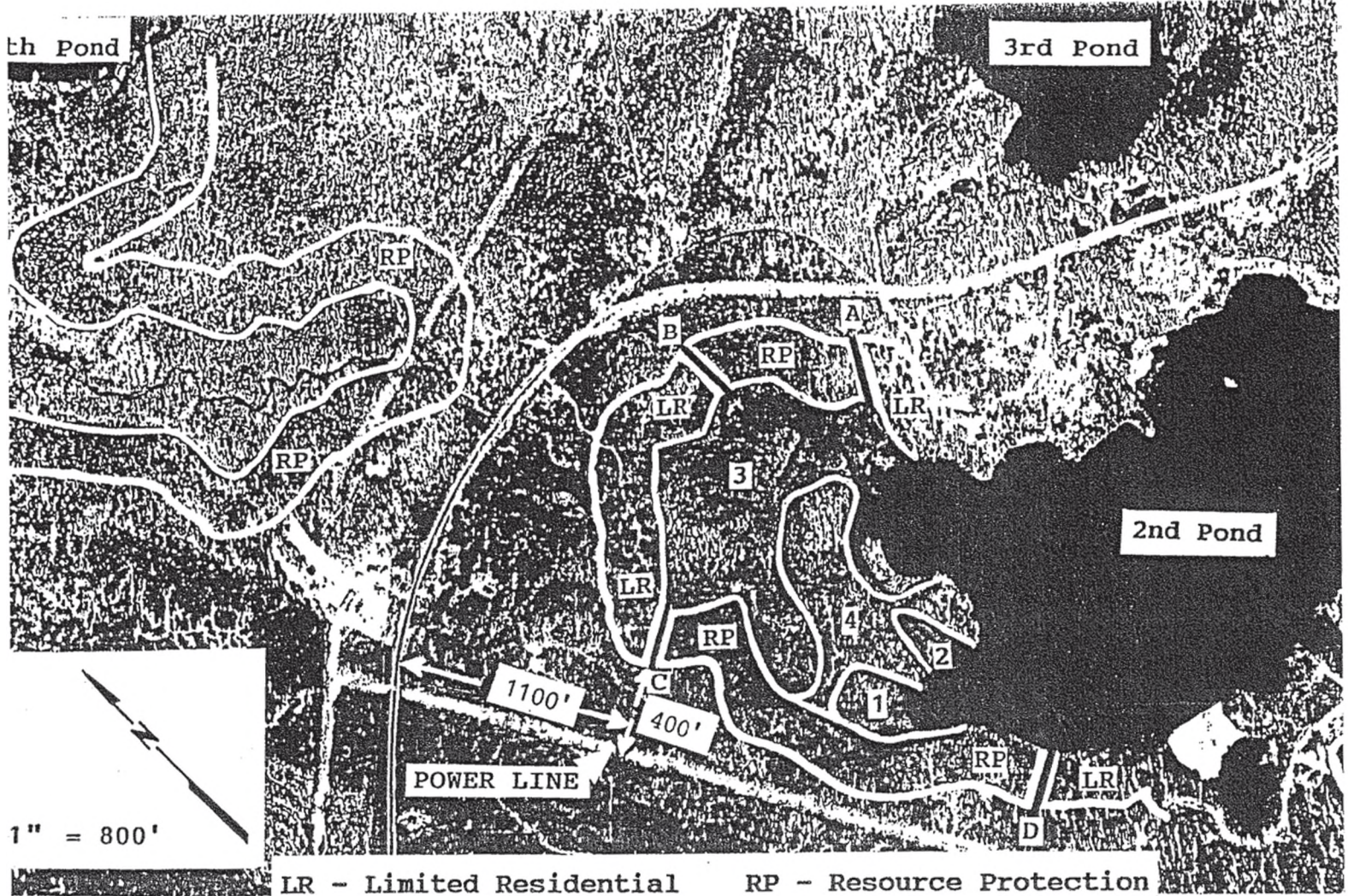
The Town of Blue Hill has designated certain wetlands and shoreline areas of Toddy Pond as resources warranting special protection.

Zone boundaries and/or division lines for these areas are as follows:

Zone division line A shall be the center of the small brook.

Zone division line B shall be the center of Western Brook.

The remainder of the shoreline of Toddy Pond located in Blue Hill is in the Limited Residential Zone (excepting 100 year flood plain areas).



The Town of Blue Hill has designated wetland areas 1, 2, and 3 as resources warranting special protection.

Zone boundaries and/or division lines for these areas are as follows:

All of area 4 falls within the 250' Resource Protection zone that surrounds areas 1, 2, and 3.

Resource Protection Zone AB. Zone division line A shall be the common property line of lots 45, 46, and 88 of map 27. Zone division line B shall be the center of the brook that runs from 3rd Pond to 2nd Pond. The zone extends 250' back from the upland edge of the wetland associated with the normal high waterline of 2nd Pond.

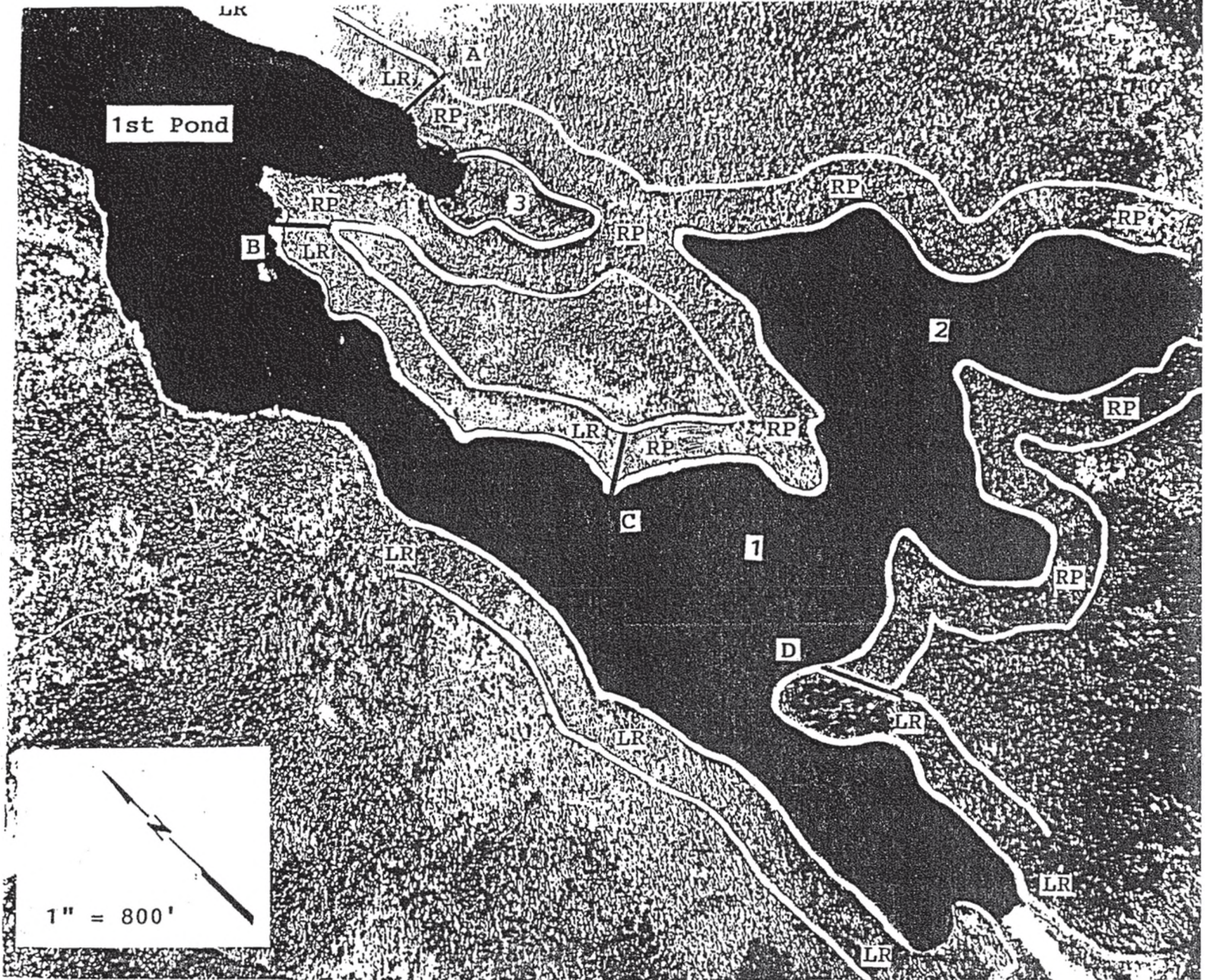
Limited Residential Zone BC. This zone shall extend 75' back from the upland edge of the wetland associated with the normal high waterline of 2nd Pond. It abuts the Resource Protection Zones described in the immediately preceding and succeeding paragraphs.

Resource Protection Zone CD. The Zone boundary and division line C shall be located as follows: Starting at the centerline of Rt. 15 where the 44KVA power line leading to the Blackhawk Mine crosses Rt. 15; then, in a southeasterly direction along the power line, 1100'; then, from the center of the power line clearing, follow a right angle course away from the power line clearing in a northeasterly direction 400' to point C which is the beginning of the Resource Protection Zone. The dividing line between Resource Protection and Limited Residential Districts shall continue this same northeasterly course away from point C for 250'. Zone division line D shall be located along the common line between lots 88 and 97 of map 27. At this point the Resource Protection Zone is 250' from the normal high water line of 2nd Pond. All other intermediate points of zone CD shall be located by offsets from the power line clearing in accordance with this map.

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The remainder of the shoreline of 2nd Pond is in Limited Residential Zone (excepting 100 year flood plain areas).

All distances shall be horizontal measurements.



LR - Limited Residential RP - Resource Protection

The Town of Blue Hill has designated open water area 1, open water area and wetland area 2, and wetland area 3 as resources warranting special protection.

Zone boundaries and/or division lines for these areas are as follows:

Zone division line A shall be the center line of the small brook that enters the center of the cove.

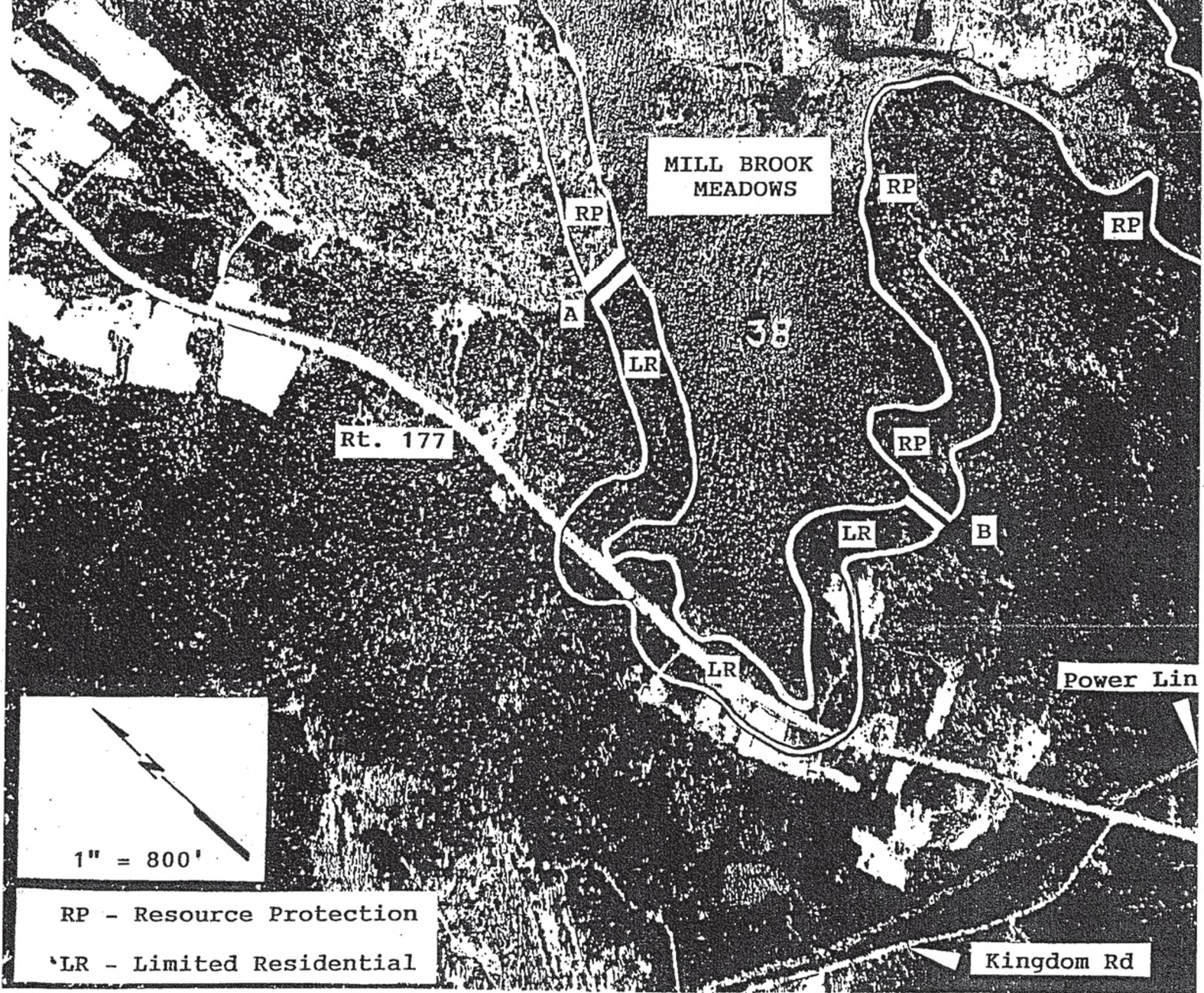
Zone division line B shall be parallel to and 250' from the immediate shoreline to the northeast.

Zone division line C shall bisect the point of land.

Zone division line D shall be parallel to and 250' from the immediate shoreline to the west/south west.

The remainder of the shoreline of 1st Pond is in the Limited Residential Zone (excepting 100 year flood plain areas).

All distances shall be horizontal measurement.



The Town of Blue Hill has designated all of Mill Brook Meadows, so called, Resource Protection District except for a westerly portion near Rt. 177 that is designated Limited Residential.

Zone division lines for the Limited Residential and Resource Protection districts are as follows:

Zone division line A is the common boundary line (running approx. east-west) between lots 13 and 14 on tax map 35.

Zone division line B is the common boundary line (running approx. north-south) between lots 7 and 10 on tax map 35.

Setbacks are 75' in the LR Zone and 250' in the RP Zone of Mill Brook Meadows.

BLUE HILL
AMENDMENTS TO
THE SHORELAND ZONING ORDINANCE

Effective Date : March 16, 2002

Amended:

Certified By: John R. Bannister

[Signature]

[Signature]

Municipal Officers

Attest: True Copy Sharon A. Grindle

Town Clerk

PROPOSED AMENDMENTS TO THE BLUE HILL
SHORELAND ZONING ORDINANCE

Change 1. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 17. Definitions

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

Freshwater Wetland – freshwater swamps, marshes, bogs and similar areas*, which are:

This definition specifically excludes forested wetlands except those forested wetlands occurring in or adjacent to areas on 1st Pond (Billings), 2nd Pond (Douglass), 3rd Pond (Woods), and Toddy Pond designated as Resources Warranting Special Protection. In those areas, the Shoreland Zoning Ordinance map illustrations and descriptions shall take precedence in defining both the protected resource and the setback.

Rationale: Legislative changes in 1992 clarified the types of wetlands Towns must Shoreland Zone. Blue Hill revised certain wetland areas to reflect the legislative change and applied that change since. However, due to an oversight, the Town of Blue Hill never formally adopted the enabling definitions, but, nevertheless, has applied them since 1992. Adopting this amendment simply reflects practice since 1992 and removes a 'nonconforming lot' label from any such projects or lots approved by the Planning Board and Code Enforcement Officer since that time. The special protection around loon nesting sites remains by including a specific reference to the four ponds and the Shoreland Zoning Ordinance map illustrations and descriptions.

Change 2. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 15. Land Use Standards. Paragraph A. Minimum Lot Standards, Residential Per Dwelling Unit. a. Within the Shoreland Zone adjacent to Tidal Areas, Lot Area (sq. ft.) **37,500**.

Rationale: At present the Ordinance Requires 40,000 sq. ft. However, the ordinance also requires a minimum of 150' of shore frontage. The product of a 250' wide Shoreland Zone and the minimum frontage of 150' is 37,500 sq. ft., not 40,000 sq. ft. Any lots approved by the Planning Board with the minimum

frontage are probably nonconforming. This amendment simply promotes consistency in the ordinance and removes a potential 'nonconforming lot' label from any such lots/projects already approved.

Change 3. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 15. Land Use Standards, Paragraph B. Principal and Accessory Structures. 1. "and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback **except when the land use is residential. Any structure used for residential purposes shall be setback 75"**".

Rationale: There is no point in trying to preserve water access for fishery/maritime uses if the parcel can be used for residential purposes and even subvert the intent of a setback.

Change 4. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

K. Septic Waste Disposal, 1.,

Eliminate subparagraph a.

Rationale: The subsurface wastewater disposal system has to be installed in conformance with the Rules anyway including a 100' setback for the disposal portion of the system, i.e., the chambers, stone bed, etc. However, the Rules provide for installation of a septic tank of monolithic construction, or, one proven to be watertight, within 50' of a major waterbody. This amendment, by eliminating the 'no waiver' clause, would eliminate the need in some cases for a grinder pump where gravity to a septic tank is not possible.

As a practical matter, Health Engineering considers the "associated piping" of a subsurface wastewater disposal system as commencing 8' from the dwelling, i.e., from the end of the building drain which is the point where the building sewer by definition commences. If the minimum setback is 100' from the system including any components thereof, technically one has to measure the 100' setback from the end of the building drain/beginning of the building sewer. As a practical matter, I do not recall Code Enforcement Officers, Planning Boards, and LPI's ever considering this.

Amendment to the Blue Hill
Shoreland Zoning Ordinance

Article 90. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 13.F. General Development District. The General Development District includes areas 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.

Section 15.B.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 and Limited Commercial District** the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback.

Section 15.B.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 tidal waters and rivers which do not flow to great ponds classified GPA, and in the** Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

Rationale: At present the Ordinance does not include a General Development District. The Limited Commercial District along Main St. and Water St. now in Limited Commercial District has been used as a General Development District for the past 15 years. Due to consideration given by the DEP to the town, because we have a Public Sewer Treatment Plant and do not have to deal with septic issues, the Planning Board has been able to treat the area in question as General Development. The Blue Hill Planning Board would like to amend this Ordinance to reflect what actually exists today.

BLUE HILL
AMENDMENTS TO
THE SHORELAND ZONING ORDINANCE

Effective Date :March 16,2002

Amended:

Certified By: John R. Bannister

[Signature]

[Signature]

Municipal Officers

Attest: True Copy Sharon A. Grindle

Town Clerk

PROPOSED AMENDMENTS TO THE BLUE HILL
SHORELAND ZONING ORDINANCE

Change 1. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 17. Definitions

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

Freshwater Wetland – freshwater swamps, marshes, bogs and similar areas*, which are:

This definition specifically excludes forested wetlands except those forested wetlands occurring in or adjacent to areas on 1st Pond (Billings), 2nd Pond (Douglass), 3rd Pond (Woods), and Toddy Pond designated as Resources Warranting Special Protection. In those areas, the Shoreland Zoning Ordinance map illustrations and descriptions shall take precedence in defining both the protected resource and the setback.

Rationale: Legislative changes in 1992 clarified the types of wetlands Towns must Shoreland Zone. Blue Hill revised certain wetland areas to reflect the legislative change and applied that change since. However, due to an oversight, the Town of Blue Hill never formally adopted the enabling definitions, but, nevertheless, has applied them since 1992. Adopting this amendment simply reflects practice since 1992 and removes a 'nonconforming lot' label from any such projects or lots approved by the Planning Board and Code Enforcement Officer since that time. The special protection around loon nesting sites remains by including a specific reference to the four ponds and the Shoreland Zoning Ordinance map illustrations and descriptions.

Change 2. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 15. Land Use Standards, Paragraph A. Minimum Lot Standards, Residential Per Dwelling Unit, a. Within the Shoreland Zone adjacent to Tidal Areas, Lot Area (sq. ft.) **37,500**.

Rationale: At present the Ordinance Requires 40,000 sq. ft. However, the ordinance also requires a minimum of 150' of shore frontage. The product of a 250' wide Shoreland Zone and the minimum frontage of 150' is 37,500 sq. ft., not 40,000 sq. ft. Any lots approved by the Planning Board with the minimum

Amendment to the Blue Hill
Shoreland Zoning Ordinance

Article 90. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 13.F. General Development District. The General Development District includes areas 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.

Section 15.B.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 and Limited Commercial District** the setback from the normal high-water line shall be at least twenty-five (25) feet, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback.

Section 15.B.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 tidal waters and rivers which do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District**, where lot coverage shall not exceed seventy (70) percent.

Rationale: At present the Ordinance does not include a General Development District. The Limited Commercial District along Main St. and Water St. now in Limited Commercial District has been used as a General Development District for the past 15 years. Due to consideration given by the DEP to the town, because we have a Public Sewer Treatment Plant and do not have to deal with septic issues, the Planning Board has been able to treat the area in question as General Development. The Blue Hill Planning Board would like to amend this Ordinance to reflect what actually exists today.

frontage are probably nonconforming. This amendment simply promotes consistency in the ordinance and removes a potential 'nonconforming lot' label from any such lots/projects already approved.

Change 3. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

Section 15. Land Use Standards. Paragraph B. Principal and Accessory Structures. 1. "and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback **except when the land use is residential. Any structure used for residential purposes shall be setback 75"**".

Rationale: There is no point in trying to preserve water access for fishery/maritime uses if the parcel can be used for residential purposes and even subvert the intent of a setback.

Change 4. Shall the following amendment to the Blue Hill Shoreland Zoning Ordinance be adopted (proposed change in bold typeface).

K. Septic Waste Disposal. 1.,

Eliminate subparagraph a.

Rationale: The subsurface wastewater disposal system has to be installed in conformance with the Rules anyway including a 100' setback for the disposal portion of the system, i.e., the chambers, stone bed, etc. However, the Rules provide for installation of a septic tank of monolithic construction, or, one proven to be watertight, within 50' of a major waterbody. This amendment, by eliminating the 'no waiver' clause, would eliminate the need in some cases for a grinder pump where gravity to a septic tank is not possible.

As a practical matter, Health Engineering considers the "associated piping" of a subsurface wastewater disposal system as commencing 8' from the dwelling, i.e., from the end of the building drain which is the point where the building sewer by definition commences. If the minimum setback is 100' from the system including any components thereof, technically one has to measure the 100' setback from the end of the building drain/beginning of the building sewer. As a practical matter, I do not recall Code Enforcement Officers, Planning Boards, and LPI's ever considering this.

Article 92

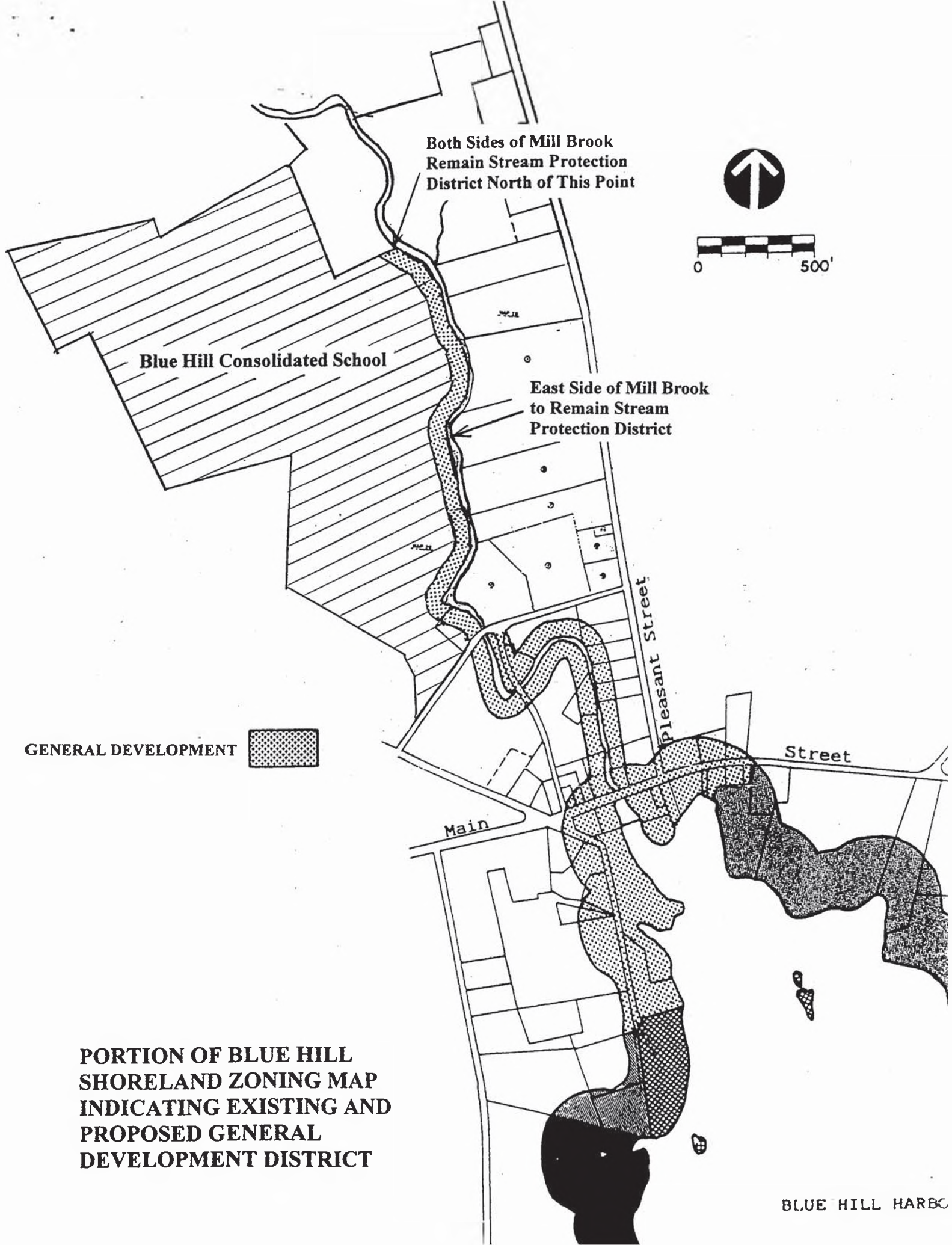
Passed 3/18/07

Shall the following shoreland areas as depicted on Blue Hill's Official Shoreland Zoning Map (as amended 03/18/06) be included in a General Development District (GD I): All the area presently indicated as Limited Commercial District: all the shoreland area along Mill Stream from Main Street to the High Street bridge over Mill Brook; the west side of Mill Brook from the High Street bridge over Mill Brook to the northerly boundary line of the Blue Hill Consolidated School property?

Rationale:

The Shoreland Zoning amendment adopted by the Town of Blue Hill at the annual Town Meeting on March 18, 2006, changed the Shoreland Zoning designation along Main Street and Water Street from Limited Commercial District to General Development District. The language of that amendment appears to encompass only a portion of the area intended for inclusion in the General Development District. This amendment clarifies any ambiguities in the boundaries of the General Development.

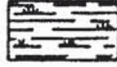
This amendment includes the Blue Hill Consolidated School property in the General Development District since use of the property is consistent with the land use criteria for that district. The Maine Department of Environmental Protection reviewed and agreed that the School is consistent with the General Development District concept.



**PORTION OF BLUE HILL
SHORELAND ZONING MAP
INDICATING EXISTING AND
PROPOSED GENERAL
DEVELOPMENT DISTRICT**

OFFICIAL SHORELAND ZONING MAP

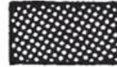
WETLANDS



COMMERCIAL FISHERIES/
MARITIME ACTIVITIES



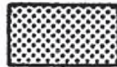
RESOURCE PROTECTION



LIMITED RESIDENTIAL



GENERAL DEVELOPMENT



STREAM PROTECTION



TOWN OF BLUE HILL

**Edits and Amendments
To the
Shoreland Zoning Ordinance**

Effective Date: May 23, 1994

Amended Date: April 4, 2009

Amended Date: April 3, 2010

Certified by: *Joseph B. [Signature]* 4-9-10
[Signature] 4-9-10
Duane B. Gray 4-9-10
Municipal Officers Date

Attest True Copy: *Elle [Signature]* 4-9-10
Town Clerk Date

Commissioner of Environmental Protection fails to act on this Ordinance, or Ordinance Amendments, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendments, it shall be automatically approved.

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

B. Repeal of Municipal Timber Harvesting Regulation

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

Section 14. Table of Land Uses, Item 3 (Forest management activities except for timber harvesting) and Item 4 (Timber Harvesting); and Item 27 (Land Management Roads);

Section 15(O) in it's entirety; and

Section 17. Definitions, the definitions of "forest management activities", "residual basal area" and "slash".

NOTE: The **statutory date** is defined as "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards."

38 M.R.S.A. section 438-B(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

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

Section 10. Interpretation of District Boundaries

Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the center lines 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 or Amendments there to, shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

B. General

- (1) **Transfer of Ownership:** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this 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 that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

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

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated “moderate” or “high” value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System(GIS) data layer maintained by either MDIF&W or the Department. Coastal wetland ratings are mapped as of January 1, 1973. Inland wetland ratings are mapped as of December 31, 2008. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. “Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river.
- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal emergency Management Agency’s (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA’s Flood Insurance Rate maps or Flood Hazard Boundary Maps.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- (5) Land areas along rivers, subject to severe bank erosion, undercutting, or river bed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Limited Residential District

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

C. Limited Commercial District

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

G. 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, or outlet stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream or outlet stream and its associated shoreland area is 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-** Allowed with permit issued by the Planning Board.
- CEO-** Allowed with permit issued by the Code Enforcement Officer.
- LPI-** Allowed with permit issued by the Local Plumbing Inspector.

Abbreviations

- | | |
|--------------------------------|--|
| RP- Resource Protection | GD- General Development I and
General Development II |
| LR- Limited Residential | CFMA- Commercial Fisheries/ Maritime
Activities |
| LC- Limited Commercial | SP- Stream Protection |

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>					
	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 & land management roads REPEALED PURSUANT TO SECTION 4B	yes	yes	yes	yes	yes	yes
4. Timber harvesting REPEALED PURS. TO SEC. 4B	yes	CEO	yes	yes	yes	yes
5. Clearing or removal of vegetation for activities other than timber harvesting.	CEO	CEO ¹	yes	yes	yes	yes
6. Fire prevention activities	yes	yes	yes	yes	yes	yes
7. Wildlife management practices	yes	yes	yes	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes	yes	yes	yes
9. Mineral exploration	no	yes ²	yes ²	yes ²	yes ²	yes ²
10. Mineral extraction including sand and gravel extraction	no	PB ³	PB	PB	PB	PB
11. Surveying and resource analysis	yes	yes	yes	yes	yes	yes
12. Emergency operations	yes	yes	yes	yes	yes	yes
13. Agriculture	yes	PB	yes	yes	yes	yes
14. Aquaculture	PB	PB	PB	yes	yes	yes
15. Principal structures and uses						
A. One and two family residential, including driveways	PB ⁴	PB ⁹	CEO	CEO	CEO	PB ¹⁴
B. Multi-unit residential	no	no	PB	PB	PB	no
C. Commercial	no ¹⁰	no ¹⁰	no ¹⁰	PB	PB	PB ⁵
D. Industrial	no	no	no	no	PB	PB ⁵
E. Governmental and institutional	no	no	PB	PB	PB	PB ⁵
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ⁴	PB	CEO	CEO	CEO	PB ⁵
16. Structures accessory to allowed uses	PB ⁴	PB	CEO	CEO	yes	yes
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland						
A. Temporary	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹	CEO ¹¹
B. Permanent	CEO ¹³	CEO ¹³	CEO ¹³	CEO ¹³	CEO ¹³	PB ⁵

- 3 In RP not allowed in areas so designated because of wildlife value.
- 4 Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- 5 Functionally water-dependent uses and uses accessory to such water dependent uses only
- 6 See further restrictions in Section 15(L)(2).
- 7 Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- 8 Except as provided in Section 15(H)(3).
- 9 Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E). Special Exceptions. Two-family residential structures are prohibited.
- 10 Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
- 11 Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- 12 Permit not required, but must file a written "notice of intent to construct" with CEO.
13. Except that permanent structures on inland waters require planning board approval. All permanent structures require Department of Environmental Protection approval.
14. Principal and accessory structures relating to residential use that are not functionally water-dependant shall meet the requirements for such structures in a Limited Residential District adjacent to coastal wetland.

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

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, is no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
 - (f) The area behind the wall is re-vegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

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

In addition:

- (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

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, tributary stream or wetland.

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.

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

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

NOTE: All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.

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.

Development - a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

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

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

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 premise 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.

Tributary stream - means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" or "outlet stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

NOTE: Water setback requirements apply to tributary streams within the shoreland zone.

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

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

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

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, stream or outlet stream.

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

Wetland - a freshwater or coastal wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Town of Blue Hill
Official Shoreland Zoning Map

Drawn / Date
Jason Felix WPCP / 11.06.2009
File: J:\Blue Hill\Shoreland\Zoning\10803.mxd
Selectmen

Checked / Date
CEO

A True Copy

Town Clerk Date Approved

This map is for zoning purposes and should not be used for conveyances. Resource Protection Zones were determined by the Department of Environmental Protection and Inland Fisheries and Wildlife, and are shown in approximate locations.



Legend

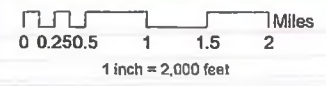
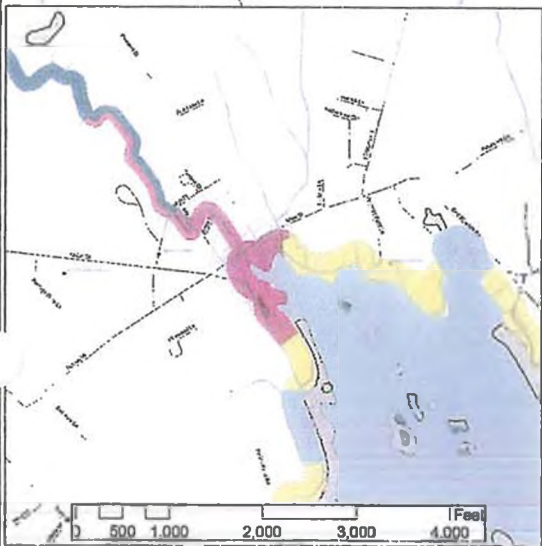
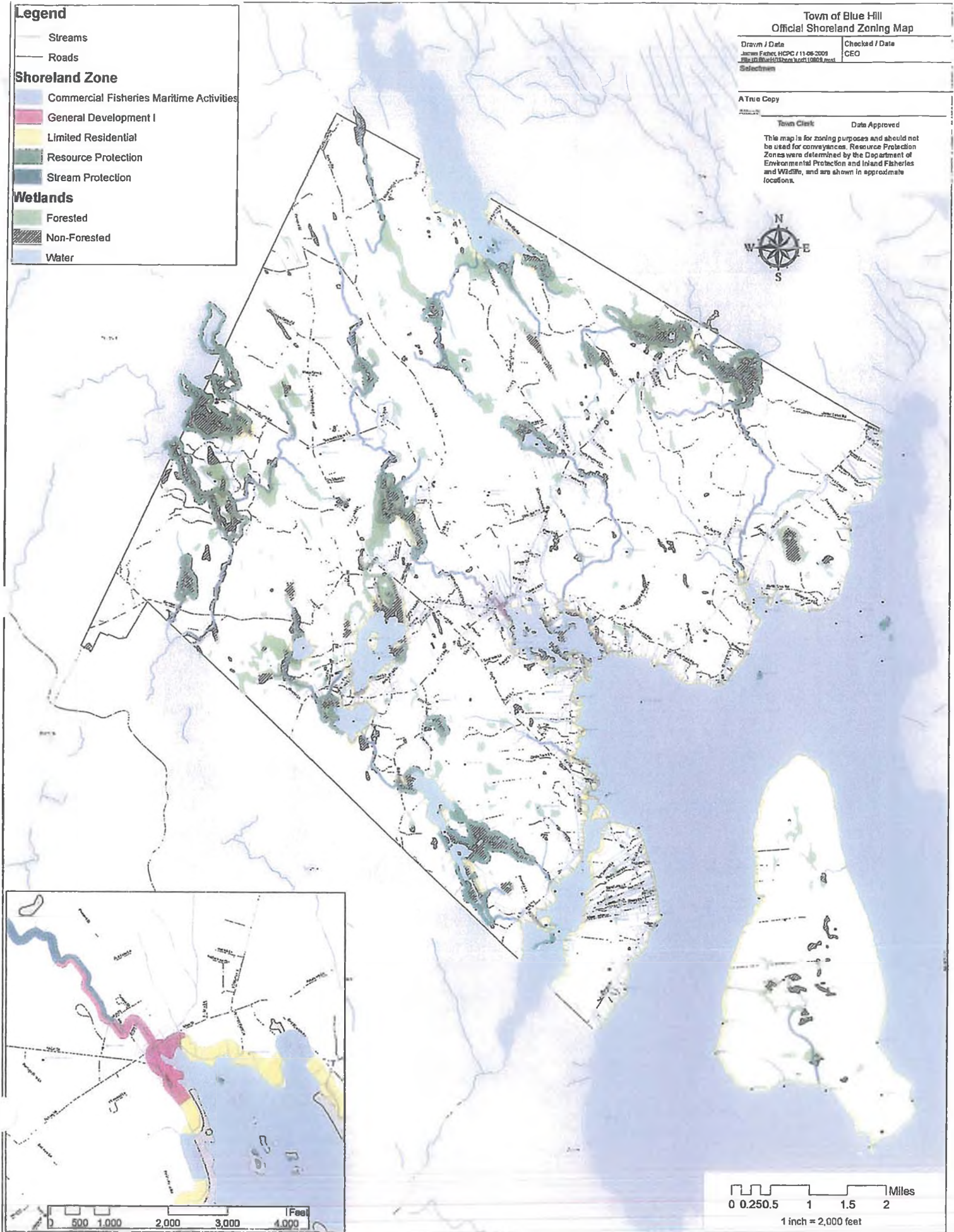
- Streams
- Roads

Shoreland Zone

- Commercial Fisheries Maritime Activities
- General Development I
- Limited Residential
- Resource Protection
- Stream Protection

Wetlands

- Forested
- Non-Forested
- Water



BLUE HILL
SUBDIVISION ORDINANCE

A True copy of the "Blue Hill Subdivision Ordinance" to be voted on October 30, 1992.

Attest: 
Jeannette L. Candage
Clerk of Blue Hill

BLUE HILL
SUBDIVISION ORDINANCE

I. PURPOSE

The purpose of this Ordinance is to assure the safety, health and welfare of the people of the Town of Blue Hill, to protect the environment, and to promote the development of an economically sound and stable community. In reviewing subdivision applications, the Planning Board, or the selectmen in the absence of a planning board, shall consider the requirements of this Ordinance before granting approval, approval with conditions, or denial, and shall make findings of fact that the provisions of this Ordinance have been met and that proposed subdivisions meet the guidelines of Maine subdivision law, Title 30-A M.R.S.A. §§ 4401-4407, and as it may later be amended.

II. AUTHORITY; DEFINITIONS

A. Authority

This Ordinance is adopted pursuant to Municipal Home Rule Powers granted in the Maine Constitution; Title 30-A M.R.S.A. § 3001-3006; and Title 30-A M.R.S.A. § 4403(2). It shall be known as the "Subdivision Ordinance of the Town of Blue Hill, Maine," adopted and effective on _____ by vote of the town meeting.

B. Definitions

The terms in this Ordinance shall be as defined in Title 30-A M.R.S.A. § 4401, and as it may later be amended.

III. APPLICABILITY

This Ordinance applies to all land use activities defined as a "Subdivision" in Title 30-A M.R.S.A. § 4401, and as it may be later amended, except for those leased dwelling units which are subject to review under the "Blue Hill Commercial Site Plan Review Ordinance". All other such activities require subdivision approval pursuant to the provisions of this Ordinance.

IV. FORM OF APPLICATION

Application for subdivision approval shall be made in a form approved and promulgated by the Planning Board.

V. ADMINISTRATIVE REVIEW PROCEDURES

Administration of this Ordinance shall be as provided in Title 30-A M.R.S.A. § 4403, as it may later be amended.

A. Preliminary application

1. An applicant shall submit 10 copies of the application and preliminary plan to the Planning Board. When an application is received, the Planning Board shall give a dated receipt to the applicant and shall notify by mail all abutting property owners of the proposed subdivision, the Code Enforcement Officer, and the clerk and reviewing authority of other municipalities that abut or include any portion of the subdivision, specifying the location of the proposed subdivision and including a general description of the project.

2. The preliminary plan shall be drawn in the appropriate scale on sheets not larger than 24" x 36" each and shall show the location of all existing structures, wells, subsurface sewer systems, utilities, streams, water bodies, and roads located on the applicant's property. There shall be included a location map, to a scale of not less than 1" to 400', showing the relationship of the proposed project to all land within 3,000 feet of any property line.

3. All preliminary plans shall clearly be marked "PRELIMINARY" in the top right-hand corner. The preliminary plan and accompanying information sheets shall show the following, except for those items that the Planning Board deems not appropriate and agrees to waive:

a. Proposed subdivision name.

b. Lot numbers and land boundaries.

c. Date, magnetic north point, and a scale appropriate to the following table:

ACRES	SCALE
1 - 10	1" = 10' to 1" = 50'
1 - 50	1" = 50' to 1" = 100'
50 & up	1" = 100' to 1" = 200'

d. Proposed lot lines with approximate dimensions and locations of existing and/or proposed buildings, subsurface sewerage disposal systems, utilities, streets, and wells on applicant's property.

- e. 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.

- f. Location and size of wetlands, watercourses, and other essential existing physical features located on applicant's property.
- g. Contour lines at intervals of not more than 5 feet.
- h. Typical cross-sections of proposed grading for roadways, sidewalks, and storm drainage facilities (attach to preliminary application).
- i. A soil erosion and sedimentation control plan (attach to preliminary application).
- j. Evidence of soil suitability for subsurface wastewater disposal prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules, plus the applicable Soil Conservation Service medium-intensity soil survey.

The area on each lot found to be suitable for subsurface wastewater disposal shall be accurately plotted on the subdivision plan.

In no instance shall a disposal area in developments to which this Ordinance applies be permitted on a lot which requires a new system

variance from the Subsurface Wastewater Disposal Rules if any part of such lot is located in a shoreland-zoned area or in the watershed of the Blue Hill Water District.

k. Evidence that all criteria of other Town of Blue Hill land use ordinances can be met and that all of the review criteria in this Ordinance will be satisfied.

1. Subdivisions in which more than a daily average of 2,700 gallons of waste water of any type may be generated when the site is not served by public sewer, shall submit a high-intensity soil survey prepared by a certified soil scientist and a hydrogeologic assessment prepared by a certified geologist with demonstrated groundwater hydrology impact assessment experience and training, and when any one or more of the following conditions are met:

(1) Any part of the subdivision is located over or within 300 feet of a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," prepared by the Maine Geological Survey, 1985.

(2) The subdivision contains any lot less than 100,000 square feet in total area;
or

(3) The subdivision has an average density of less than 100,000 square feet per dwelling unit.

(4) In a cluster development of 10 or more units, the density of which is less than 1 1/2 acres per dwelling unit attached or detached.

(5) Any part of the subdivision is located in a shoreland zoned area.

(6) Any part of the subdivision is located in the watershed of the Blue Hill Water District.

m. A traffic impact analysis which demonstrates that the street giving access to the subdivision and neighboring streets which can be expected to carry traffic to and from the subdivision has adequate traffic-carrying capacity or can be suitably improved to accommodate the amount and types of traffic generated by the proposed use.

n. Subdivisions which may extract more than 2,700 gallons of groundwater or spring water per day shall submit a groundwater extraction impact assessment.

4. Within 30 days after receiving an application, the Planning Board shall notify the applicant in writing either that the application is complete or, if the application is incomplete, the specific

additional material needed to complete the application.

5. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

B. Preliminary Review

1. Within 30 days of determining that the preliminary plan and application for subdivision approval are complete, the Planning Board shall hold a public hearing. The Planning Board shall give notice in writing to the applicant immediately upon setting the date for the hearing, and shall cause a notice to be published twice in a newspaper of general circulation in the Town of Blue Hill, the first publication to be at least 10 days prior to the hearing.
2. The Planning Board shall, within 30 days of the public hearing, and in any event no more than 60 days from the date of determining that the preliminary application is complete, or within such other time as may be mutually agreed upon by the applicant and the Planning Board, issue an order denying or granting approval of the subdivision plan. The Board may grant approval upon such terms or conditions as it may deem advisable to satisfy the criteria and standards of the land use ordinances of the Town of Blue Hill.
3. Unless a specific extension of time is granted by the Planning Board, the approval of any

Preliminary Plan shall expire one year from the date of approval.

C. Final application

1. The Final Plat shall be submitted within one year after the date of approval of the preliminary plan. It shall be submitted with the original transparency suitable for permanent recording in the Hancock County Registry of Deeds. The Final Plat and three copies shall be submitted to the Planning Board.
2. The Final Plat shall show the following, except for those items that the Planning Board deems not appropriate and agrees to waive:
 - a. All the information required for the Preliminary Plan and amendments thereto.
 - b. Title and location of subdivision or plan; name, registration number, and seal of the registered land surveyor who prepared the final plat; and date.
 - c. Names and lines of all existing and proposed streets; lengths of all straight lines; the angle deflection, radius, length, and central angle of all curves; tangent distances; and bearings.
 - d. Location and description of permanent markers.
 - e. All conditions of approval imposed by the Planning Board.

- f. Sufficient lines for signatures of the Blue Hill Planning Board members and a line for date of approval.

D. Final review

1. If the Planning Board determines that another public hearing is appropriate, the procedures for a public hearing on a Final Plat shall be the same as those for a preliminary plan (see Section V(B)(1) above). In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make findings of fact as required by Title 30-A M.R.S.A. § 407 and as it may later be amended.
2. The Board may require a performance guarantee to secure completion of all public improvements required by the Planning Board and written evidence that the municipal officers are satisfied with the legal sufficiency of any documents.
3. The approval of a Final Plat shall be attested on the original transparency and three copies by the signatures of a legal majority of the Board. One copy shall be filed with the assessors, and one copy shall be filed with the Planning Board. The applicant shall record the signed original transparency and the third signed copy of the Final Plat with the Hancock County Registry of Deeds within 30 days of its approval by the Board.

VI. REVIEW CRITERIA

The review criteria in this Ordinance shall be as provided in Title 30-A M.R.S.A. § 4404. As of October of 1992, when reviewing any subdivision application for approval, the Planning Board shall consider the following criteria (which may change from time to time as the statute is amended) and, before granting approval, must determine that:

- A. Pollution. The proposed subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider:
1. The elevation of the land above sea level and its relation to the flood plains;
 2. The nature of soils and subsoils and their ability to adequately support waste disposal;
 3. The slope of the land and its effect on effluents;
 4. The availability of streams for disposal of effluents; and
 5. The applicable state and local health, and water resource rules and regulations;
- B. Sufficient water. The proposed subdivision has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Town water supply. The proposed subdivision will not cause an unreasonable burden on an existing water supply, if one is to be used;
- D. Erosion. The proposed subdivision will not cause unreasonable soil erosion or a reduction in the land's

capacity to hold water or that a dangerous or unhealthy condition results.

- E. **Traffic.** The proposed subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of highways or public roads existing or proposed.

- F. **Sewage disposal.** The proposed subdivision will provide for adequate sewage waste disposal and will not cause an unreasonable burden on Town services if they are utilized;

- G. **Town solid waste disposal.** The proposed subdivision will not cause an unreasonable burden on the Town's ability to dispose of solid waste, if Town services are utilized;

- H. **Aesthetic, cultural, and natural values.** The proposed subdivision will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the Town, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

- I. **Conformity with Town Ordinances and plans.** The proposed subdivision conforms with this Ordinance and with the comprehensive plan. In making this determination, the Planning Board may interpret this Ordinance and the comprehensive plan;

- J. Financial and technical capacity. The subdivider has adequate financial and technical capacity to meet the standards of this section;
- K. Surface waters. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 M.R.S.A. § 435 et seq., the proposed subdivision will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.
- L. Ground water. The proposed subdivision will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- M. Flood areas. Based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the applicant whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area, the subdivider shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan must include a condition of plan approval requiring that principal structures in the subdivision will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation;
- N. Freshwater wetlands. All freshwater wetlands within the proposed subdivision have been identified on any maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of

freshwater wetlands may be done with the help of the local soil and water conservation district;

O. **River, stream or brook.** Any river, stream or brook within or abutting the subdivision has been identified on any maps submitted as part of the application. For purposes of this section, “river, stream or brook” has the same meaning as in Title 38 M.R.S.A. § 480 (B) (9), and as it may later be amended; and

P. **Storm water.** The subdivision will provide for adequate storm water management;

Q. **Spaghetti lots prohibited.** If any lots in the subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38 M.R.S.A. § 480 (B), none of the lots created within the subdivision have a lot-depth-to-shore-frontage ratio greater than 5 to1.

VII. **APPLICATION FEES**

A. **Preliminary Plan Fees**

All applications for Preliminary Plan approval shall be accompanied by an application fee of \$100.00 for each lot or dwelling unit. Application fees shall be made by check payable to the Town of Blue Hill, Maine.

Application fees may be doubled for “after-the-fact” filing.

B. **Final Plan Fees**

All applications for Final Plan approval shall be accompanied by an application fee of \$100.00 payable by check to the Town of Blue Hill, Maine.

C. Planning Board Review Escrow Account

In addition to the above application fees, there shall be a payment made at the time of application of \$150.00 for each lot or dwelling unit in a subdivision. The escrow-account fee shall be payable by separate check to the Town of Blue Hill, Maine, and need not be deposited into a separate account. The escrow-account fee or portions thereof shall be used by the Town, at the request of the Planning Board, to make payments for the reasonable costs incurred by the Board that relate directly to the Board's review of the related subdivision application. Such costs may include, but need not be limited to, clerical costs, consulting engineering fees, architectural fees, attorney fees, recording fees, and appraisal fees. All such fees must relate to the review of the application pursuant to the review criteria of the State of Maine and the Town of Blue Hill, and in addition may be used for conducting public hearings related to the Planning Board's review of the application.

Upon written request of the applicant, the Planning Board shall provide the applicant with a final accounting of this account and shall refund to the applicant all of the unexpended portion, if any, of the escrow-account fee after payment of all costs related to the Board's review of the application. Such accounting and refund of unexpended monies shall be made no later than 30 days after receipt of the applicant's written demand, which demand shall be made no earlier than the date of decision on the application. Escrow-account fees shall not be used by the Planning Board for any enforcement purposes, nor shall the applicant be liable for costs incurred by the

Planning Board which exceed the amount deposited to the escrow account, except by mutual agreement.

VIII. ENFORCEMENT

A. Prohibited Activities

No person may sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the Planning Board and subsequently recorded in the Hancock County Registry of Deeds.

B. Permanent Marker Required

No person may sell or convey any land in an approved subdivision unless at least one permanent marker is set at one lot corner of the lot sold or conveyed. The term "permanent marker" includes, but is not limited to, a granite monument, a concrete monument, an iron pin, or a drill hole in ledge.

C. Utility Installation

No public utility, water district, sanitary district or any utility company of any kind may install services to any lot or dwelling unit in a subdivision unless written authorization attesting to the validity and currency of all permits required under this Ordinance has been issued by the Planning Board. Following installation of service, the company or district shall forward the written authorization to the Planning Board, indicating that installation has been completed.

D. Violations, Enforcement

The Code Enforcement Officer, upon finding that any provision of this Ordinance, or any condition of a permit issued under this Ordinance, has been violated,

is authorized to issue notices of violation, orders to correct, and schedules to correct; to enter into administrative decrees and agreements; and, with the approval of the Selectmen, to institute legal proceedings on behalf of the Town of Blue Hill to enjoin violations of this Ordinance and to recover civil penalties and costs.

E. Civil Penalties

A person who violates the provisions of this Ordinance or the condition(s) of a permit issued hereunder, shall be guilty of a civil violation and on conviction shall be assessed a civil penalty not less than \$100.00 nor more than \$2,500.00. Each day the violation continues shall constitute a separate violation. All civil penalties shall be paid to the Town of Blue Hill. Violators shall also be liable for court costs and reasonable attorney fees incurred by the Town in connection with the violation.

IX. REVISIONS TO EXISTING PLAT OR PLAN

Any application for subdivision approval which constitutes a revision or amendment to a subdivision plan which has been previously approved shall comply with Title 30-A M.R.S.A. § 4407 as amended. In reviewing such an application, the Planning Board shall make findings of fact establishing that the proposed revisions do or do not meet the Review Criteria of this Ordinance.

X. VALIDITY AND SEPARABILITY; CONFLICT WITH OTHER ORDINANCES

A. Validity and Separability

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision

shall not invalidate any other section or provision of this Ordinance.

B. Conflict with Other Ordinances

Whenever the requirements of this Ordinance are inconsistent with the requirements of any other ordinance, code, or statute, the more restrictive requirement shall apply.

XI. APPEALS

An appeal from a decision of the Planning Board may be taken to Superior Court within 30 days pursuant to Rule 80B, Maine Rules of Civil Procedure.

SINGLE USE PLASTIC BAG ORDINANCE

1. PURPOSE:

It is in the best interests of the citizens of and visitors to the Town of Blue Hill to protect the environment and natural resources of the Town and the State of Maine and the bodies of water within and adjacent to the Town by prohibiting the use and distribution of single use plastic bags.

Therefore the purpose of this Ordinance is to ban the use of single use plastic bags to reduce litters and to reduce the environmental impact caused by the use of single use plastic bags.

2. AUTHORITY:

This Ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part 2, Section 1, the provisions of Title 30-A MRS Chapter 141, and the general power of municipalities to enact police power ordinances.

3. DEFINITIONS:

CONSUMER: An individual who purchases or accepts food, beverage or merchandise for use or consumption.

ESTABLISHMENT: A person or entity engaging in the sale or distribution of perishable or non-perishable goods to consumers. This includes retail vendors of food, beverages or merchandise, restaurants, producers, schools, hospitals, religious institutions, governmental institutions, granges, community centers, markets, temporary and/or seasonal vendors and on-site events.

SINGLE-USE PLASTIC BAG: A plastic bag with or without consumer carrying handles provided at check stand, cash register, point of sale or other point of departure for the purpose of transporting food, beverage or merchandise out of the establishment. The term Single-Use Plastic Bag does not include Reusable Bags, Produce Bags, Product Bags, or newspaper or once-used or re-used bags such as those given out or used at thrift or vintage stores.

PRODUCT AND PRODUCE BAGS: Bags without handles used exclusively to carry produce, meats, seafood and bulk items, for the purpose of preventing direct contact between those items and other items. These bags are used to carry items to the point of sale or distribution of the Establishment.

REUSEABLE BAG: A bag specifically designed and manufactured for the repeated use of carrying food, beverage or merchandise, whether made of cloth, fiber or plastic, and has the capability of carrying a 18 pounds or more and, if plastic, is at least 4.0 mil thick.

4. RESTRICTION ON SINGLE-USE PLASTIC BAGS

No Establishment shall sell or provide Single-Use Plastic Bags to Consumers at the check stand, cash register, point of sale or other point of departure.

5. PERMITTED BAGS

- A. Establishments may provide Consumers with paper bags or Reusable Bags, with or without a charge.
- B. Nothing in this ordinance shall be construed to prohibit Consumers from using bags of any type that the Consumer brings into the Establishment for their own use.

6. EXEMPTIONS

An Establishment shall be exempt from the provisions of this Ordinance in a situation deemed to be an emergency by the Town Select Board, for the immediate preservation of the public health and safety.

7. VIOLATIONS AND ENFORCEMENT

- A. The Code Enforcement Officer or his/her designee shall have the primary responsibility of the enforcement of this Ordinance. If the CEO determines that a violation of the Ordinance has occurred, a written warning notice shall be issued to the Establishment. Subsequent violations shall be subject to the penalties set forth below.
- B. Violations of this Ordinance shall be punishable by fines as follows:
 - 1. A fine not exceeding \$100 for the first violation in a one year period.
 - 2. A fine not exceeding \$200 for the second and each subsequent violation in a one year period. Each day that a violation occurs shall be considered a subsequent violation.
 - 3. Fines are payable within 15 days of receipt of written notice of violation.

8. APPEALS

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the Maine Superior Court (Hancock County) within 30 days of the decision, action or inaction.

9. SEVERABILITY

In the event any portion of this Ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining portions of the Ordinance shall remain in effect.

10. EFFECTIVE DATE

This ordinance shall take effect two (2) months following its adoption by vote of a Town Meeting to allow Establishments time to make necessary adjustments to bring their operation into compliance with this Ordinance.

EXPANDED POLYSTYRENE FOAM FOOD SERVICE CONTAINER ORDINANCE

1. PURPOSE:

It is in the best interests of the citizens of and visitors to the Town of Blue Hill to protect the environment and natural resources of the Town and the State of Maine and the bodies of water within and adjacent to the Town by prohibiting the use and distribution of polystyrene food service containers.

Therefore the purpose of this Ordinance is to ban the use of polystyrene food service containers to reduce litter, to minimize impact on the Town Transfer Station while increasing recyclables and to reduce the environmental impact caused by the use of polystyrene food service containers.

2. AUTHORITY:

This Ordinance is enacted under the Home Rule Authority of municipalities pursuant to the Constitution of the State of Maine, Article VIII, Part 2, Section 1, the provisions of Title 30-A M.R.S. Chapter 141, and the general power of municipalities to enact police power ordinances.

3. DEFINITIONS:

CONSUMER: An individual who purchases or accepts food or beverage for consumption.

ESTABLISHMENT: A person or entity engaging in the sale or distribution of food or beverages to consumers. This includes retail vendors of food or beverages, restaurants, producers, schools, hospitals, religious institutions, governmental institutions, granges, community centers, markets, temporary and/or seasonal vendors and on-site events.

EXPANDED POLYSTYRENE FOOD SERVICE CONTAINER: Any expanded polystyrene foam food container that is made, in whole or in part, of expanded polystyrene foam and used to package or contain food or beverage for onsite or offsite consumption. .

4. RESTRICTIONS:

A. No Establishment shall sell, give or provide an Expanded Polystyrene Food Service Container to a consumer.

B. No party shall package food or beverages in the Town of Blue Hill in containers composed in whole or in part of Expanded Polystyrene Foam, for sale or use.

C. No party shall sell or distribute containers for food or beverage composed in whole or in part of Expanded Polystyrene Foam within the Town of Blue Hill.

5. EXEMPTIONS:

- A. Items pre-packed in polystyrene foam food or beverage containers, packaged outside the Town of Blue Hill, may be sold without repackaging those items.
- B. An Establishment shall be exempt from the provisions of this Ordinance in a situation deemed to be an emergency by the Town Select Board, for the immediate preservation of the public health and safety.

6. VIOLATIONS AND ENFORCEMENT

- A. The Code Enforcement Officer or his/her designee shall have the primary responsibility of the enforcement of this Ordinance. If the CEO determines that a violation of the Ordinance has occurred, a written warning notice shall be issued to the Establishment. Subsequent violations shall be subject to the penalties set forth below.
- B. Violations of this Ordinance shall be punishable by fines as follows:
 - 1. A fine not exceeding \$100 for the first violation in a one year period.
 - 2. A fine not exceeding \$200 for the second and each subsequent violation in a one year period. Each day that a violation occurs shall be considered a subsequent violation.
 - 3. Fines are payable within 15 days of receipt of written notice of violation.

7. APPEALS

Any decision, action, or inaction pertaining to this Ordinance may be appealed to the Maine Superior Court (Hancock County) within 30 days of the decision, action or inaction.

8. SEVERABILITY

In the event any portion of this Ordinance shall be found to be invalid by a court of competent jurisdiction, the remaining portions of the Ordinance shall remain in effect.

9. EFFECTIVE DATE

This ordinance shall take effect four (4) months following its adoption by vote of a Town Meeting to allow Establishments time to make adjustments necessary to bring their operations into compliance with this Ordinance.

Article 10. Shall an ordinance entitled Special Amusement Ordinance be adopted.

Special Amusement Ordinance

Article I

Title, Purpose & Definitions

Section 101. TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Blue Hill, Maine.

Section 102. PURPOSE

The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 28 MRSA §702.

Section 103. DEFINITIONS

103.1 Entertainment. For the purposes of this Ordinance, "entertainment" shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

103.2 Licensee. For purposes of this Section, "licensee" shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation, or other legal entity, or any agent, or employee of any such licensee.

Article II

General

Section 201. PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the

applicant; his residence address; the name of the business to be conducted; his business address; the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be \$10.

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date of the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 202. INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit are provided for or required by ordinance or State law, or are reasonably necessary to secure compliance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official, or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any ordinance provision or State law, it shall be the duty of the licensee, or the person in charge of the premises, to give to any authorized officer, official, or employee of the municipality requesting the same sufficient samples of the material or commodity for analysis.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that

no license or special amusement permit shall be revoked unless written demand for the inspection or sample is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 203. SUSPENSION OR REVOCATION OF A PERMIT

The municipal officers may, after a public hearing preceded by notice to interested parties, suspend, or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

Section 204. RULES AND REGULATIONS

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension, and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities on those premises, and the hours during which the permitted activities are permitted.

Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205. PERMIT AND APPEAL PROCEDURES

205.1 Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than fifteen (15) days from the date his request was received. In the event that a licensee is denied a permit; the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.

205.2 Any licensee who has requested a permit and has been denied, or whose permit has been revoked or suspended, may, within 30 days of the denial, suspension or revocation, appeal the decision to the municipal board of appeals as defined in 30 MRSA §2411. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was arbitrary or capricious, or that the denial, revocation, or suspension was not based by a preponderance of the evidence on a violation of any ordinance, article, bylaw, or rule or regulation of the municipality.

Section 206. ADMISSION

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

Article III

Penalty, Separability & Effective Date

Section 301. PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than twenty five Dollars (\$25.00) for the first offense, and up to fifty Dollars (\$50.00) for the subsequent offenses, to be recovered, on complaint, to the use of the Town of Blue Hill.

Section 302. SEPARABILITY

The invalidity of any provision of this Ordinance shall not invalidate any other part.

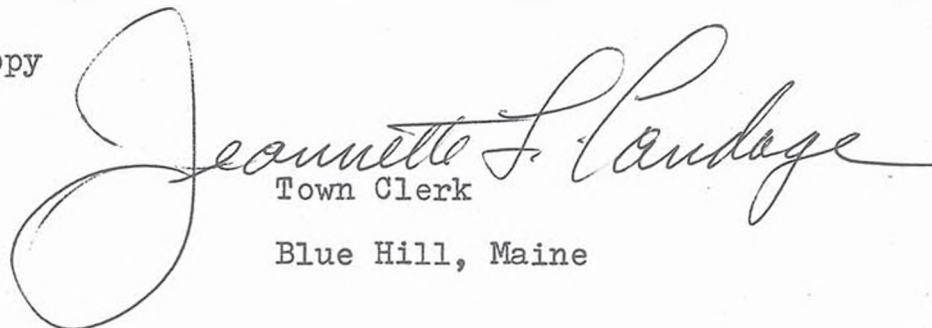
Section 303. EFFECTIVE DATE

The effective date of this Ordinance shall be July 1, 1978.

A motion was made and second and passed with a YES vote to adopt the Special Amusemane Ordinance as printed above, and previous pages.

A true Copy

Attest.


Town Clerk

Blue Hill, Maine

ORDINANCE FOR THE RETENTION OR DISPOSITION OF
TAX-ACQUIRED PROPERTY IN BLUE HILL, MAINE

This Ordinance has been adopted pursuant to the authority granted to the Town in 30-A M.R.S.A. Section 3001 et seq. and the Home Rule Power referenced in 30-A M.R.S.A. Section 2101 et seq. The purposes of this Ordinance are to establish a procedure for the retention or sale of tax-acquired property and to provide certain authority to the Selectmen for the sale of such property to its previous owners after foreclosure of a tax lien mortgage.

1] (a) Except as provided below, any property that has been acquired by the Town for nonpayment of real estate taxes or sewer charges by virtue of foreclosure of a statutory tax lien mortgage pursuant to 36 M.R.S.A. §941 et seq., or by other method or procedure, shall be the property of the Inhabitants of the Town of Blue Hill held in fee simple.

(b) The Selectmen may take appropriate measures to take full possession of the property, and to rent, insure, manage, maintain and/or improve the same. If the property is rented, the Selectmen may also obtain liability insurance coverage.

(c) The Selectmen may, in their discretion, then determine (1) whether to retain the property for present or future, municipal or public use, or (2) whether to sell or release the property as provided below. If the Selectmen determine that the property should be retained, they may then bring a court action for equitable relief seeking an order establishing and confirming the validity of the town's title.

2] (a) If the taxpayer(s) named in the tax lien certificate, or his, her or their heirs, or devisees or assigns, personally resided in or on the tax-acquired property at the time that the tax lien mortgage was automatically foreclosed, and continued to reside in or on the property thereafter, then, within six (6) months after the foreclosure, they may petition the Selectmen to allow them to purchase the property and obtain a municipal release deed.

(b) Unless the Selectmen have determined that the property should be retained for present or future, municipal or public use, the Selectmen shall allow the petitioners to purchase the property back upon payment of the unpaid taxes, current taxes not yet assessed, interest, lien charges, attorney fees, maintenance and insurance expenses, any other expense incurred by the town, and any additional sum that the Selectmen deem appropriate. In the event of competing petitions from the taxpayer(s) named in the tax lien certificate, or his, her or their heirs, devisees or assigns, the Selectmen may decline to sell the property back to either party.

ATTEST TRUE COPY

Date 4/10/09

Signature R. Ho. Perkins

ORDINANCE FOR THE RETENTION OR DISPOSITION OF
TAX-ACQUIRED PROPERTY IN BLUE HILL, MAINE

3] (a) The Selectmen may, in their discretion, sell any other tax-acquired property by public bid. At least thirty (30) days prior to the bid opening date, the Selectmen shall (1) provide notice of the impending sale to the prior taxpayer, by regular U.S. mail sent to the same address contained in the tax lien certificate, (2) post a bid invitation at the town hall, and (3) publish a bid invitation twice in a newspaper of general circulation in Blue Hill. However, failure to mail that notice to the prior taxpayer shall not invalidate any sale of the property. The Selectmen may also provide notice to persons who they feel may have an interest in purchasing the property.

(b) The Selectmen shall determine the form of the notice of and invitation for the public sealed bid sale. The form shall (1) contain a description of the property, (2) require a 10% bid deposit in the form of a cashier's or certified check which will be returned to all unsuccessful bidders, (3) specify the date and time when bids must be received at the town office, (4) specify when and where the bids will be opened, (5) state that the Selectmen have full discretion to reject any and all bids, (6) state that the property is being sold "AS IS", and (7) require the successful bidder to agree to indemnify and hold the town harmless from any claim arising out of the taking, ownership or sale of the property, and the eviction of any occupants in the premises. In addition the Selectmen may in that notice provide for a minimum bid price.

(c) Except for any rejected bid(s), or except if no bid meets or exceeds a minimum bid requirement, the Selectmen shall sell the property to the highest bidder. The Selectmen may require full payment within thirty (30) days after the sale, and shall deliver to the buyer a municipal release deed in exchange for payment of the bid price and delivery of the indemnity and hold harmless agreement referred to above. If that bidder defaults, the Town may retain the bid deposit and the Selectmen may either sell the property to the next highest bidder, or issue an invitation for new sealed bids.

4] Notwithstanding the foregoing provisions - in regard to tax or sewer lien mortgages that were foreclosed prior to the adoption of this ordinance, the Selectmen may, in their discretion, either (a) determine that the property should be retained for present or future, municipal or public use, or (b) grant a municipal release deed to the taxpayer(s) named in the tax lien certificate, or his, her or their heirs, or devisees upon payment of all unpaid taxes, interest, lien charges, attorney fees, maintenance and insurance expenses, any other expense incurred by the town, and any additional sum that the Selectmen deem appropriate - provided that such persons have, within six (6) months of the effective date of this Ordinance, made a written request to purchase the property back as provided above.

ATTEST TRUE COPY
Date 4/1/09
Signature [Handwritten Signature]

**AGREEMENT REGARDING SERVICE ACCESS TO THE
COMMUNICATIONS TOWER ON BLUE HILL MOUNTAIN**

The **Town of Blue Hill**, through its selectmen, under authority granted at a special town meeting on October 24, 2001, **Blue Hill Mountain Leasing**, through its President Dan McGraw, and **Blue Hill Heritage Trust**, through its Executive Director, James W. Dow, agree as follows:

1. That Blue Hill Mountain has special significance for the residents and visitors of the Blue Hill peninsula, for its ecological, scenic, recreational, historic, and spiritual values;
2. That the parties have a shared interest in ensuring that the parcels of land on Blue Hill Mountain owned by the Town of Blue Hill and Blue Hill Heritage Trust are well cared for and well managed, and that any use of that land does not damage it;
3. That the communications tower on top of the mountain, owned by Blue Hill Mountain Leasing and located on land leased by it from Blue Hill Heritage Trust, provides useful and valued communications services to the residents, visitors and businesses of the Blue Hill peninsula;
4. That an access route for small motorized vehicles to service that tower is desirable provided it that does not conflict with recreational uses, damage existing hiking trails, or create significant new sources of erosion or other significant impacts on the land;
5. That any such vehicular use should occur only when absolutely necessary, should be avoided when the ground is wet and easily eroded if at all possible, and should be monitored so as to ensure that any impacts are minimal.

Therefore,

1. The Town of Blue Hill grants Blue Hill Mountain Leasing (BHML) permission to use its property, namely, Map 28 Lot 18A, the "Hayes Lot" so-called, for service access to its communications tower leasehold, according to the following terms:

- a. An access route shall be identified by BHML, which avoids conflicts with hiking routes, which has the least possible impact on existing vegetation and which will minimize any erosion.
- b. BHML shall be responsible for creating this route after review and approval by the Town and by Blue Hill Heritage Trust, and it shall also be responsible for maintaining this route.
- c. BHML shall install a locked gate with an adjacent rock barrier at the entrance to the property off the Mountain Road to prevent unauthorized use, and shall provide keys to the selectmen and a list of all other persons possessing keys to the gate.

- d. No motorized vehicle larger than an ATV, so called, shall be used on the property.
- e. BHML may extend this permission to its customers who use the tower, provided however, that BHML shall make each customer aware of the terms of this agreement and that BHML shall be responsible for all acts and omissions of its customers in regard to the use of this access route.
- f. BHML shall report annually on the number of trips made across this route by service vehicles.
- g. BHML shall be responsible for restoring any erosion damage or other property damage caused by the service vehicles.
- h. This permission is intended as a license and not a property right, and shall terminate upon the expiration of BHML's tower leasehold from Blue Hill Heritage Trust or upon revocation of this permission by the Town of Blue Hill through its selectmen. Such revocation by the Town shall be in its sole discretion.

2. Blue Hill Heritage Trust agrees (a) to assist the Town of Blue Hill in monitoring this access route to ensure that any impact is minimal and to recommend changes or improvements to the route that would minimize its impacts, (b) to ensure that appropriate signage is created to direct use and avoid user conflicts, and (c) to assist the Town in developing and implementing a plan for restoring the severely eroded area on the Hayes Lot created by prior vehicular use.

Signed and agreed to:

Town of Blue Hill Selectmen:

John R. Barnister
[Signature]
[Signature]

Date: 3-1-02

Blue Hill Mountain Leasing by Dan McGraw

Geniel A. McGraw

Date: FEB 26, 2002


Blue Hill Heritage Trust by James W. Dow

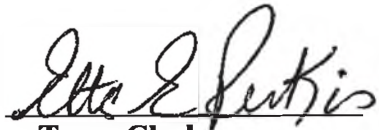
[Signature]

Date: FEB 28, 2002

THE TOWN OF BLUE HILL
"TELECOMMUNICATIONS TOWER ORDINANCE"

Effective Date: April 1, 2011

Certified By:  4/5/11
John B. Banowitz 4/6/11
Duane B. Gray 4/6/11
Municipal Officers Date

Attest True Copy:  4-7-11
Town Clerk

ATTEST TRUE COPY
Date 4-7-11
Signature Etta Serkis

Town of Blue Hill Telecommunications Tower Ordinance
Adopted _____

Section 1. Title and Purpose

A. Title

The title of this ordinance shall be the "Town of Blue Hill Telecommunications Tower Ordinance".

B. Purpose

The purpose of this Ordinance is to balance the interests of the residents of the Town of Blue Hill with the need for wireless telecommunications. These standards are intended to establish general guidelines for the siting of telecommunications towers and antennas .

Section 2. Ordinance Administration

A. Authority

This Ordinance has been prepared in accordance with the provisions of Article VIII, Part 2, § 1 of the Maine Constitution (Municipal Home Rule), the provisions of Title 30-A, M.R.S.A. § 3001 (Home Rule) and the provisions of the Planning and Land Use Regulation Act, Title 30-A M.R.S.A § 4312, etc. seq. (*Comprehensive Planning and Land Use Regulation, or "Growth Management Act"*)

B. Applicability

This Ordinance applies to all construction and expansion of wireless telecommunications facilities, existing or proposed, within the Town of Blue Hill except as provided in Section 3. Wireless Telecommunications Facilities shall be classified as Major Developments and shall be reviewed by the Planning Board, as defined in Section 3.2 of the Blue Hill Commercial Site Plan Review dated March 16, 2002.

C. Conflicts with Other Ordinances, Laws and Regulations

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 administered by the municipality, the more restrictive provision shall control.

D. Validity and Severability

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

E. Penalties

Any person or company that owns or controls any building or property connected with a Telecommunications facility that violates this Ordinance shall be liable for civil penalties in accordance with Title 30-A M.R.S.A. § 4452. Each day such a violation continues after notification by the CEO shall constitute a separate offense. Each offense shall be subject to civil penalties, orders to correct

violations and attorney and expert witness fees in accord with Title 30-A M. R. S. A. § 4452.

F. Availability

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

G. Effective Date

This Ordinance was adopted by the Municipal Legislative body on

Section 3. Exemptions

A. Exempted Telecommunications

The following are exempt from the provisions of this ordinance as long as the fall setback from the property lines meets or exceeds one and one-half (1 ½) times the height of the antenna and the owner follows the height restrictions.

1. **Amateur(ham) radio stations** : Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC) under thirty-five (35) feet high.
2. **Parabolic Antennas**: Parabolic Antennas less than (7) seven feet in diameter, that are an accessory use of the property under thirty-five (35) feet high.
3. **Antennas as accessory uses**: An antenna that is an accessory use to a residential dwelling unit under thirty-five (35) feet high.

The following are exempt from the provisions of this ordinance, no permits are required.

1. **Emergency Wireless Telecommunications Facility**: Temporary wireless communication facilities for emergency communications by public agencies.
2. **Routine repair and maintenance or repair**: Routine maintenance or repair of a wireless telecommunications facility and related equipment, provided that there is no change in height or any other dimension of the facility.
3. **Temporary wireless telecommunication facility**: Temporary wireless telecommunications facility in operation for a maximum period of (180) one hundred and eighty days. This may include, but is not limited to, "cellular on wheels" mobile equipment. It is required that the applicant must give prior written notification to the CEO and the height is limited to 190 feet or less.
4. **"Special event"**: (see Definitions) wireless telecommunication facility: Temporary special event telecommunication facilities for a period not to exceed five days preceding an event and five days after a special event. It is required that the applicant must give prior written notification to the CEO and the height is limited to 190 feet or less.

Section 4. Review and Approval Authority

A. Approval Required

No person shall construct, reconstruct or expand a wireless telecommunications facility without approval of the Planning Board and notification of the CEO as follows:

1. New Construction, Expansion of an Existing Facility. Approval by the Planning Board is required for construction of a new wireless telecommunications facility; and expansion of an existing wireless telecommunications facility that increases the height or any other dimension of the facility; and accessory use of an existing wireless telecommunications facility.

2. Reconstruction of an Existing Facility. Notification of the CEO is required for reconstruction of a wireless telecommunications facility. Reconstruction is allowed provided there is no change in the height or any other dimension of the facility. Reconstruction is allowed only within (18) eighteen months of damage, the full surety bond must be maintained during this time. After (18) eighteen months, a new application and surety bond must be submitted or the facility will be declared abandoned.

3. Expiration of Approved Applications. All site plan approvals shall expire within (1) one year of the date of issuance unless work there-under is substantially commenced. Substantial to mean at least 30% of the total value of the project is to be completed. If work is not substantially completed within (2) two years from the date of issuance, a new application must be made.

B. Approval Authority

In accordance with Section 4A, above, the Planning Board shall review applications for wireless telecommunications facilities, and make written findings of fact on whether the proposed facility complies with this Ordinance.

Section 5. Requirements for All Applicants

A. Pre-Application Conference

The Pre-application conference is not optional. All persons seeking approval of the Planning Board under this ordinance shall meet with the CEO or Planning Board, no less than (30) thirty days before filing an application.

At this meeting, the CEO or Planning Board shall explain to the applicant the ordinance provisions, possible locations to avoid for tower sites (including areas identified as Scenic Resources in the 1999 Comprehensive Plan) as well as applications forms and submissions that will be required under this ordinance. There is no fee for the Pre-Application Review, any review or comment by the CEO is not binding upon either the CEO or the Planning Board. The use of this procedure shall not render an application to be a pending application.

Section 6. Application for Planning Board Preliminary Review

All persons seeking review by the Planning Board under this ordinance shall submit an application with the information as provided below. These materials shall be contained in a bound report or a three-ring notebook.

A. General Information:

1. Name of owner of record and address;
2. Applicant's name and address;
3. The name of the proposed development;
4. Names and addresses of all abutting property owners;
5. Sketch map showing general location of the site within the Town;
6. Location map showing the relationship of the proposed project to adjacent properties and to the general surrounding area within three thousand + - (3,000+ -) feet of any property line of the site. The scale shall not be smaller than 1"=400'.
7. The tax map(s) and lot number(s) of the parcel or parcels where the parcel is located and of abutting parcels;
8. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate the applicant's right, title, or interest in the property upon which the facility is to be sited;
9. A statement stating whether any portion of the project is located within the watershed of the Blue Hill Water District;
10. The name(s), registration number(s), and seal(s) of the land surveyor, architect, engineer and/or similar professionals assisting with the preparation of the plan.
11. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations;
12. A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above one hundred fifty (150) feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database;
13. A schedule of construction, including anticipated beginning and completion dates.
14. Projects involving the storing, generating or handling of hazardous wastes or materials, oil or radioactive wastes shall specify the exact amount and nature of all such substances that will be on the site and the specific method of handling and containing those substances that will be used.
15. **Performance Bond:** A yearly renewable bond indemnifying the town for 100 % of the costs of removal of the facility as determined by the Planning Board shall be submitted to the municipal authority before construction starts and maintained yearly as long as the structure exists. Notice of renewal of the bond shall be sent to the selectmen yearly by the owner or the bonding agent. Should the bond not be renewed, the bonding company must give the town sixty (60) days notice of non renewal and advise the town of steps required to renew the bond.

B. Site Information-Mapping

1. The following information regarding proposed development and existing conditions is required. This information must accompany, or be submitted on, a map using the following scale and showing the date of the map, magnetic north, the scale and the

identity of the draftsman:

Acres	Scale
1-10	1"=10' to 1"= 50'
10-50	1"=50' to 1"=100'
50+(lots 4 acres)	1"=100'
50+(lots>4acres)	1"=200'

2. Zoning classification(s) of the property and the location of zoning district boundaries if the property is wholly or partially located in an area subject to Shoreland Zoning.
3. Identification of districts, sites, buildings, structures or objects, significant in American History, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places
4. A site plan prepared and certified by a professional engineer registered in the State of Maine, indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes.
5. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required.
6. A boundary survey for the project performed by a licensed professional surveyor licensed by the State of Maine. The bearings and distance of all property lines of the property to be developed and the source of this information shall be on the map.
7. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the site. Such covenants or deed restrictions shall be referenced on the plan.
8. A survey of the lessor's or current owner's entire property shall be presented. The applicant may request and the Planning Board may consent to a survey of the entire property in the form of a mortgage loan inspection sketch, including information requested by the Planning Board.
9. Location and size of all existing and proposed wells, sewer and water mains, culverts, drains, above or below ground utilities and waste water disposal systems on the property to be developed, and of any of these items that currently serves or will serve the development from abutting streets or land.
10. Location, names, and widths of all existing and proposed streets and rights-of-way adjacent to the proposed development.
11. The location, dimensions, and ground floor elevations of all existing and proposed buildings on the site.
12. The location and dimensions of all existing and proposed driveways, streets, parking and loading areas, and walkways on the site.
13. The existing and proposed topography of the site at an appropriate contour interval (not greater than 5') depending on the nature of the use and character of the site.
14. Major natural features on the site and including, within two hundred fifty (250') feet of the boundaries of the site, wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats (including bird nesting, staging and feeding areas, and deer yards identified by the IF&W), archaeological resources or other important natural features.
15. The delineation of all the fall zones, one and a half (1 ½) times the height of the tower from existing and proposed buildings, property lines and buffers required by this Ordinance shall be shown on the applicant's plan.

C. Site Information- Soils and Erosion Control

1. Soils information if on-site sewage disposal is proposed. This information should be detailed enough to allow those portions of the site not suitable for on-site disposal systems to be identified, if applicable.
2. The direction and amount of pre-development and proposed surface water drainage flow across and from the site, based upon 24-hour, 2-10- and 25-year storms. Where proposed flow exceeds pre-development flows by 10% or more, the applicant shall submit a storm-water management plan, showing the steps taken to minimize the impact of storm water runoff. The storm water management plan shall be based upon 24-hour, 2-,10- and 25-year storms.
3. An erosion control and sedimentation control plan setting forth the measures to be taken to comply with Section 4.5 "Erosion and Sedimentation Control" of Blue Hill's Commercial Site Plan Review starting on page 18 shall be included.

D. Site Information- Visual Impact

1. The location, front view, dimensions and type of all existing and proposed exterior signs.
2. A visual assessment consisting of the following:
 - a.) Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;
 - b.) A landscaping plan indicating the proposed placement of the facility on the site: location of existing structures, trees and other significant features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.
 - c.) Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - d.) A narrative discussing the extent to which the proposed facility would be visible from or within a designated scenic resource. The tree line elevation of vegetation within 100 feet of the facility, and the distance to the proposed facility from the designated scenic resource's noted viewpoints.

E. Site Information- Propagation Studies

1. Propagation studies of areas already covered by telecommunication facilities as well as areas proposed to be covered by the applicant.
2. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.
3. Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required.
4. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, the evidence for which, may consist of any one of the following:
 - a.) Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements.
 - b.) Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements up to the limit of 190 feet.

- c.) Evidence that existing facilities do not have sufficient structural strength to support the applicant's proposed antenna and related equipment. Specifically:
 - i.) Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
 - ii.) The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
 - iii.) Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
- d.) For facilities existing prior to the effective date of this ordinance, there is evidence that the fees, costs, or contractual provisions required by the owner in order to share, or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance.
- e.) Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access.

F. Site Information - Submission Waivers

1. The Planning Board, as appropriate, may waive any of the submission requirements based upon a written list of requested waivers submitted by the applicant at the time of application, accompanied by the written reasons why each waiver is being requested.
2. A waiver of any submission requirement may be granted only if the Planning Board finds in writing that due to special circumstances of the application, the information is not required to determine compliance with the standards of the Ordinance.

Section 7 Fees, Public Hearing & Final Application Review Procedure

A. Permit Application Fee

1. An application for Planning Board approval shall include payment of a permit application fee of \$0.20 per square foot of total area fenced compound. Each accessory building requires a minimum fee of \$500.00. The application shall not be considered complete until this fee is paid. An applicant is entitled to a refund of the application portion of the fee if the application is withdrawn within fifteen(15) days of the date of filing.

B. Planning Board Review Fee (held in Escrow)

1. An applicant requesting approval by the Planning Board shall deposit with the Town a \$5000.00 fee to cover all reasonable and customary fees incurred by the municipality that are necessary to review the application and to obtain the permit. Additional monies shall be required to cover all town expenses in the event of an appeal. The review fee shall be paid at the time of application.
2. This Review Fee shall be held in Escrow. That portion of the review fee not used shall be returned to the applicant within thirty (30) days of the Planning Board's final decision.

C. Application Procedure

- 1. Filing the Application & Fees**
Nine (9) copies of the application shall be filed with the CEO or Planning Board two (2) weeks prior to the scheduled meeting for review. The application shall be accompanied by the Permit Application Fees (Section 7A1) and the Planning Board Review Fee (Section 7B1).
- 2. Planning Board Preliminary Review**
Within forty-five (45) days of the filing of the application, the Planning Board shall review the application and determine if the application meets the submission requirements. The Planning Board, as appropriate, shall review any written requests for a waiver from the submission requirements and shall act on these requests prior to determining the completeness of the application.
- 3. Complete Application**
If the application is complete, the Planning Board shall notify the applicant in writing of this determination, or if the application is incomplete, the Planning Board shall notify the applicant in writing, specifying the additional materials or information required to complete the application. After the Planning Board has determined that a complete application has been filed, it shall notify the applicant in writing and begin its review of the proposed development.
- 4. Public Hearing & Abutter's Notices**
The Planning Board will hold a Public Hearing within 30 days of the filing of the completed application. The CEO or the Planning Board shall publish the time, date and place of the hearing at least one (1) time at least seven (7) days prior to the hearing in a newspaper of area-wide circulation. The applicant must supply to the Board a list of the abutting land owners. The abutting land-owners shall be notified by certified mail by the Code Enforcement Officer of the hearing. Failure on the part of any abutter to receive such notice shall not be grounds for delay of any consideration of the application nor denial of the project.
- 5. Final Planning Board Review**
Within sixty (60) days of the Public Hearing or ninety (90) days of receiving a complete application for approval, the Planning Board shall either approve, approve with conditions, or deny the application in writing, together with the findings on which that decision is based. The time limit for review may be extended by mutual agreement between the Planning Board and the applicant.

Section 8 Planning Board Review Standards

An application for approval by the Planning Board for New Construction or Expansion of an Existing Facility must meet the following standards:

- A. Designed for Co-Location**
A new wireless telecommunications facility and related equipment must be designed and constructed to accommodate expansion for future co-location of at least three additional wireless telecommunications facilities or providers at commercially reasonable rental rates which will be subject to review and approval of the Planning Board.

- B. Height**
A wireless telecommunications facility must be no more than one hundred ninety (190) feet in height.
- C. Setbacks**
A new or expanded wireless telecommunications facility must be set back one and one half (1 ½) times its height measured from the outer edge of the compound's fence from all property lines, structures or roads, except the tower's access road. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The height of the tower shall be measured from the base of the tower.
- D. Landscaping**
A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.
- E. Fencing**
A new wireless telecommunications facility must be fenced to discourage trespass on the facility and to discourage climbing on any structure by trespassers. The fence must encircle the entire facility.
- F. Lighting**
A new wireless telecommunications facility must be illuminated only as necessary to comply with FAA or other applicable state and federal requirements. Lighting must meet the standards of the Blue Hill Commercial Site Plan Review.
- G. Color and Materials**
A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.
- H. Structural Standards**
A new wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures," and with Hancock County Standards for wind shear and ice load.
- I. Visual Impact**
The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources as identified in Section I of this Ordinance or by a State or Federal Agency.
1. In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following criteria:
 - a.) The extent to which the proposed wireless telecommunications facility is visible above the tree line from viewpoints of the impacted designated scenic resource.
 - b.) The type, number, height and proximity of existing structures and features, and background features within the same line of sight as the proposed facility.
 - c.) The amount of vegetative screening.
 - d.) The distance of the proposed facility from viewpoints and the

facility's location within the designated scenic resource.

- e.) The presence of reasonable alternatives that allow the facility to function consistently with its purpose.

J. Historic & Archeological Properties

The proposed facility, to the greatest degree practicable, will have no unreasonable adverse impact upon an historic district, site or structure which is currently listed or eligible for listing on the National Register of Historic Places.

Section 9 Standard Conditions of Approval

A. Town of Blue Hill Commercial Site Plan Review Ordinance

An approved project must meet the Performance Standards of Section 4, page 16, of the Town of Blue Hill Commercial Site Plan Review Ordinance and satisfy all applicable review criteria.

B. Amendment to an Approved Application

Any changes to an approved application must be approved by the Planning Board, in accordance with Section 4.

C. Abandonment

1. A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The CEO shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of the written notice. The owner of the facility shall have thirty (30) days from receipt of the notice to demonstrate to the CEO that the facility has not been abandoned. If the owner fails to show that the facility is in active operation, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and re-establishment of vegetation.
2. The owner of the facility may apply to the Planning Board for release of the surety bond when the facility and related equipment are removed to the satisfaction of the Planning Board.
3. If the bond is to be cancelled or reduced, the bonding agent must directly notify the CEO and the Selectmen. The Selectmen shall review the surety bond annually.

D. Co-Location As a condition of approval, the owner of the wireless telecommunications facility, his or her successors and assigns agree to:

1. Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response.
2. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
3. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location.
4. Require no more than a reasonable charge for shared use of the wireless telecommunications facility, based on community rates and generally accepted accounting principles. This charge may include, but is not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction and maintenance, financing, return on

equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the life span of the useful life of the telecommunications facility.

- E. **Emissions** As a further condition of approval, and upon request by the Town, the applicant shall, at various times, while the wireless telecommunications facility is in operation, certify to the Town that it is in full compliance with all applicable FCC radio frequency emissions regulations.

Section 10. Appeals

- A. Any person aggrieved by a decision of the Planning Board on a Telecommunications Tower application may appeal the decision to the Maine Superior Court in accordance with Rule 80(B) Maine Rules of Civil Procedure. Written notice of an appeal must be filed with the court within thirty (30) days of the Planning Board's written decision. The applicant's notice of appeal shall clearly state the reasons for the appeal.

Section 11. Administration and Enforcement

- A. The CEO, as appointed by the Board of Selectmen, shall enforce this ordinance. If the CEO finds that any provision of this ordinance has been violated, the CEO shall notify in writing, the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. The CEO shall order correction of the violation and may take any other legal action to ensure compliance with this ordinance.
- B. The Board of Selectmen is 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 a violation of this ordinance to continue unless there is clear and convincing evidence that the violation occurred as a direct result of erroneous advice given by an authorized municipal official upon which the applicant reasonably relied to its detriment and there is no evidence that the owner acted in bad faith. The removal of the violation will not result in a threat to public health and safety or substantial environmental damage.

Section 12. Definitions

Antenna – A system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

Antenna Height – The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Compound–the total of the fenced area surrounding all structures and equipment associated with the tower.

Co-Location – The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Designated Scenic Resource – The specific location, view or corridor, as identified as a scenic resource in a municipally adopted comprehensive plan or by a State or Federal agency that consists of:

1. A three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range.
2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

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

FAA – Federal Aviation Administration

Fall Setback – The distance measured from the outside of the wireless telecommunications facility's fence, which encircles the entire facility.

FCC – Federal Communications Commission, or its lawful successor.

Height – The vertical measurement from a point on the ground at the mean finish grade adjoining the foundation as calculated by averaging the highest and lowest finished grade around the building or structure, to the highest point of the building structure. The highest point shall exclude farm building components, flagpoles, chimneys, ventilators, skylights, domes, water towers, bell towers, church spires, processing towers, tanks, bulkheads, or other building accessory features usually erected at a height greater than the main roofs of buildings.

Historic or Archeological Resources – Resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district.
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior.
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission
5. Areas identified by a government agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource.
6. Any areas identified as having an historic value in the municipality which are listed or shown on a municipal map dated 2004 and the 1999 Comprehensive Plan.

Historic Landmark - Any improvement, building or structure of particular historic or archeological significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state, or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Line of sight – The direct view of the object from the designated scenic resource.

Parabolic antenna – (also know as a satellite dish antenna) An antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.)

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

Public Recreational Facility – A regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

Special Event – A rare and unpredicted event.

Substantial Start – The completion of thirty percent (30%) of a structure or use measured as a percentage of estimated total cost.

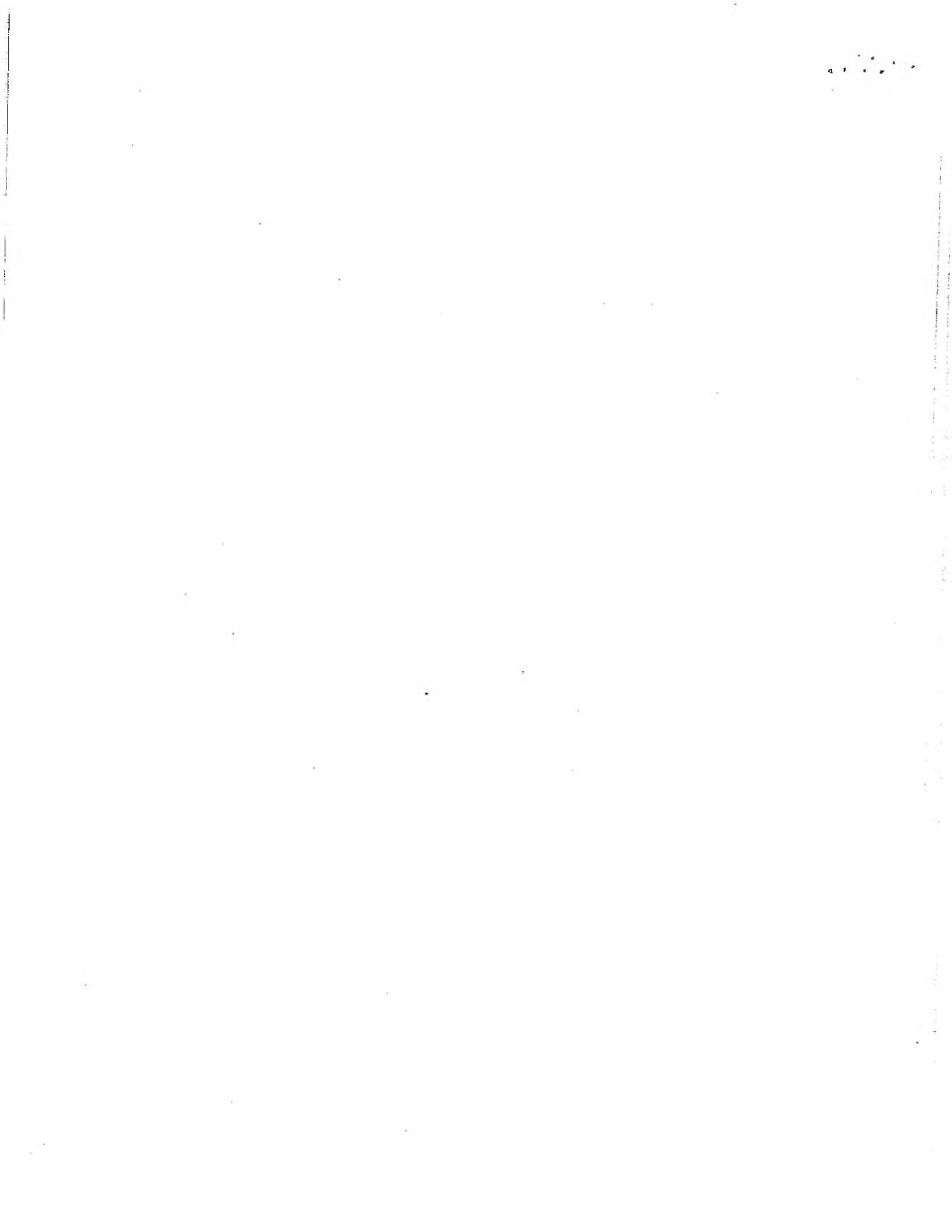
Targeted Market Coverage Area – The area which is targeted to be served by this proposed telecommunications facility.

Unreasonable Adverse Impact – The proposed project would produce an end result which is :

1. Excessively out of character with the designated scenic resources affected, including existing building structures and features within the designated scenic resource, and
2. Would significantly diminish the scenic value of the designated scenic resource.

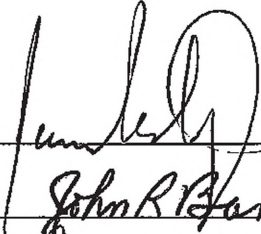
Viewpoint – That location which is identified either in the municipally adopted comprehensive plan or by a Federal or State agency , and which serves as the basis for the location and determination of a particular designated scenic resource.

Wireless Telecommunications Facility or Facilities - Any structure, antenna, tower, or other device which provides radio/television, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services., or any kind of wireless communication transmissions.

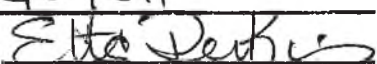


THE TOWN OF BLUE HILL
"TOBACCO FREE ZONE ORDINANCE"

Effective Date: April 1, 2011

Certified By:  4/5/11
John R. Hammarsten 4/6/11
Duane B. Gray 4/6/11
Municipal Officers Date

Attest True Copy:  4-7-11
Town Clerk

ATTEST TRUE COPY
Date 4-7-11
Signature 

Blue Hill Tobacco Free Zone Ordinance

Section 1.0: Short Title. Town of Blue Hill Tobacco Free Zone Ordinance.

Section 2.0: Purpose. This ordinance is enacted to protect, preserve and promote the Health, Safety, Welfare and Quality of life of the children and youth that use the Town Park Playground and the Town's Athletic Fields.

Section 3.0 Definitions.

- (a) "Town Park Playground" means area within 25 feet of any playground structures located at the Blue Hill Town Park.
- (b) "Playground Structures" means any apparatus designed for use by children at play.
- (c) "Tobacco Free" means prohibited use of any product designed to smoke, chew, inhale or otherwise ingest.

Section 4.0 Enforcement. The Town Constable and any other Law Enforcement entities when necessary shall enforce this Town ordinance.

Section 5.0 Penalties.

Civil Penalties: Any person in violations of any provision of this ordinance shall be subject to a civil penalty and upon adjudication thereof shall be fined an amount not less than \$50.00 nor more than \$250.00 for each separate violation.

Section 6.0 Severability. If any ordinance in the Town of Blue Hill now in effect or any future ordinance is more stringent than this one, then that ordinance will be in force. If for any reason, any word, clause, paragraph, or section of this ordinance shall be held unconstitutional, this ordinance shall not be invalidated and the remainder of this ordinance shall continue in effect.

Section 7.0 Effective Date. This ordinance shall become effective upon adoption at the April 2, 2011 Blue Hill Town Meeting

Section 8.0 Admendent. This ordinance may be amended by vote of the Town's Legislated Body

BLUE HILL

PARKER POINT ROAD (FORMERLY ROUTE 175)

25 MPH starting at the junction of Parker Point Road and Route 15, 176, & 172 in Blue Hill and extending southerly to a point opposite NET Pole #9 in Blue Hill, a total distance of 0.20 mile.

35 MPH starting at a point opposite NET Pole #9 in Blue Hill and extending southerly to the junction of Parker Point Road and Route 175 in Blue Hill Falls, a total distance of 2.70 miles.

do we want 25MPH on All of Parker Point

compare

BEECH HILL ROAD (I.R. #448)

35 MPH starting at the junction of Route 15 in Blue Hill and extending northerly to the junction of Route 177 in Blue Hill, a total distance of 0.70 mile. (1/20/88)

RIFLE RANGE ROAD (I.R. #393)

35 MPH starting at the southerly junction of Route 15 and extending northerly to the northerly junction of Route 15 in Blue Hill, a total distance of 3.80 miles. (1/20/88)

TURKEY FARM ROAD (IR #383)

35 MPH starting at the junction of Route 172 & Turkey Farm Road extending north along the Turkey Farm Road to the termination of the public way, a total distance of 1.2 miles.

MOUNTAIN ROAD (IR #386)

35 MPH starting at the junction of Star Route 172 and extending westerly to the junction of State Route 15, a total distance of 1.25 miles.

stop signs for Pennington Drives entrance

AMENDMENT TO TRAFFIC ORDINANCE

Town of Blue Hill, Maine

1. Authority; Findings; Purpose. This Amendment to the Traffic Ordinance for the Municipality of Blue Hill is adopted by the Blue Hill Selectmen under the exclusive authority granted to them under 30-A M.R.S.A. §3009 and under 30-A M.R.S.A. §3001. After 7 days' notice given pursuant to 30-A M.R.S.A. §3009. The Selectmen find that the unrestricted placement and proliferation of signs within the Restricted Area as defined below, creates a traffic hazard that is dangerous to motorists and pedestrians alike. Unrestricted placement of signs within the Restricted Area reduces sight distances for motorists, and creates a visual distraction to motorists, and impedes traffic flow. The purpose of this Amendment, therefore, is to promote safety and traffic flow by regulating the placement of signs within the Restricted Area as necessary to protect the public health, safety and welfare.

2. Definitions. Words used in this Ordinance shall have the meanings provided below and provided in 29-A M.R.S.A. §101. Undefined words shall have their commonly-used meanings.

- a) **"Sign or Signs"** mean any sign, signal, marking, display, device, figure, painting, drawing, message, placard, poster, billboard, or other visual apparatus or thing.
- b) **"Restricted Area"** means those areas in the Town of Blue described as follows:

Area 1: The traffic rotary at intersection of Beech Hill Road, Tenney Hill, South Street and Mines Road; and includes the traffic circle and the area of the four mentioned roadways begins at the aluminum light poles on each road and continues through the circumference of the Traffic Circle.

Area 2: The traffic triangle directly across from the Town Hall that splits the access to Water Street, Fire Station, Blue Hill Memorial Hospital and the Town Park.

- c) **"Official Traffic Signs"**. All signs, signals, markings and devices placed or erected by officials having jurisdiction for the purpose of regulating, warning or guiding traffic.

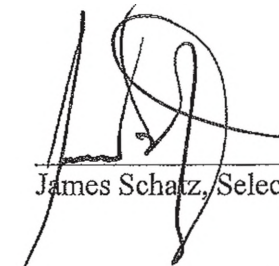
3. Prohibition; Civil Violation. No person shall place, maintain, or display within any Restricted Area, any Sign, except Official Traffic Signs.

4. **Public nuisance.** Every such prohibited sign, signal, or marking is hereby declared to be a public nuisance, and the authority having jurisdiction over the Restricted Area is hereby empowered to remove or cause to be removed each such sign, signal or marking without notice.

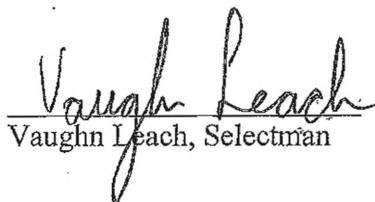
5. **Enforcement and Penalties.** Any violation of this Ordinance shall be enforced as provided under the Traffic Ordinance for the Municipality of Blue Hill. A violation of this Ordinance is a civil violation punishable by a civil penalty or fine of \$50.00 payable to the Town of Blue Hill.

The Selectmen for the Town of Blue Hill, at a public meeting held after 7 days' notice given pursuant to 30-A M.R.S.A. §3009, hereby vote in this Amendment.

Dated: 4/18/14


James Schatz, Selectman


John Bannister, Selectman


Vaughn Leach, Selectman

Town of Blue Hill, Maine

SELECTMEN/ASSESSORS

JOHN R. BANNISTER
JAMES M. SCHATZ
DUANE B. GRAY

FIRST SETTLED 1762

INCORPORATED JAN. 30, 1789

OVERSEERS OF POOR

JOHN R. BANNISTER
JAMES M. SCHATZ
DUANE B. GRAY

SELECTMEN IN OFFICE
FRIDAY AFTERNOONS
P.O. Box 412
Blue Hill, Maine 04614

ASSESSORS' AGENTS

R. I. D. APPRAISALS

TREASURER/ADMN ASST.

ANN STADDEN
TAX COLLECTOR
ETTA PERKINS
TOWN CLERK
ETTA PERKINS
ROAD COMMISSIONER
MICHAEL ASTBURY
FIRE CHIEF
DENNIS ROBERTSON
DEPT. OF SCHOOLS
MARK HURVITT

BLUE HILL, MAINE

TELEPHONE 207-374-2281 FAX 207-374-9935

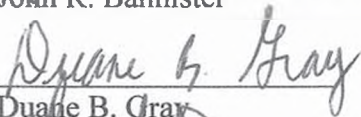
AMENDMENT TO THE TOWN OF BLUE HILL TRAFFIC ORDINANCE

13. There shall be NO PARKING of any vehicles on either side of High Street.
This prohibition shall extend from Tenney Hill to Union Street.

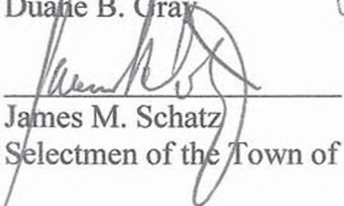
Adopted by the Board of Selectmen at their regular business meeting dated June 30, 2006.



John R. Bannister



Duane B. Gray



James M. Schatz
Selectmen of the Town of Blue Hill

Town of Blue Hill, Maine

FIRST SETTLED 1762

INCORPORATED JAN. 30, 1789

SELECTMEN IN OFFICE
FRIDAY AFTERNOONS
P.O. Box 412
Blue Hill, Maine 04614

TREASURER/ADM. ASST.
ANN STADDEN
TAX COLLECTOR
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ROAD COMMISSIONER
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SELECTMEN/ASSESSORS
JOHN BANNISTER
JAMES SCHATZ
MERLE B. GRINDLE III

OVERSEERS OF POOR
MERLE B. GRINDLE III
JOHN BANNISTER
JAMES SCHATZ

ASSESSORS' AGENTS
R. J. D. APPRAISALS

BLUE HILL, MAINE

AMENDMENT TO THE TOWN OF BLUE HILL

TRAFFIC ORDINANCE

12. There shall be NO PARKING of any vehicles, directly adjacent to the Horton Emerson Waterside Park on Water Street. This prohibition shall extend from the Park's "drop-off" area, East to the Town Wharf.

Adopted by the Board of Selectmen at their regular business meeting, dated July 29th, 2005.

John Bannister

John Bannister, Chairman

M. B. Grindle III

M. B. Grindle III

James Schatz

James Schatz

Selectmen, Town of Blue Hill.

AMENDMENT TO THE TOWN OF BLUE HILL TRAFFIC ORDINANCE

11. THERE SHALL BE NO PARKING ON THE WESTERN SIDE OF THE PARKER POINT ROAD FROM THE BLUE HILL PUBLIC LIBRARY PARKING LOT DRIVEWAY SOUTH TO THE STREAM THAT CROSSES THE ROAD SOUTH OF THE GARFIELD PROPERTY.

ADOPTED 8-3-01



JOHN BANNISTER



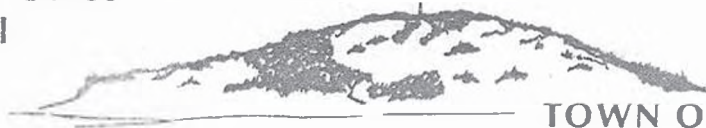
JAMES SCHATZ



GORDON EMERSON

SELECTMEN OF BLUE HILL

The Selectmen's Office
Town Hall



TOWN OF BLUE HILL
Blue Hill, Maine 04614
207-374-2281

August 6, 1981

PROPOSED PARKING ORDINANCE for the TOWN OF BLUE HILL to be acted on at the regular meeting of the Selectmen at 1 o'clock in the afternoon on August 14, 1981.

It shall be unlawful for any vehicle to park within 10' of the paved, improved, or main traveled portion of the highway leading from Blue Hill to Ellsworth - Route 172 from Bangor-Hydro pole # 210 north (John Astbury's) to pole #233 south (Peddler's Wagon), and from the top of Morse's Hill (Mountain Road) to the intersection with Route 172.

Gordon Carson
Lewis Carson
Hennep Tople
Selectmen of Blue Hill

PARKING, NO PARKING AND RESTRICTED AREAS:

1. There shall be no parking within 10 feet from any intersection.
2. There shall be no parking on any sidewalk or any designated crosswalk in the Town of Blue Hill.
3. There shall be no parking within 10 feet of the highway on Route 172 (Ellsworth Road) beginning at Bangor Hydro Pole #210 south to pole #233 during any activity at the Blue Hill Fairground.
4. There shall be no parking on either side of the Mountain Road from the top of Morse's Hill east to the junction of Route 172 during any activity at the Blue Hill Fairground.
5. There shall be no parking allowed on either side of Route 172 (Ellsworth Road) beginning at the 35 mph sign by the Blue Hill Auto Parts and going westerly to Bangor Hydro Pole #244 near the land of Ann Sturdevant.
6. There shall be no parking allowed on the northern side of Route 172 (East Main Street) from Tucker's Lane, so called, to the western side of the Fishnet parking lot.
7. There shall be no parking allowed on the northern side of Route 172 (East Main Street) beginning on the western side of Sarah's Restaurant parking lot westerly to the Ellsworth Builders Supply parking lot.
8. There shall be no parking on the south side of Main Street in the area adjoining the Village Green.
9. There shall be no parking on the northern side (Route 177) beginning at Bangor Hydro Pole #163 by Wesley Bartlett's house westerly to New England Tel Pole #394 by Stephen Johnson's driveway.

PARKING AT FALLS BRIDGE:

Heading south - right hand: two cars only at turnout nearest bridge. No parking allowed anywhere else on this side of Route 175 at this location.

Heading north: no parking allowed on right side of Route 175 on south side of Falls Bridge. Parking allowed on north side of Fall Bridge right lane to within one car length of "Airley Beacon" driveway.

SNOW REMOVAL:

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from the street or way by the town plowing, loading or hauling.

UNATTENDED VEHICLES:

No vehicles shall be left unattended on town ways, streets or property except in designated areas for more than 48 hours. Vehicles may be towed away at owners expense and risk.

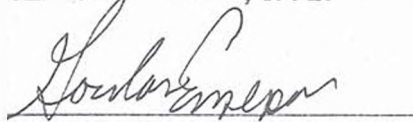
Violation of parking ordinances shall be punishable by a fine of \$10.00.

Any violator of these ordinances may waive court action by payment of the assessed fine to the Blue Hill Treasurer within thirty days of the violation.

TOWING: Any vehicle found parked in violation of any provision of the parking section of this ordinance may be ordered to be towed away by a private towing company chosen by the town. It shall be the owners or operators responsibility and sole expense to pay those towing charges and to arrange for the release of the vehicle from impoundment in addition to the towing expenses. The towing company shall not release a vehicle from impoundment until all fines (from that violation and prior ones) have been paid to the town.

The town shall not be responsible or liable for any damage incurred to any illegally parked vehicle during towing or impoundment by municipal authority. The Board of Selectmen shall designate authority to any police officer or any other person they choose to write traffic tickets (on a Town of Blue Hill Parking Violation Notice). Said designees' shall have the authority to assess the fines based on this ordinance, to choose the towing company, to order vehicle(s) towed and to enforce unpaid violations in District Court.

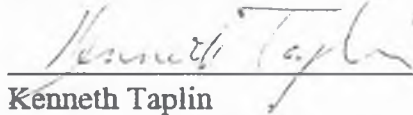
This ordinance is enacted by the Board of Selectmen after due notice, hearing and meeting held on AUG 28, 1992.



Gordon Emerson



John Bannister



Kenneth Taplin

Selectmen of Blue Hill

The portion of the Traffic Ordinance entitled " Unattended Vehicles."

No vehicles shall be unattended on Town ways, streets or property except in designated areas for more than 48 hours. Vehicles may be towed away at owner's expense and risk.

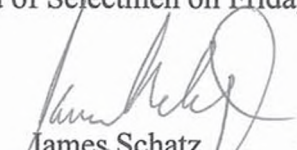
Violation of parking ordinances shall be punishable by a fine of \$10.00. Any violator of these ordinances may waive court action by payment of the assessed fine to the Blue Hill Treasurer within thirty (30) days of the violation.

Is Amended to read:
Unattended Vehicles

No vehicles shall be left unattended on Town ways, streets, parking lots or other Town property without prior permission from an appropriate Municipal Official ie: (Selectmen, Road Commissioner or Constable) for more than 48 hours. Vehicles parking in violation of this ordinance may be towed away at owner's expense and risk.

Violation of parking ordinance shall be punishable by a fine of \$20.00 per day. Any violator of these ordinances may waive court action by payment of the assessed fine to the Blue Hill Treasurer within thirty (30) days of the violation.

This amendment to the Town of Blue Hill Traffic Ordinance - read and adopted by the Board of Selectmen on Friday, September 17, 1999.



James Schatz



John R. Bannister



Gordon Emerson

Selectmen of Blue Hill

AMENDMENT TO THE AMENDMENT TO THE BLUE HILL TRAFFIC ORDINANCE
READ AND ADOPTED BY THE BOARD OF SELECTMEN SEPTEMBER 17, 1999.

The portion of the Amendment:

“Violations of Parking Ordinances shall be punishable by a fine of ten dollars (\$10.00). Any violators of this Ordinance may waive court action by payment of the assessed fine to the Blue Hill Treasurer within thirty (30) days of the violation.

Is Amended to Read:

“The fines for violations of this Ordinance shall be:

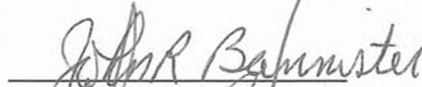
Overtime Parking: ten dollars (\$10.00)

All Other violations: twenty-five dollars (\$25.00)

Any violators of this Ordinance may waive court action by payment of the assessed fine to the Blue Hill Treasurer within thirty (30) days of the violation. Five (5) or more outstanding parking fines may result in towing the vehicle and fines. Towing, storage, and fines must be paid before the vehicle is released.”

Read and passed by The Blue Hill Board of Selectmen, September 20, 2002.

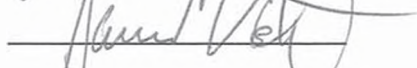
John Bannister



Gordon Emerson



James Schatz



Selectmen of Blue Hill



The Selectmen's Office
Town Hall

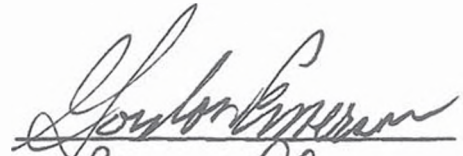


TOWN OF BLUE HILL
Blue Hill, Maine 04614
207-374-2281

PROPOSED BLUE HILL DRIVEWAY ORDINANCE

A regular Selectmen's meeting of Blue Hill will be held September 27, 1985 to propose the following ordinance to be discussed:

There will be no parking on the Northern side of route 172, beginning at the Eastern edge of Ellsworth Builders Supply driveway, East to the Eastern side of the Tea & Tobacco Shop driveway.


Lewis Clason

Selectmen of Blue Hill

This meeting was held by the Selectmen on the above date at which the proposed ordinance was adopted.


Sarah Carter
Admin Asst.

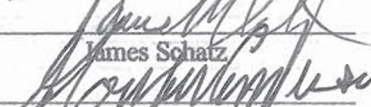
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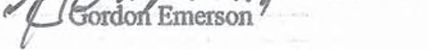
AMENDMENT TO THE TOWN OF BLUE HILL
TRAFFIC ORDINANCE

10. There shall be no parking on the west side of Route 177 (Union Street) from the ~~southern~~ ^{eastern} drive of the Blue Hill Inn to the Junction with High Street.

Adopted 10/19/97



John Bannister


James Schatz


Gordon Emerson

Selectmen of Blue Hill, Maine

The Selectmen's Office
Town Hall



TOWN OF BLUE HILL
Blue Hill, Maine 04614
207-374-2281

BLUE HILL DRIVEWAY ORDINANCE

A regular Selectmen's meeting of Blue Hill will be held October 23, 1981 to propose the following:

No driveways entering upon town ways or crossing property owned by the town shall be constructed without first obtaining a permit from the Selectmen of the Town of Blue Hill.

All such driveways shall be so located that vehicles approaching or using the driveway will be able to obtain adequate sight distance in both directions along the road or to maneuver safely and without interference with traffic.

Lynda Emerson
Laurie Clow
Henneth Taplin
Selectmen of Blue Hill

This meeting was held at the above date 10/23/81
which the proposed parking ordinance was adopted

Sarah Carter
Secretary for Board of Selectmen

Town of Blue Hill, Maine

SELECTMEN/ASSESSORS

JOHN R. BANNISTER
JAMES M. SCHATZ
VAUGHN LEACH

FIRST SETTLED 1762

TREASURER/ADMN ASST
ANN STADDEN

OVERSEERS OF POOR

JOHN BANNISTER
JAMES M. SCHATZ
VAUGHN LEACH

INCORPORATED JAN. 30, 1789

SELECTMEN IN OFFICE
FRIDAY AFTERNOONS
P.O. Box 412
Blue Hill, Maine 04614

TAX COLLECTOR
ETTA PERKINS
TOWN CLERK
ETTA PERKINS
ROAD COMMISSIONER
WILLIAM COUSINS
FIRE CHIEF
DENNIS ROBERTSON
SUPT. OF SCHOOLS
MARK HURVITTE

ASSESSORS' AGENTS
R. I. D. APPRAISALS

BLUE HILL, MAINE
TELEPHONE 1-207-374-2281 FAX 1-207-374-9935

AMENDMENT TO THE TOWN OF BLUE HILL TRAFFIC ORDINANCE

14. THE PARKING SPACES BEHIND, ALONGSIDE THE TOWN HALL AND DIRECTLY ACROSS FROM MERRILL HINCKLEY ARE RESERVED FOR TOWN HALL STAFF AND THOSE PERSONS DOING BUSINESS AT THE TOWN HALL. THIS RESTRICTION WILL BE ENFORCED FROM 7:00 AM UNTIL 4:00 PM, MONDAY THROUGH FRIDAY. VIOLATORS WILL BE SUBJECT TO HAVING THEIR VEHICLES TOWED AT THE OWNER'S EXPENCE.

Adopted by the Board of Selectmen at their regular business meeting dated December 27, 2013


John Bannister

James Schatz

Vaughn Leach

CHAPTER 7

TRAFFIC CODE

ARTICLE 1. DEFINITIONS

Section 101. Words and Phrases Defined. The following words and phrases, when used in this ordinance, shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this article.

101.1. Alley. A narrow way between buildings or giving access to the rear of buildings.

101.2. Authorized Emergency Vehicle. Vehicles of the Fire Department, Police Department, ambulances, and any other emergency vehicles.

101.3. Crosswalk. That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway; or, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

101.4. Curb. The outer edge of a defined sidewalk, or either edge of the wrought and usually traveled part of a street.

101.5. Driver. Every person who drives or is in any manner in control of a vehicle.

101.6. Intersection. The area embraced within the prolongation or connection of the lateral curb lines, or if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angles may come in conflict.

101.7. Individual Parking Space. A portion of the paved surface of the street of sufficient length and depth from the sidewalk curb to accommodate a vehicle to be parked as shall be specified and marked off by the Selectmen or an agent designated by them.

101.8. Official Traffic Signs. All signs, signals, markings and devices placed or erected by officials having jurisdiction for the purpose of regulating, warning or guiding traffic.

101.9. Pedestrian. Any person afoot.

101.10. Police Officer. Every sworn officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of the law or ordinances.

ARTICLE 5. PARKING

Section 501. Stopping, Standing or Parking Prohibited in Specified Places. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or with the directions of a police officer or traffic control device, in any of the following places:

- 501.1. On a sidewalk;
- 501.2. In front of any driveway or lane;
- 501.3. Within an intersection;
- 501.4. On a crosswalk;
- 501.5. Within ten feet of the near corner of the curbs at and intersection;
- 501.6. Within 15 feet upon the approach to any stop sign located at the side of a roadway;
- 501.7. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- 501.8. At any place where official signs or curb painting so prohibit;
- 501.9. In Fire Lanes.

Section 502. Hazardous Places. The Selectmen are hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. When official signs are erected, no person shall stop, stand or park a vehicle in any such designated place.

Section 503. Obstructing Traffic. No person shall stop, stand, park or leave his vehicle on any street in such a manner or under such conditions so as to obstruct the free passage of other vehicles in either direction unless specifically permitted by a police officer, or so as to leave available less than 10 feet of the width of the roadway for free movement of vehicular traffic.

Section 504. Parking in Alleys. No person shall park a vehicle within an alley in such a manner or under such conditions as to leave available less than 10 feet of the width of the roadway for the free movement of vehicular traffic, and no person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

Section 505. Handicapped Parking

505.1 The Selectmen are hereby authorized to determine and designate by proper signs, certain parking spaces for handicapped parking.

505.2. Signs shall be posted adjacent to and visible from each handicapped parking space. Signs shall consist of a profile view of a wheelchair with an occupant in white on a blue background with a printed inscription. The inscription shall read; "Handicapped Parking: Special Plate Required. Unauthorized vehicles are subject to a fine".

505.3. No person shall stop, stand or park any vehicle in a designated handicapped parking space with the exception of those vehicles bearing a special registration plate or placard issued under Title 29, Section 252 M.R.S.A. or a similar plate issued by another state.

Section 506. Bus Stops and Taxicab Stands. The Selectmen by order may designate spaces as bus stops and taxicab stands on such public streets in such places and in such number as it shall determine to be of the greatest benefit and convenience to the public. The Selectmen shall cause such spaces to be designated by appropriate signs or curb markings or both.

506.1. Drivers. The driver of a bus or taxicab shall not stand or park the same upon any street in any business district at any place other than at such a space, when the same has been officially designated and appropriately marked, except that this provision shall not prevent the driver of any such vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

506.2. Other Persons. No person shall stop, stand or park a vehicle other than a bus or a taxicab in any such space when the same has been officially designated and appropriately marked, except that the driver of any passenger car or light delivery vehicle may stop the same therein for the purpose of and while actually engaged in loading or unloading passengers or parcels and when such stopping does not interfere with any operator who desires to drive a bus or taxicab into such space.

Section 507. Method of Parking. All parking shall be parallel to the curb, right wheels resting at curb, except where individual parking spaces with lines indicate otherwise.

Section 508. Places of Assemblage. The Selectmen or Police hereby are authorized to place temporary or permanent traffic control signs in front of the entrance to places of assemblage or any building in which entertainments, plays, shows, exhibitions and the like are given, either regularly or other, and for such period as the Selectmen or Police in their discretion may deem wise under the circumstances.

Section 509. Schools. The Selectmen are hereby authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in their opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

Section 510. Snow Removal. No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from the street or way by the Town plowing or loading and hauling. Any police officer or Road Commissioner may cause any vehicle so parked to be removed from the street and placed in a suitable parking space off of the street, at the expense of the owner of such vehicle, and without the Town being liable for any damage that may be caused by such removal. For the purpose of facilitating the removal of snow, the Selectmen may cause to be placed properly marked signs along any street or streets as they shall from time to time deem necessary.

Section 511. Unlawful Parking. No person shall park a vehicle upon any roadway for the principal purpose of; (1) advertising; (2) displaying such vehicle for sale; or (3) washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

Section 512. Penalty. The operator or owner of any vehicle charged with a violation of any section of this article may waive all court action by the payment of a waiver fee of twenty five dollars (\$25.00) at the Town Office before the date on which said owner or operator is ordered to appear in court as stated on the Notice of Illegal Parking.

Any person authorized by this ordinance may cause any vehicle parked in violation of this article to be removed from the street and be placed in a suitable parking space off the street, at the expense of the owner of such vehicle, and without the Town being liable for any damage caused by such removal.

ARTICLE 6. OPERATION OF VEHICLES

Section 601. Backing Limitation. The driver of a vehicle shall not back the same unless such movement can be made with reasonable safety and without interfering with other traffic.

Section 602. No person riding upon a coaster, sled, roller skates, or any toy vehicle, shall use the same upon any roadway.

Section 603. Entering Traffic from Curb. The driver of a vehicle starting from a curb or roadway edge shall yield the right-of-way to all moving traffic on the roadway; he shall not enter or attempt to enter such moving traffic until he can do so safely.

Section 604. Entering Traffic from Alley or Private Driveway. The driver of a vehicle emerging from any alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway, yielding the right-of-way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

Section 605. Following Fire Apparatus. The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block, and not closer than 500 feet to where fire apparatus has stopped in answer to a fire alarm.

Section 606. Littering. No person shall drive a vehicle over any street in such a manner that material, rubbish, refuse, junk, or litter of any kind drips, sifts, leaks, drops or otherwise escapes therefrom or drops upon the surface of such highway, street or alley.

Section 607. Noise. No person shall sound an automobile horn, bell, or other sound device on a vehicle anywhere in the Town at any time, except when necessary for safe driving. No person shall drive a motor vehicle except a fire department vehicle, on a street unless such motor vehicle is equipped with a muffler in good working order and in constant operation to prevent excessive noise and annoying smoke, nor use a muffler cut-out on any vehicle, except a fire department vehicle, upon any street.

Section 608. Operation of Vehicles on Approach of Authorized Emergency Vehicles. Upon the immediate approach of an authorized emergency vehicle, when the driver thereof is giving audible signal by siren, exhaust whistle or bell, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position as close as possible to the right hand curb or edge of the roadway, clear of intersection, and shall stop and remain in such

position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

Section 609. Report of Accident. The driver of any vehicle involved in an accident resulting in injuries to or death of any person or property damage to the estimated amount of \$200 or more, shall give such immediate notice to the Police Department as is provided by Section 891 of Chapter 11, Title 29 of the Public Laws of Maine.

Section 610. Right-of-Way, Intersecting ways and Entrances of Private Roads. All vehicles shall have the right-of-way over other vehicles approaching at intersecting public ways, except traffic circles or rotary intersections, from the left and shall give the right-of-way to those approaching from the left and shall give the officers stationed at such intersections may otherwise regulate traffic thereat. The driver of a vehicle entering a public way from a private road, alley, driveway or building shall yield the right-of-way to any pedestrian approaching on said public way or sidewalk; and before crossing any sidewalk, or before entering such public way where no sidewalks shall exist, shall proceed cautiously across said sidewalk or into said public way. "Private road" as used in this section shall be construed to include a private road, a private way of any description, an alleyway or a driveway.

Section 611. Sidewalks. The driver of a vehicle shall not drive or ride within any sidewalk area except at a permanent or temporary driveway.

Section 612. Traffic Law Violation Tickets. No person shall remove from any vehicle a traffic law violation ticket, notice or citation placed on or in such vehicle by a police officer, except for the purpose of answering such notice or citation as required therein.

ARTICLE 7. PEDESTRIANS

Section 701. Pedestrians' Right-Of-way in Crosswalk. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within any crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

Section 702. Crossing at Other Than Crosswalks. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

Section 703. Crossing at Right Angles. No pedestrian shall cross a roadway at any place other than by route at right angles to the curb or by the shortest route to the opposite curb except in a crosswalk.

Section 704. Drivers to Exercise Due Care. Notwithstanding the foregoing provisions of this article, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

ARTICLE 8. MISCELLANEOUS

Section 801. Penalties. Unless another penalty is expressly provided by State Law, any person convicted of a violation of any provision of this ordinance shall be punished by a fine of not more than \$100 nor less than \$10.

Section 802. Separability. If any part or parts of this ordinance are held by a court of competent jurisdiction to be invalid, it is the legislative intent of the Selectmen that such decision shall not affect the validity of the remaining portions of this ordinance.

PARKING REGULATIONS PROPOSED

FALLS BRIDGE

South-Right Lane- two cars only at turnout nearest bridge.
(no parking allowed anywhere else this side to Rte. 175 at
this location.)

North - No parking allowed on right side of Rte. 175 on
south side of Falls Bridge. Parking allowed on North side
of Falls Bridge-Right lane to within one car length of
"Airley Beacon" driveway.

CURTIS COVE

Eastbound parking-right side or road only. No parking any-
where leftside eastbound.

AA FIELD

Parking only on south side or road. No parking on north
side of road.

PIE-IN-THE SKY

No parking either side of Mill St. from Rte 172 to High St.

SARAH'S SHOPPE

No parking north side of Rte 172 from Intersection of Rte
176, 1/10th mile north to NET #16. No parking west side
of Rte 172 from Blue Hill Tea & Tabacco to Ellsworth Build-
ers.

CROSSWALKS SHALL BE LOCATED:

From Town Hall steps - south side - to Packet Bldg.

From Bar Harbor Bank to Triangle.

From Triangle to Partridge Drugstore.

Drugstore to Blue Hill Dept. Store.

Merrill & Hinckley's store to Town Hall driveway.

Exxon Station to Odd Fellows Hall.

Post Office to south side Main St.

Union Street to High Street.

GSA To Consolidated School - High St.

All walks to be 4 feet to 6 feet wide. (Rules Art. 7 Chap. 7 Sec. 701)

Funds received from fines levied shall be listed in the Town Report. (Sum of monies raised and expenses incurred)

Upon acceptance by DOT, and adoption by Selectmen of the Town of Blue Hill, to become effective immediately.

**TRAFFIC ORDINANCE
FOR BLUE HILL, MAINE**

TITLE:

This ordinance shall be known and may be cited as the "**Traffic Ordinance for the Municipality of Blue Hill, Maine**" and will be referred to herein as the "**Ordinance**". This ordinance hereby supercedes and repeals the Town of Blue Hill Traffic Ordinance adopted March 4, 1957 and subsequent ordinances.

PURPOSES:

To promote safety and traffic flow on the travel ways and streets in the Town of Blue Hill. This ordinance does not excuse any person from the necessity of complying with all other applicable laws and regulations.

AUTHORITY:

This ordinance is prepared and adopted by the Blue Hill Board of Selectmen pursuant to the authority granted under the Home Rule Provisions of the Constitution of the State of Maine, Article VIII-A and authority granted under Title 30-A MRSA, Section 3009 as amended.

SPEED:

The speed limits on all town ways and streets shall be 25 mph unless otherwise posted by the Maine Department of Transportation.

PARKING:

Unless otherwise indicated by signs or marks on the street, all vehicles shall be stopped or parked on the right hand side of the street only, in the direction in which the vehicle is facing, and as close to the curb or side of the street as is practical. No vehicle shall be stopped or parked in such a manner as to block or obstruct any sidewalk, driveway or street intersection.

EXCEPTIONS:

When necessary for loading or unloading of merchandise or performing other necessary services, vehicles used for commercial purposes may stop in violation of the above paragraph, provided that they do not stop in such a manner as to prevent the safe passage of other vehicles along the way.

Town of Blue Hill, Maine

SELECTMEN/ASSESSORS

JOHN R. BANNISTER
JAMES M. SCHATZ
VAUGHN LEACH

OVERSEERS OF POOR

JOHN R. BANNISTER
JAMES M. SCHATZ
VAUGHN LEACH

ASSESSORS' AGENTS

R. J. D. APPRAISALS

FIRST SETTLED 1762
INCORPORATED JAN. 30, 1789

SELECTMEN IN OFFICE
FRIDAY AFTERNOONS
P.O. Box 412
Blue Hill, Maine 04614

TREASURER/ADMN ASST
ANN STADDEN

TAX COLLECTOR
ETTA PERKINS
TOWN CLERK
ETTA PERKINS
ROAD COMMISSIONER
WILLIAM COUSINS
FIRE CHIEF
DENNIS ROBERTSON
SUPT. OF SCHOOLS
MARK HURVITTE

BLUE HILL, MAINE

TELEPHONE 1-207-374-2281 FAX 1-207-374-9935

AMENDMENT TO THE TOWN OF BLUE HILL "ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS"

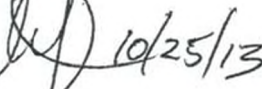
"Section 4. Exemption " of Blue Hill's ordinance restricting vehicle weight on posted roads is amended by adding the following language:

Vehicles hauling to or from and for a residential property are exempted from the conditions set forth in "Section 5. Permits ".

Adopted by the Board of Selectmen at their regular business meeting,
dated August 16, 2013.


John Bannister

Absent
James Schatz

 10/25/13


Vaughn Leach

Selectmen of Blue Hill

**Town of Blue Hill
Emergency Vehicle Escort/Parade Permit**

This permit must be procured at least twenty-four hours prior to applicant need, and be in compliance with the following conditions:

- No sirens, bells, horns, or other noise making devices shall be used during as follows:**
 - **During the annual Memorial day Parade**
 - **At funeral processions**
 - **Before 0800 hours and after 2030 hours**
 - **At areas of church services or funerals**
 - **No closer than Main Street to the Blue Hill Memorial Hospital**

(Lights only will be allowed at these times)

- All emergency calls shall take precedence for vehicle response at any time or stage of any event**
- The selectmen reserve the right to refuse or withdraw permits based on condition, intent, or schedule conflict following communication with the emergency agency requested chief officer or direct assigned subordinate**

Requesting agency representative _____

Selectman _____

Date ___/___/___ Time _____

**TOWN OF BLUE HILL
MOBILE VENDING ORDINANCE**

PURPOSE

The purpose of this Ordinance is to regulate mobile vendors to protect the public's health, safety, and welfare, while fostering a dynamic business climate that generally promotes an active pedestrian environment.

DEFINITIONS

MOBILE VENDOR: Any person engaged in selling or offering for sale, food, beverages, or merchandise from a mobile vending unit, on the streets or sidewalks of the Town; on Town property.

MOBILE VENDING UNIT: A moveable cart, trailer, or vehicle or other device designed to be portable and not permanently attached to the ground.

VENDOR LICENSE: Authorization by the Select Board to conduct mobile vending operations.

SECTION 1. PERMIT REQUIRED

- A. It shall be unlawful for any mobile vendor to sell, display, or offer for sale any food, beverages, goods, or merchandise within the Town without first obtaining a mobile vendor license signed by a majority of the Select Board.

- B. Exemptions: The provisions do not apply to farm stands to caterers transporting food or beverage to a residence or business.

- C. Applications for all mobile vendor licenses shall be made in writing to the Select Board on the application obtained from the Town and shall contain the following information:
 - 1. The name, mailing address, and phone number of the applicant; and the name, mailing address, and phone number of the owners of the mobile vending unit to be used, if other than the applicant.

 - 2. A specific description of vending operation including the type of food, or beverage, or merchandise to be sold, the hours of operation, and the method of refuse disposal.

 - 3. A description and/or photograph of the mobile vending unit and other accessory items (coolers, umbrellas, signs, etc) to be used as a part of the vending operation.

4. The specific location(s) in which the mobile vendor intends to conduct business. Applicants operating without a fixed location and who are operating as a traveling vendor will be required to submit a statement outlining their proposed route.

Applicants operating from a location on town owned property, such as a town wharf parking area or town park, must obtain approval from the Select Board and will be subject to the payment of an additional fee.

5. Any additional information as may be needed by the Select Board in the issuing of the permit, including but not limited to copies of the required State licenses and approvals, and proof of the applicant's general liability insurance in an amount of not less than \$500,000.

D. Fees are shown on the attached Fee Schedule.

E. The Select Board shall, prior to granting a permit and after reasonable notice to the public and the applicant, hold a public hearing within 30 days of the date the request was received, at which the testimony of the applicant and that of any interested member of the public shall be taken. The notice to the public will be paid for by the applicant. The Select Board shall have the authority to issue a temporary permit of up to three (3) days duration to a mobile vendor without a public hearing.

F. The Select Board shall grant a license unless they find that issuance of the license will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles or bylaws.

G. A mobile vendor license shall be valid for 1 year and must be renewed annually. Should the applicant wish to change the location of the vending operation during the valid license timeframe, then the applicant shall reapply for a new license with the location information revised accordingly. No license fee will be charged for a location change but the new license will expire on the same date as the original license issued.

SECTION 2. INSPECTIONS

Mobile vendors shall be subject to periodic inspections by the Local Health Officer or Code Enforcement Officer to ensure compliance with health regulations, zoning or safety regulations, and license conditions. The Select Board may revoke the mobile vendor license of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection or take sufficient samples for analysis or who interferes with such officer, official or employee while in the performance of his duty.

SECTION 3. SUSPENSION OR REVOCATION OF A PERMIT

The Select Board may, after a public hearing preceded by notice to the license holder and public, suspend or revoke any mobile vendor license which has been issued under this Ordinance on grounds that the license or licensee constitutes a detriment to the public health, safety or welfare, violates the terms of the license or this Ordinance or any other municipal or state law, ordinance, rules or regulations, or for misrepresentation of information in the application.

SECTION 4. PERMIT AND APPEAL PROCEDURES

Any licensee requesting a mobile vendor license from the Select Board shall be notified in writing of their decision no later than thirty (30) days from the date the request was received. In the event that an applicant is denied the license, the applicant shall be provided with the reasons for the denial in writing. The applicant may not reapply for a license within thirty (30) days after an application for a license is denied.

IV: PERFORMANCE STANDARDS

A. Permitted Merchandise: Sale of items from a mobile vendor are limited to the following:

1. Food and non-alcoholic beverages;
2. Flowers or seasonal items such as Christmas trees and wreaths;
3. Souvenirs items directly related to the mobile vendor, such as t-shirts or coffee cups with the vendor's logo.

B. Location:

1. No mobile vendor selling food shall be located within 50 feet of an existing restaurant measured from the front door or within 50 feet of another mobile vendor, unless agreed to in writing by the restaurant owner or other mobile vendor or at the specific direction of the Select Board.
2. Mobile vending is not allowed within or adjacent to schools, cemeteries or residential neighborhoods, unless at a festival, fair or community event, occurring for a period not to exceed 5 days annually.
3. Mobile vendors will not be situated or so located in a way that will obstruct the free passage of pedestrians or vehicles or obstruct an entrance or exit.
4. Mobile Vending Units may not be parked overnight on city streets or in city parking lots.

C. Size:

1. A mobile vending unit shall not exceed 20 feet in length, if permitted for conducting business while parked on a public road and shall not exceed 26 feet in length, if permitted for conducting business while parked on town owned land.
3. Each mobile vending unit shall be self-contained. Two (2) additional coolers may be placed alongside the mobile vending unit for storage purposes. No vendor shall set up tables, racks, or other devices to increase the selling or display capacity of the unit.

D. Sound:

1. Generators, if used, shall not produce sound in excess of 80 decibels at a distance of six (6) feet from any point of the exterior of the unit.
2. The use of bells, chimes, microphones, or loudspeakers are prohibited. Hawking or calling out to people is also prohibited.

E. Maintenance:

1. The area around the vendor shall be kept clean and free of litter, garbage and debris within a radius of 25 feet from the vending unit.
2. At least one trash receptacle must be provided by the vendor and removed at the end of each day.
3. All evidence of a vending unit must be removed from the premises each day after operations have ceased.

F. Hours of operation:

1. A mobile vendor may only operate between the times of 7:00 am and 10:00 pm.

G. Signs:

1. A sandwich board style sign, not to exceed 8 square feet may be placed next to the mobile vending unit in a manner that is visible to passing pedestrians or vehicles providing it does not block visibility of vehicular and pedestrian traffic.
2. Signs, not to exceed a total of 8 square feet, may be placed on the mobile vending unit, or incorporated into the unit through means of paint, banners, or canopies. A menu sign, not to exceed 4 square feet, is permitted and will not be counted towards the total sign area.

ARTICLE V: PENALTY, SEPARABILITY & EFFECTIVE DATE

Section 1. Penalty

Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not more than \$500.00 for the first offense, and up to \$1,000.00 for each subsequent offense, to be recovered on complaint, to the use of the Town of Blue Hill.

Section 2. Separability

The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 3. Effective Date

This ordinance shall become effective when adopted by a majority vote at Town Meeting. This Ordinance specifically repeals the ordinance entitled "Town of Blue Hill Street Vending Vehicle Ordinance" dated 1988, as amended March 6, 1995 and "Street Vending Vehicles Procedure" dated January 27, 2006.

Enacted:

MOBILE VENDING ORDINANCE SCHEDULE OF FEES

Vending Fees – Annual

Casual – 1 to 3 days	\$ 50.00
Monthly – 30 consecutive days	\$125.00
Annual – 365 consecutive days	\$250.00

Use of Town Property by Mobile Vending Unit

Town parks, wharves, parking lots	
Casual – 1 to 3 days	\$ 25.00
Monthly – 30 consecutive days	\$ 50.00
Annual – 365 consecutive days	\$125.00

Ordinance Restricting Vehicle Weight on Posted Ways

TOWN OF BLUE HILL

Section 1. Purpose and Authority

The purpose of this "Ordinance Restricting Vehicle Weight on Posted Ways" (hereinafter, the "Ordinance") is to prevent damage to town ways and bridges in the Town of Blue Hill, Maine which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair. This Ordinance is adopted pursuant to 30-A M.R.S.A. § 3009 and 29-A M.R.S.A. §§ 2395 and 2388.

Section 2. Definitions

The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3. Restrictions and Notices

The municipal officers may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.



Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.

The notice shall contain, at a minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signatures of the municipal officers. The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way

Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices. No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4. Exemptions

Vehicles that are exempt from the Maine Department of Transportation's (Maine DOT) "Rules and Regulations Restricting Heavy Loads on Closed Ways" dated December 31, 1996 and amended on March 4, 1998, is hereby incorporated as part of this Ordinance, are exempt from this Ordinance. In addition, any vehicle delivering home heating fuel and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the Maine DOT under 29-A M.R.S.A. § 2395 (4-A).


Vaughn Leach

John R. Bennett

6-14-13

Ordinance Restricting Vehicle Weight on Posted Ways

TOWN OF BLUE HILL

Section 5. Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the municipal officers for a permit to operate on a posted way or bridge notwithstanding the restriction. The municipal officers may issue a permit only upon all of the following findings:

- (a) no other route is reasonably available to the applicant;
- (b) it is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- (c) the applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the municipal officers make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges. In determining whether to issue a permit, the municipal officers shall consider the following factors:

- (a) the gross registered weight of the vehicle;
- (b) the current and anticipated condition of the way or bridge;
- (c) the number and frequency of vehicle trips proposed;
- (d) the cost and availability of materials and equipment for repairs;
- (e) the extent of use by other exempt vehicles; and
- (f) such other circumstances as may, in their judgment, be relevant.

The municipal officers may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6. Administration and Enforcement

This Ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee [such as road commissioner, code enforcement officer or law enforcement officer].

Section 7. Penalties

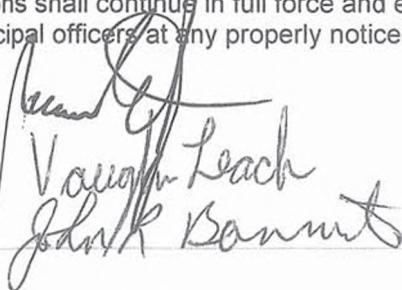
Any violation of this Ordinance shall be a civil infraction subject to a fine of not less than \$250.00 nor more than \$1,000.00. Each violation shall be deemed a separate offense. In addition to any fine, the municipality may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs. Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

Section 8. Amendments

This Ordinance may be amended by the municipal officers at any properly noticed meeting.

Section 9. Severability; Effective Date

In the event any portion of this Ordinance is declared invalid by a court of competent jurisdiction, the remaining portions shall continue in full force and effect. This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.


Vaughn Leach
John K. Bennett

6-14-13

Maine Revised Statutes

- [§2388 PDF](#)
- [§2388 WORD/RTF](#)
- [STATUTE SEARCH](#)
- [CH. 21 CONTENTS](#)
- [TITLE 29-A CONTENTS](#)
- [LIST OF TITLES](#)
- [DISCLAIMER](#)
- [MAINE LAW](#)
- [REVISOR'S OFFICE](#)
- [MAINE LEGISLATURE](#)

§2387 **Title 29-A: MOTOR** **§2389**
VEHICLES HEADING: PL 1993, C. 683, PT. A, §2 (NEW);
PT. B, §5 (AFF)

Chapter 21: WEIGHT, DIMENSION AND PROTECTION OF
WAYS HEADING: PL 1993, C. 683, PT. A, §2 (NEW); PT. B, §5
(AFF)

Subchapter 2: DIMENSION HEADING: PL 1993, C. 683, PT. A,
§2 (NEW); PT. B, §5 (AFF)

§2388. Violations; bond; appeals

1. Violation. Except as otherwise provided, an operator who violates a provision of this subchapter commits a traffic infraction for which a forfeiture of not less than \$25 nor more than \$1,000 for each offense may be adjudged.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

2. Bond. In granting a permit under this subchapter, an operator may be required to post a satisfactory bond to reimburse for expenses necessarily incurred in repairing damage caused to the way or bridge by the operator's use.

[1993, c. 683, Pt. A, §2 (NEW); 1993, c. 683, Pt. B, §5 (AFF) .]

3. Appeals. An appeal in writing may be taken to the Department of Transportation from an order or decision of a municipal official under sections 2380 to 2382, 2387 and 2395.

The Department of Transportation may hear and decide the matter in a summary manner, modifying, affirming or vacating the action and may issue any order necessary to carry out its decision.

An appeal does not suspend the order or decision of the municipal official unless ordered by the Department of Transportation.

An appeal may be taken to the Public Utilities Commission from an action by a railroad corporation under section 2387 in respect to a highway bridge maintained by the corporation. The commission, after notice and hearing, may confirm or modify that action.

[1995, c. 65, Pt. A, §112 (AMD); 1995, c. 65, Pt. A, §153 (AFF); 1995, c. 65, Pt. C, §15 (AFF) .]

SECTION HISTORY

1993, c. 683, §A2 (NEW). 1993, c. 683, §B5 (AFF). 1995, c. 65, §SA153, C15 (AFF). 1995, c. 65, §A112 (AMD).

Data for this page extracted on 10/16/2012 08:31:25.

**The Revisor's Office cannot provide legal advice or interpretation of
Maine law to the public.**

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes
7 State House Station
State House Room 108
Augusta, Maine 04333-0007

Public Notice

To: David N. Gulya, Jr., a (constable)/ (resident) of the Town of Blue Hill, Maine, in the County of Hancock.

Greetings:

In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Blue Hill that the municipal officers of said town will meet at the Blue Hill Town Office, on Friday, the 14th day of June, 2013 at 1:15 p.m. o'clock in the forenoon and then and there consider the enactment of the following ordinance:

An Ordinance Relating to Parking and Traffic Control

(See attached)

The public will be given an opportunity to be heard prior to the consideration of the above ordinance by the Municipal Officers.

Given under our hands this 31st day of May, 2013

/s/ [Signature] /s/ John B. Barnister

/s/ Vaughn Leach /s/

Municipal Officers of Blue Hill, Maine

Attest: /s/ Etta E. Perkins

Return

Town of Blue Hill, Maine, May 31, 2013

Pursuant to the within order of notice, I have notified and warned the inhabitants of the Town of Blue Hill, Maine, that the municipal officers will meet at the time and place and for the purpose therein named, by posting this day an attested copy of that notice in the following public and conspicuous places in town:

Post Office

Town Hall

State of Maine

/s/ [Signature] (Constable) (Resident) Blue Hill, Maine (Name of Municipality) Hancock, ss (County)

Then personally appeared before me the above-named David Gulya Jr. known to me (or, who satisfactorily identified him/herself to me,) and swore that the representations set forth in the above Return of Warrant are true to his/her own knowledge; and acknowledged the signature appearing thereon to be his/hers, and that he/she executed the Return of his/her own free will (and who signed the above Return in my presence).

Date: 5/31/13

[Signature] Notary Public/Attorney at Law

(Notary's seal)

Printed name of Notary Public/Attorney If Notary Public, my commission expires ___/___/___

ETTA E. PERKINS Notary Public, Maine My Commission Expires March 5, 2017

STREET VENDING VEHICLES PROCEDURE

1. Any person wishing to obtain a Street Vending License must apply to the Board of Selectmen by December 31st. The letter shall include name, address, and telephone number of the business/operator.
2. The application shall include a specific description of the business, the goods or services to be sold, and the equipment.
3. The application must include the annual license fee of _____. The money will be placed in escrow until permission is granted by the Board of Selectmen.
4. The hours of selling and the location of selling will be determined by the Selectmen.
5. The inhabitants of the Town of Blue Hill, acting by and through the Annual Town Meeting in March, shall grant licenses to those persons selected by the Town at the Town Meeting from a list of candidates assembled by the Selectmen prior to the Town Meeting.

1/27/06

John R. Baranite

~~Mr. Gausman~~

A large, stylized handwritten signature in black ink, possibly reading 'John R. Baranite', written over a horizontal line.

5722 ✓

TOWN OF BLUE HILL

STREET VENDING VEHICLE ORDINANCE

PURPOSE

The Inhabitants of the Town of Blue Hill are concerned that the practice of permitting business to be conducted in the streets and highways of the Town of Blue Hill from vehicles parked within the limits of these rights-of-way has created and will create problems of public safety, traffic congestion, and limitation of parking for residents and visitors to the town. Because of these concerns, this Street Vending Ordinance is hereby enacted.

SECTION 1.

It shall be unlawful for any person to park a street vending vehicle within the right-of-way limits of any public street, road or highway within the urban portions of the Town of Blue Hill for the purpose of selling food or other merchandise at retail to the general public, without first obtaining a license from the Town of Blue Hill.

SECTION 2. DEFINITIONS

A. A "street vending vehicle" is any automobile, truck, trailer, wagon, pushcart, or other vehicle with two or more wheels containing stocks of food or merchandise to be sold by the operator or custodian of the vehicle at retail to the general public. This definition shall not include vehicles delivering food or merchandise to retail stores or restaurants for the purpose of resale to the general public.

B. "Urban portions of the Town of Blue Hill" are those portions of the Town of Blue Hill included within the urban portion of the town as identified by the Department of Transportation by establishment of 25-mile speed limit signs on the various access roads to the village of Blue Hill.

SECTION 3. LICENSES

The Inhabitants of the Town of Blue Hill, acting by and through the annual town meeting, shall grant licenses to those persons selected by the town at the town meeting from a list of candidates assembled by the Selectmen prior to the town meeting. Any person wishing to obtain a license for a street vending vehicle shall apply to the Selectmen at least three weeks before the annual town meeting.

After an applicant or applicants have been selected for licenses for street vending vehicles by the town meeting, the license shall be issued by the Selectmen upon payment of an annual fee of \$100. These licenses shall be non-transferable.

SECTION 4.

This ordinance shall be applicable not only to vending on a public way, but also to such activities on town owned land, such as the lawn of the Town Hall and the Town Park.

SECTION 5.

Any vending activities for non-profit charitable groups shall be exempted from the provisions of this ordinance. Also, any vendor operating less than five days a year shall also be exempt. Further, the Selectmen may authorize limited vending during special events sponsored by the town or by organizations associated with the town, if in their judgment such activity is consistent with the event and consistent with the public interest of the Town of Blue Hill.

SECTION 6.

This ordinance shall not apply to anyone utilizing a public way for the purpose of making deliveries to a business or private residence.

SECTION 7.

The penalty to any person violating any provision of this ordinance may be fined not more than \$200 for each offense.

SECTION 8. SEVERABILITY

If any portion of this ordinance shall be declared invalid, it shall not affect any other portion of this ordinance.

SECTION 9. EFFECTIVE DATE

This ordinance shall be effective on the date that it is passed by a town meeting in the Town of Blue Hill.

Attest:

Waldo Collins
Waldo Collins
Waldo Collins
Selectmen of Blue Hill

Attest: A true copy of an ordinance entitled "Town of Blue Hill Street Vending Ordinance", as certified to me by the municipal officers of Blue Hill on this _____ day of _____ 1988.

Robert A. Candace
DEP. Town Clerk of Blue Hill

Article 79. Shall the following amendment to the Town of Blue Hill Street Vending Ordinance be adopted, effective when adopted:

Section 3 Licenses. After an applicant or applicants have been selected for street vending vehicles by the town meeting, the license shall be issued by the Selectmen upon payment of an annual fee of \$150.00

68 Add the sentence: The annual fee shall increase each year by the same percentage as the increase in property taxes for the previous year. The base year shall be 1993.

A motion was made, seconded and passed with a YES vote to adopt the following amendment to the Town of Blue Hill Street Vending Ordinance, effective when adopted:

Section 3 Licenses. After an applicant or applicants have been selected for street vending vehicles by the town meeting, the license shall be issued by the Selectmen upon payment of an annual fee of \$150.00 with the added sentence: the annual fee shall increase each year by the same percentage as the increase in property taxes for the previous year. The base year shall be 1993.

Article 80. To see if the Town will vote to issue any Street Vending Licenses under the Street Vending Ordinance enacted in 1989. Names submitted.

Barbara Whyte
Robert Betts
Marjorie Bray

Cut Flowers
Fish Products
Cut Flowers

A motion was made, seconded and passed with a YES vote to issue any Street Vending Licenses under the Street Vending Ordinance enacted in 1989 to Barbara Whyte, Cut Flowers; Robert Betts, Fish Products; Marjorie Bray, Cut Flowers.

Article 81. To see if the Town will vote to approve the Interlocal Agreement for operating the Transfer Station as developed ;by the Blue Hill and Surry Boards of Selectmen.

A motion was made, seconded and passed with a YES vote to approve the Interlocal Agreement for operating the Transfer Station as developed by the Blue Hill and Surry Boards of Selectman.

The Registrar of Voters hereby give notice that she will be in session at her office, March 17, 1995, for the purpose of revising and correcting the list of voters.

/s/Gordon Emerson
/s/John R. Bannister
/s/Julia Danico
Selectmen of Blue Hill

Attest: /s/Lewis P. Hutchins

Blue Hill, Maine March 6, 1995

Pursuant to the within warrant to me directed, I have notified and warned the inhabitants of said town, qualified as herein expressed, to meet at said time and place and for the purposes therein named, by posting an attested copy of said warrant at the door of the Blue Hill Town Hall and at the Post Offices in said town, being public and conspicuous places in said town, on ;the 6th day of March, 1995, being at least seven days before the meeting.
/s/ Lewis Hutchins. Resident.