

2017

Town of Corinth Maine Ordinances

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**Town of Corinth
Appeals Board Ordinance
March 17, 2009**

I. General

1.1 TITLE

This Ordinance shall be known as and may be cited as the "Appeals Board Ordinance of the Town of Corinth, Maine ", and will be referred to herein as the "Ordinance".

1.2 AUTHORITY

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution, Title 30-A, Section 4353 and 2691 and Title 38, Section 435 et. seq., of the Maine Revised Statutes Annotated.

1.3 ESTABLISHMENT

There shall be an Appeals Board of five (5) members and two (2) associate members appointed by the Board of Selectpersons as provided in Title 30-A, MRSA, Section 4353 and 2691

1.4 TERMS

1.4.1 Regular Members

The terms of the regular members shall be for five (5) years and be such that the term of at least one (1) member will expire each year.

1.4.2 Associate Members

The term of the associate members shall be five (5) years. The associate members may act on the Board in place of any member who may be absent. The associate members may also act in place of any member who is unable to vote due to conflict of interest or any other reason if the vote of the regular member would cause the number of members present and voting to be fewer than three (3). Participating associate members shall be selected to vote on an alternating basis. Any dispute as to right to serve shall be resolved by the Chairperson.

1.4.3 Proceedings

The Board shall keep minutes of its proceedings, recording the vote of each member on all matters coming before that Board. The minutes of that Board and all correspondence shall be a public record. Three (3) members of that Board shall constitute a quorum for conducting a meeting and taking action and the concurring vote of at least three (3) members is necessary to grant any variance request or reverse any action of the Code Enforcement Officer. A tie vote shall be considered a rejection of the application or appeal. The Board is governed by the procedures set forth at Title 30-A, MRSA, Section 4353 and 2691 and in this Ordinance. In addition, the Board may adopt any procedural rules not in conflict with that Title or this Ordinance, which it deems necessary or proper for the conduct of its business.

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2. OFFICERS AND DUTIES

2.1 The officers of the Board shall consist of a Chairperson, Vice Chairperson and Secretary who shall be elected annually by a majority of all Board members.

2.2 Chairperson

The chairperson shall perform all duties required by law and herein and shall preside at all meetings of the Board. The Chairperson shall rule on issues of evidence, order and procedure, and shall take other such actions as are necessary for the efficient and orderly conduct of hearings unless directed otherwise by a majority of the Board.

2.3 Vice Chairperson

The Vice Chairperson shall serve in the absence of the Chairperson and shall have all the powers of the Chairperson during the Chairperson's absence, disability or disqualification.

2.4 Secretary

The Secretary, subject to the direction of the Board and Chairperson, shall keep minutes of all Board proceedings, showing the vote of each member upon every question, or if absent or abstaining from vote, indicating such fact. The Secretary shall also arrange proper and legal notice of hearings, attend to correspondence of the Board and to other duties as are normally carried out by a secretary. The Secretary shall keep a record of all resolutions, transactions, correspondence, findings and determinations of the Board, and shall prepare a complete record of each hearing, including: date(s), time(s), place(s) of the hearing(s); subject of the hearing; identification of each participant; any agreements made between parties and the Board regarding procedures; the testimony presented; findings of fact and conclusions; the decision of the Board; and the date of issuance of the decision. All records are public and may be inspected at reasonable times. The Town of Corinth Committee Policy shall be followed

3. CONFLICT OF INTEREST

3.1 Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except that the member with the potential conflict shall abstain from voting.

3.2 "Conflict of interest" shall be construed to mean any direct or indirect pecuniary interest or benefit, any familial relationship within the sixth degree of consanguinity, and any other situation where bias, lack of independence, or the appearance of lack of independence is present. It shall be the responsibility of the member with the potential conflict of interest to demonstrate to the satisfaction of the other members of the Board that he/she is free of such potential conflict and is capable of performing his/her duties with full objectivity.

3.3 Selectpersons, Planning Board members, Zoning Board members, code enforcement officers, town employees, town agents and spouses of any of the foregoing are considered to have a conflict of duties and shall not serve on the Appeals Board.

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4. POWERS AND DUTIES

4.1 ADMINISTRATIVE APPEALS

The Board shall have the power to hear and decide appeals where it is alleged that there is an error in any order, requirements, decision, or determination made by, or failure to act by the Code Enforcement Officer in the administration of this Ordinance. When errors of administrative procedures or interpretation are found, the case shall be remanded back to the Zoning Board, Subdivision Planning Board or Code Enforcement Officer for correction.

4.2 VARIANCE APPEALS

The Board shall have the power to authorize variances upon written appeal within the limitations set forth in this Ordinance.

4.2.1 Dimensional variances may be granted only from dimensional requirements including: frontage (including shore frontage), lot area, lot width, height, percent of lot coverage, and setback requirements.

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

4.2.3 The Board shall not grant a variance unless it finds that the strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean all of the following:

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

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

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

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

4.2.4 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 Section 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 this Sub-Section, a disability has the same meaning as a physical or mental handicap under Title 5, MRSA, Section 4553.

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- 4.2.5 The Board 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.
- 4.2.6 A copy of all variances granted by the Appeals Board shall be submitted to the Department of Environmental Protection, within fourteen (14) days of the decision, where such variances applies to structures or land within the Shoreland Area.
- 4.2.7 The Board may interpret the provisions of any applicable Town ordinance(s) which are called into question.
- 4.2.8 The Board may approve the issuance of a special exception permit or conditional use permit in strict compliance with any applicable Town ordinance.

4.3 GENERAL APPEALS

The Board shall have the power to hear and determine all appeals by any person directly or indirectly affected by any decision, action or failure to act with respect to any license, permit, variance or other required approval, or any application therefore, including the grant, conditional grant, denial suspension, or revocation of any such license, permit, variance or other approval (hereinafter a "Decision"):

- 4.3.1 Rendered by the Code Enforcement Officer or Planning Board pursuant to the Shoreland Zoning Ordinance;
- 4.3.2 Rendered by the Code Enforcement Officer or Building Inspector relating to building code enforcement pursuant to any statute or Town ordinance;
- 4.3.3 Rendered by the Selectpersons or Assessors' agent pursuant to the abatement of taxes;
- 4.3.4 Rendered by the Selectpersons or Road Commissioners pursuant to the Town Road Ordinance;
- 4.3.5 Rendered by the Planning Board or Code Enforcement Officer pursuant to the Flood Hazard/Floodplain Management Ordinance;
- 4.3.6 Rendered by the Zoning Board pursuant to the Zoning and Land Use Ordinance.

5. APPEAL PROCEDURE

5.1 TIME LIMIT

An administrative or variance appeal may be taken to the Board by an aggrieved party from any decision of the Code Enforcement Officer. 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.

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5.2 WRITTEN NOTICE

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

5.2.1 A concise written statement indicating what relief is requested and why it should be granted; and

5.2.2 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 requested.

5.2.3 A completed application for the type of appeal that has been requested. A complete application has no unanswered questions.

5.2.4 Items 5.2.1, 5.2.2 and 5.2.3 need to be delivered to the Code Enforcement Officer at least (7) seven days prior to the scheduled hearing date. Failure to comply may result in a delay and or denial of your appeal

5.3 RECORD OF CASE

Upon being notified of an appeal, the Code Enforcement Officer shall transmit to the Board all of the papers constituting the record of the decision or action being appealed.

5.4 PUBLIC HEARING

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

5.4.1 The Town of Corinth Board of Appeals shall be responsible for notification of the date, time, and place of the hearing by placement in newspapers of general circulation in the area and notifying abutters at least 7 days prior to the hearing. The cost, with a minimum of \$50.00 paid in advance, shall be born as follows:

5.4.2 If the appeal is made by an abutter of the project under review, or any other member of the public, Cost of the publication of the notice_and the cost of notifying any abutters by 1st class mail_shall be borne by the person(s) making the appeal

5.4.3 If the appeal is made by the applicant of the project under review, that applicant shall bear the cost of publication of the notice_and the cost of notifying any abutters by 1st class mail.

5.5 HEARINGS

5.5.1 The Board may receive any oral or documentary evidence, but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party shall have the right to present his/her case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross examination as may be required for a full and true disclosure of the facts.

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

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

5.5.4 The Code Enforcement Officer or representative of the Planning Board or Zoning Board shall attend all hearings and may present to the Appeals Board all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record.

5.6 DECISION BY BOARD

5.6.1 QUORUM

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.

5.6.2 BURDEN OF PROOF

The person filing the appeal shall have the burden of proof.

5.6.3 ACTION ON APPEAL

Following the public hearing on an appeal, the Board may reverse the decision, or failure to act, of the Code Enforcement Officer only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

5.6.4 TIME FRAME

The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision within seven (7) days of the Board's decision.

Board decisions shall only be made by voting at a public meeting. 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 therefore, and the appropriate order, relief or denial thereof.

5.7 RECONSIDERATION

The Board may reconsider any decision reached within forty-five (45)¹ days of its prior decision. A request to the board to reconsider a decision must be filed within (10) ten days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within 45

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days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony as provided in this ordinance and in Title 30-A section 2691.

The Board may not entertain a second application for a variance concerning the same property after a previous application has been denied unless a substantial change of conditions has occurred or considerations materially affecting the merits of the subject matter had intervened between the first application for appeal and the subsequent application.

6. APPEALS TO SUPERIOR COURT

An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within forty-five (45)¹ days from the date of any decision of the Board.

7. EFFECTIVE DATE

The effective date of this Ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

8. REPEAL OF PRIOR ORDINANCE

The existing Appeals Board Ordinance and any other existing Town ordinance or policy addressing appeals are repealed as of the effective date of this Ordinance. However, the adoption of this Ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, the violation of any ordinances repealed by this Section if the violation is also a violation of the provisions of this Ordinance.

It is also the intention and direction of this Section that if this Ordinance is, for any reason, held to be invalid or void in its entirety, the ordinances repealed by this Section shall be automatically revived.

9. CHANGE CONTROL

03/17/09	Ordinance adopted at Annual Town Meeting March 17, 2009 via passage of Article 65.
¹ 03/17/09	Corrected per discussion at Annual Town Meeting to conform to State law
07/21/09	Amended at a special town Meeting
03/20/12	Ordinance amended at Annual Town Meeting March 20, 2012 via passage of Art. 59

REPLACEMENT Town of Corinth REPLACEMENT
Amendment to the Corinth Building Code Section 4
July, 21, 2009

Section 4B –Back lots

Back lots that do not front on a town way or town road or public easement and are accessed from a private way are exempt from the front lot line requirement listed in section 4. This section applies to permanent residential dwellings and commercial buildings. It is not intended to apply to seasonal recreational dwellings. Occupancy permits for compliance are required.

Back lots are required to be one (1) acre and have a 150 foot lot line either along one side of a private way or at the end of the private way. The area of the right of way is in addition to the lot size. See the attached drawing for clarification

The private way must provide legal access to the back lot. The existing lot from which the right of way is taken cannot have less than the minimum frontage required when the right of way is subtracted. The private way may be owned fee simple or have a permanent easement. This must be recorded with the property deed and proof provided to the Town of Corinth.

- 2.1 Basic Safety Standards. The Right of Way width must be a minimum of 27 feet for a single residential dwelling. All other uses will need planning board approval and be dependent on the use of the back lot. The width of a driveway is the distance across the driveway, excluding radii, measured parallel to the highway.

Intersection Angle / Radius of Edges. To the maximum extent practical, the driveway will be constructed perpendicular to the Town Rd. at the access point. The minimum radius on the edge of a driveway must be 10 feet. The Town of Corinth may require that the edges of the driveway have a larger radius if larger vehicles are expected to use the driveway on a regular basis.

Drainage Standards.

- (1) **Culvert Size.** The Town of Corinth will determine the diameter of culverts within the highway right of way depending upon local conditions.
- (2) **Construction and Maintenance Standards.** Driveways, on-site ditches, swales, pipes and other structures that direct runoff toward Corinth ditches or drainage systems must be constructed, crowned, stabilized and maintained with stable materials and appropriate erosion control measures such as permanent vegetation or stone.
- (3) **Mitigation.** If the proposed development poses a significant drainage risk, then the applicant must mitigate the impacts of increases in peak flow from storms into Corinth's drainage systems through measures specified by the Town of Corinth. Mitigation measures may include on-site controls, off-site

REPLACEMENT Town of Corinth REPLACEMENT
Amendment to the Corinth Building Code Section 4
July, 21, 2009

improvements when the town determines, using accepted engineering and hydrologic principles, that: (i) the proposed driveway has a grade of 10% or greater for a length of 150 feet or more draining toward the highway; (ii) the proposed development has more than 10,000 square feet of impervious surface draining toward the highway, or (iii) the proposed development will substantially contribute to the failure of a downstream drainage facility. "Impervious surfaces" are the footprint of buildings, pavement, gravel, or other low-permeability or compacted surfaces, not including natural or man-made water bodies. "Peak flow" is the greatest rate of flow in a drainage way, measured as volume per unit of time, resulting from storms up to a 50-year event.

The applicant for a back lot must provide an HHE-200 for a complete on-site sewage disposal system for a year round dwelling. Privies, partial gray water systems or primitive systems are not allowed except for seasonal dwellings.

All utilities to the back lot must have space allowed in the right of way for construction. This must be documented in the deed. Private ways that connect with State Roads will need a M.D.O.T entrance permit. Private ways that connect with Town Roads will need to meet sight distance requirements, corner clearance, intersection angle and radius of edges criteria provided for driveway location.

The building setback from the center of the right of way is 50 feet and 10 feet from all other property lines Wells and Subsurface waste disposal systems are allowed in the setback area as allowed by the well drillers rules and the subsurface waste water rules.

The maintenance of the right of way, travel surface or any other access to a back lot shall be the responsibility of the owners of the right of way or the holders of the easement that allows access to such back lots.

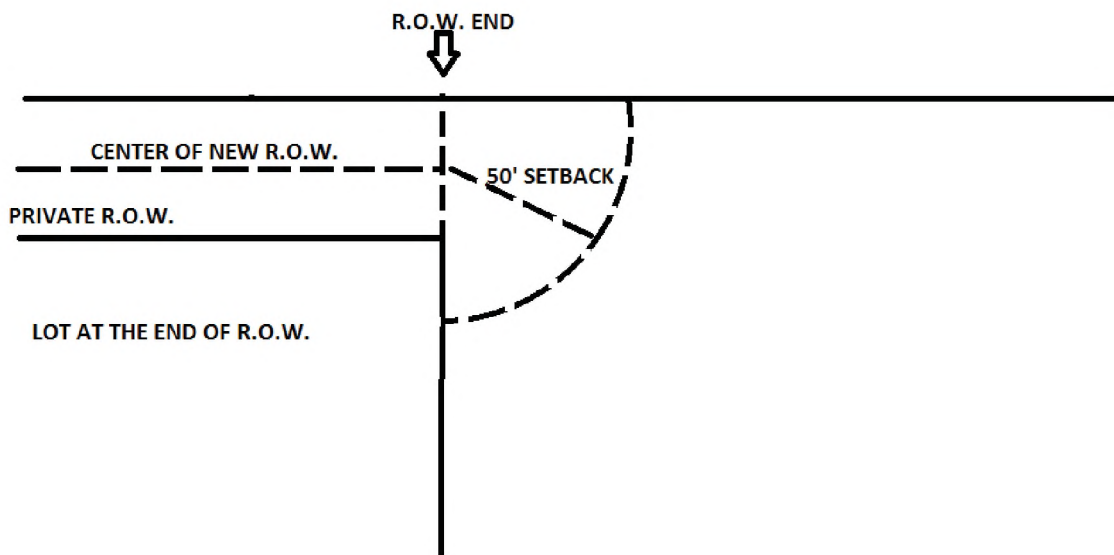
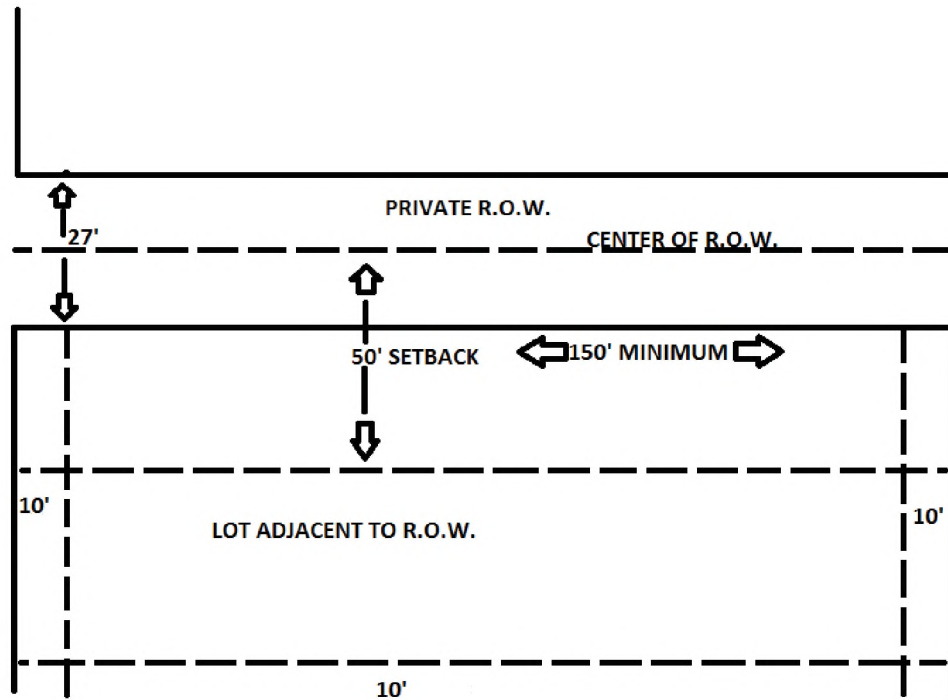
All private ways accessing back lots under this section shall connect with the Public road system in Corinth. The Town of Corinth does not guarantee any emergency services to any dwelling located on a back lot.

The code enforcement officer shall issue permits for a back lot only if all the above criteria is met. Any other requests shall be referred to the Planning Board or Board of Appeals as needed

CHANGE CONTROL

03/18/14 Amendment adopted for Annual Town Meeting - Article 55
07/21/09 Amendment adopted at Special Town Meeting July 21, 2009

REPLACEMENT Town of Corinth REPLACEMENT
Amendment to the Corinth Building Code Section 4
July, 21, 2009



**Town of Corinth
Dog Control Ordinance
March 17, 2009**

1 GENERAL

1.1 Title

This Ordinance shall be known as and may be cited as the "Dog Control Ordinance of the Town of Corinth, Maine ", and will be referred to herein as the "Ordinance".

1.2 Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and Title 30-A, Section 4352 and Title 7, Section 3950 of the Maine Revised Statutes Annotated.

2 PURPOSE

The primary purpose of this ordinance is to provide clear guidelines consistent with the goals and guidelines of the Town of Corinth, conform with the regulations of the State of Maine to ensure public safety and to comply with the **Animal Welfare Act** (7 MRSA, Chapter 721).

3 DEFINITIONS (mostly from 7 MRSA, Section 3907)

1. **“Abandoned dog”** means a dog that has been deserted by its owner or keeper.
2. **“Animal control”** means control of dogs, cats, and domesticated or undomesticated animals in accordance with Section 3948 of the Maine Animal Welfare Act.
3. **“Animal control officer”** means the personnel appointed periodically by the Town of Corinth pursuant to Section 3947 of the Maine Animal Welfare Act. (Edited to fit this Ordinance).
4. **“At large”** means off the premises of the owner or his duly authorized agent/keeper and not in immediate control of the owner or his agent/keeper, either on a leash or under voice command control.
5. **“Boarding kennel”** means any place, building, tract of land or abode in or on which 3 or more privately owned dogs or other pets, or both, are kept at any one time for their owners in return for a fee.
6. **“Breeding kennel”** means a location where 5 or more adult dogs, wolf hybrids or cats capable of breeding are kept and some or all of the offspring are offered for sale, sold or exchanged for value or a location where more than 16 dogs or cats raised on the premises are sold to the public in a 12-month period. "Breeding kennel" does not include a kennel licensed by a municipality under section 3923-C when the dogs are kept primarily for hunting, show, training, mushing, field trials or exhibition purposes and not more than 16 dogs are offered for sale, sold or exchanged for value within a 12-month period.
7. **“Dangerous dog”** means a dog that bites an individual or a domesticated animal who is not trespassing on the dog owner's or keeper's premises at the time of the bite or a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear imminent bodily injury by assaulting or threatening to assault that individual or individual's domestic animal. "Dangerous dog" does not include a dog certified by the State and used for law enforcement purposes. "Dangerous dog" does not include a dog that bites or threatens to assault an individual who is

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on the dog owner's or keeper's premises if the dog has no prior history of assault and was provoked by the individual immediately prior to the bite or threatened assault.

For the purposes of this definition, "dog owner's or keeper's premises" means the residence or residences, including buildings and land and motor vehicles, belonging to the owner or keeper of the dog.

8. **"Dog"** means a member of the genus and species known as *canis familiaris* or any canine, regardless of generation, resulting from interbreeding of a member of *canis familiaris* with a wolf hybrid as defined in subsection 30. (Ref. note: Subsection 30 of 7 MRSA Section 3907).
9. **"Keeper"** means a person in possession or control of a dog or animal.
10. **"Kennel"** means 5 or more dogs or wolf hybrids kept in a single location under one ownership for breeding, hunting, show, training, field trials, mushing or exhibition purposes. The sale or exchange of one litter of puppies within a 12-month period alone does not constitute the operation of a kennel.
11. **"Nuisance"** shall mean causing trouble, annoyance or harm.
12. **"Owner"** means any person or persons, firm, association or corporation owning, keeping or harboring a dog or other animal.
13. **"Provoked"** shall mean to call, disturb, act in a way to irritate or anger, or to cause action.
14. **"Warrant"** means an order of municipal officers directing a police officer, constable, sheriff or animal control officer to enter a complaint and summons against the owners or keepers of unlicensed dogs following notice of and noncompliance with a violation of law.

4 LICENSE REQUIRED

A dog may not be kept within the limits of the Town of Corinth, unless the dog has been licensed by its owner or keeper in accordance with the laws of this State. (7 MRSA, §3921.)

The Town of Corinth shall post at the Town office the Maine Law requiring dog owners to license dogs within 10 days of purchase or taking possession of a dog.

5 TAG AND COLLAR REQUIREMENTS (7 MRSA §3923-B. Tags)

The owner of a dog shall make sure that licensing and rabies tags are securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which such tags were issued.

6 BARKING DOGS

No person, owner, or keeper shall harbor any dog/animal that unnecessarily annoys or disturbs any person not on the premises of the owner or keeper by unreasonable and/or persistent barking, howling, or yelping, and is declared to be a public nuisance.

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- 6.1 Any person/resident of the Town of Corinth that experiences a problem with habitual and/or excessive barking of dogs is strongly encouraged to contact the owner of said dog and make them aware that the barking is a concern. Most often, barking dog issues, when discussed in a reasonable and constructive manner will result in no further incidences. If approaching the owner fails to get positive results, or the noise persists, complaints shall be directed to contact the Animal Control Officer of the Town of Corinth. (Animal Control Officer contact information is available on inside cover of current Annual Report for the Town of Corinth.)
- 6.2 It shall be unlawful for any person to confine a dog in an open-air enclosure, including a fenced yard, where its barking may disturb the quiet of the neighborhood. Any nuisance dog shall be confined within a relatively soundproof building with closed doors and windows so that any barking will not annoy, disturb, injure or endanger the comfort, repose, peace or safety of any individual.
- 6.3 Defense to such violation shall be, but is not limited to, the owner of said dog provides proof by preponderance of the evidence, that the only reason said dog had the appearance of being a nuisance was due to the animal being provoked, incited, acting as a guide dog, acting as a hearing dog, working as a police dog, or was responding to a trespass or attempted trespass on private property, or other legitimate cause.
- 6.4 Offenses may include, but not be limited to:
- 6.4.1 In a Residential, Village or Commercial Zone, any incident more than 15 minutes in length, three (3) or more times in a day, in a two-day consecutive period, and attested to by two (2) or more complainants.
- 6.4.2 In Limited Residential Zones, a dog that persistently barks for periods in excess of one (1) hour on a habitual basis, shall be considered a nuisance for purposes of this section only when the complainant is a person who resides within one-half mile of the nuisance dog's residence.
- 6.4.3 Defense to such violation: If the owner of said dog proves by preponderance of the evidence that the only reason said dog was barking was that the dog was being provoked or was otherwise being incited, or was acting as a guide dog, hearing dog, or police work dog.
- 6.4.4 Any person who violates the provisions of this section shall upon the first occasion will be given a warning. All subsequent violations of these provisions will be punishable according to the Town of Corinth Fee Schedule.
- 6.4.5 All fines to be recovered by complaint before any District Court in Penobscot County.

7 DOGS IN PUBLIC

All owners of dogs in public are responsible to have dogs on leashes at all times and are responsible for the removal of animal waste. No person shall fail to immediately remove and lawfully dispose of any feces left in any street, sidewalk, esplanade, park or other public place or town owned property by a dog owned by such person or under his/her control, with the exception of handicapped persons physically unable to comply with the requirements of this section.

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Signage shall be prominently displayed at public ball fields, play and recreational areas to prohibit dogs from such areas and the Board of Selectpersons shall be insure enforcement of this prohibition.

8 INVESTIGATION OF COMPLAINT

If the Animal Control Officer after investigation of the complaint, finds valid grounds, the officer shall serve a written warning upon the owner or keeper, notifying the owner or keeper that such annoyance or disturbance is unacceptable and must cease. Any owner or keeper, who allows such annoyance or nuisance to continue after notice has been served, commits a civil violation subject to the penalties set forth in the Corinth fee schedule and will be subject to pay any additional fees, summons or other expenses incurred.

8.1 Should the Animal Control Officer of the Town of Corinth, be unable to persuade the owner to cooperate, or should the owner be unwilling to comply with this Ordinance, measures may be taken to have the dog seized from the location of violation. Said owner of the dog will be subject to all services and fees rendered for such violation, including but not limited to offense fees, warrants, boarding and services rendered.

8.2 Should the Animal Control Officer of the Town of Corinth find the dog to be abandoned, he/she shall take appropriate action necessary according to Maine Law.

9 EFFECTIVE DATE

The effective date of this Ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

10 REPEAL OF PRIOR ORDINANCE

Any existing Dog Control Ordinance, Barking Dog Ordinance and any other existing or conflicting Town ordinance or policy addressing barking dogs or dog control are repealed as of the effective date of this Ordinance. However, the adoption of this Ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, the violation of any ordinances repealed by this Section if the violation is also a violation of the provisions of this Ordinance.

It is also the intention and direction of this Section that if this Ordinance is, for any reason, held to be invalid or void in its entirety, the ordinances repealed by this Section shall be automatically revived.

11 SEVERABILITY

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

12 CHANGE CONTROL

03/17/09 Ordinance adopted at Annual Town Meeting March 17, 2009 via passage of Article 67.

TOWN OF CORINTH FEE SCHEDULE

Subdivision.....	Sketch plan app.....	\$50.00
	Preliminary plan app.....	\$ 100.00 plus per lot fee.....\$100.00
	Copy of Subdivision ordinance.....	\$15.00
	To be used for mailings, inspection costs and replenished as needed by the Applicant in conformance with the Subdivision Ordinance, section 9.1.A.2	
	Final plan app.....	\$100.00
Shore Land use.....	Application.....	\$50.00
Building permit.....	Application.....	\$20.00
	+Plus \$0.05 per sq ft of unconditioned floor area above 200 sq feet	
	+Plus \$0.10 per sq ft of conditioned floor area above 200 sq feet	
Plumbing permit.....	In accordance with the Maine State statutes	
Appeals Board.....	Variance or Administration application.....	\$50.00
Junkyards.....	In accordance with the Maine State statutes	
Dog Control.....	In accordance with the Maine State statutes	
	Neutered/Spayed.....	\$ 6.00
	Male/Female.....	\$11.00
	Late fee.....	\$25.00 per dog
	Impound fee - dogs & cats.....	\$25.00
Motor Vehicle.....	State Reg Fee.....	\$35.00
	Agent Fee.....	\$4.00 New or \$3.00 Re-Reg
	Excise.....	per vehicle
	Sales Tax.....	5.5% (must provide good bill of sale)
	Title app.....	\$33.00 (1995 & newer)
Recreational Vehicles.....	ATV.....	Re-Reg \$34.00..... New Reg \$35.00 plus sales tax
	Boats.....	determined by HSP & length
	Excise tax.....	per boat
	Snowmobile.....	Re-Reg \$41.00..... New Reg \$42.00 plus sales tax
	Sales Tax.....	5.5% (must provide good bill of sale)
Hunting & Fishing Licenses... (agent fee included)	Combo.....	\$44.00
	Hunt Adult.....	\$27.00
	Hunt JR.....	\$ 9.00
	Fish.....	\$27.00
	Archery.....	\$26.00
	Duplicate.....	\$ 3.00
	Duck Stamp.....	\$ 7.50
	Muzzleloader.....	\$14.00
	Pheasant.....	\$18.00
	Bear.....	\$29.00
	Small Game.....	\$16.00
	Spring/Fall Turkey and 2nd Spring Turkey.....	\$22.00
Miscellaneous.....	Dump Stickers.....	\$1.50 each
	Send or Receive a Fax.....	\$2.00 for 1-2 pages, .50¢ for each page after
	Photocopies.....	Black & white - .25¢ or .50¢ (dep on size)
	Double sided copies.....	50¢ per sheet
		Color - .50¢ or \$1.00 (dep on size)
	Tax Maps (11 x 14).....	\$1.00 per page – black & white only
	Commitment Book.....	25¢ per page (.50¢ doublesided)
	Returned Check Fee.....	\$25.00 plus any bank fees if applicable
	Marriage License.....	\$40.00
	Certified Copy.....	\$15.00 for 1 st copy & \$6.00 for each copy of same record if purchased at the same time
	Non-certified vital copy.....	\$10.00

(ALL FEES SUBJECT TO CHANGE)

Change Control 09/08/2011 Selectpersons updated fee listing
09/19/2013 Selectpersons updated fee listing

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF CORINTH, MAINE

ENACTED: March 18, 2014
Date

EFFECTIVE: March 19, 2014
Date

CERTIFIED BY: _____
Signature

CERTIFIED BY: Travis Gould
Print Name

Town Manager / Town Clerk
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Corinth, 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 Corinth, 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 Corinth, 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 Corinth 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 Corinth 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 Corinth, Maine.

The areas of special flood hazard, are identified by the Federal Emergency Management Agency in a map entitled "Flood Insurance Rate Map - Town of Corinth, Maine" dated July 1, 1991 which is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, 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.2. 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, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which in Zone A is determined:
 - a. 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.J. and VIII.D.;
 - b. 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,
 - c. 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), 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 Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.K.2.a.;
- 3. a certified statement that bridges will meet the standards of Article VI.L.;
- 4. a certified statement that containment walls will meet the standards of Article VI.M.;

- 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 \$50.00 for all new construction or substantial improvements shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board 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 data contained in the "Flood Hazard Boundary Map" - Town of Corinth, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.; Article VI.J.; and Article VIII.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., 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 an 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, or H. 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.,2., and 3. 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.I., 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.
- 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 IX 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 VII 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 so as 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 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.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., or together with attendant utility and sanitary facilities shall:
1. be floodproofed to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D., so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
 2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 3. 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.
- H. **Manufactured Homes** - New or substantially improved manufactured homes located within Zone A shall:
1. be elevated 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.; Article V.B; or Article VIII.D.;
 2. 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,
 3. 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:

- a. 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,
- b. 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).
- c. all components of the anchoring system described in Article VI.H.3.a.& b. shall be capable of carrying a force of 4800 pounds.

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zone A 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 .

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zone A, 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. be 500 square feet or less and have a value less than \$3000;
- 2. have unfinished interiors and not be used for human habitation;
- 3. have hydraulic openings, as specified in Article VI.K.2., in at least two different walls of the accessory structure;
- 4. be located outside the floodway;
- 5. 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,
- 6. 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 - Encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in a floodway which, in Zone A riverine areas, is the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

1. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
2. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37).

L. **Enclosed Areas Below the Lowest Floor** - New construction or substantial improvement of any structure in Zone A that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces 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 XIII;
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 Zone A 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 utilizing information obtained pursuant to Article III.H.1.; Article V.B; or Article VIII.D.; 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.J.; 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 Zone A shall:

1. have the containment wall elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.; Article V.B.; or Article VIII.D.
2. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
3. 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 Zone A 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.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- 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 Elevation Certificate and the applicant's written notification; and,
 2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on 5 or more 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 so as 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 IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Corinth 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 it deems 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 IX and Article VI.J. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article IX, 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 IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. 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 Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
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 X - 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 any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, 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 XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Ordinance imposes

a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall control.

ARTICLE XIII - DEFINITIONS

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

Accessory Structure - means a small detached structure that is incidental and subordinate to the principal structure.

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

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

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

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

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 subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

Development - means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zone A, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zone A, **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.K..

Elevation Certificate - An official form (FEMA Form 81-31) 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 - means:

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 1. The overflow of inland or tidal waters.
 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as 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 - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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.I., 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) - means the national vertical datum, whose standard was established in 1929, which is used by the National Flood Insurance Program (NFIP). NGVD was based upon mean sea level in 1929 and also has been called "1929 Mean Sea Level (MSL)".

New Construction - means 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 - means a vehicle which 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. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. in Zone A riverine areas, the floodway is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

building, 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 community's 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 XIV - ABROGATION

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

60.3 (b) Rev. 6/07
Prepared 11/25/13 by fmp/jp

CHANGE CONTROL

03/18/14 Ordinance adopted at Annual Town Meeting - Article 56

Town of Corinth
Ordinance Prohibiting Retail Marijuana Establishments
& Retail Marijuana Social Clubs in the Municipality of Corinth, Maine
March 2, 2017

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 Establishments and Retail Marijuana Social Clubs

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 expressly prohibited in this municipality.

No person or organization shall develop or operate a business that engages in retail or wholesale sales of a retail marijuana product, 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.

Section 6 Change Control

03/21/17 Ordinance adopted at Annual Town Meeting March 21, 2017 via passage of Article 60

Mobile Home Safety Ordinance for the Town of Corinth

Article 1: Title and Purpose

1.1: This ordinance shall be known as the Mobile Home Safety Ordinance and will be referred to hereinafter as the "ordinance"

1.2: This ordinance is enacted by the inhabitants of the Town of Corinth to provide a wide variety of housing alternatives to all economic levels within the community, while continuing to promote reasonable standards of safety and health and welfare of the community and its citizens. To this end the Town of Corinth allows the siting of all types of manufactured housing regardless of their date of manufacture. The Town does require that all manufactured housing sited within the Town of Corinth meet certain design and safety standards.

Article 2: Authority

2.1: This ordinance is enacted pursuant to the authority granted to the municipality M.S.R.A. Title 30-A Chapter 141 Section 3001(home rule provision) and chapter 187 section 4358 (the regulation of manufactured housing)

2.2: The effective date of this ordinance shall be the date it is enacted by the vote of the legislative body of the Town of Corinth

2.3: Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted rule regulation, ordinance deed restriction or covenant, the most restrictive or that imposing the higher standard shall govern.

Article 3: Sever ability

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

Article 4: Application/Permits

4.1: This ordinance will apply to all manufactured housing that are defined as Hud code and Pre-Hud code units located within the Town of Corinth

4.2: Building permits and plumbing permits are required prior to the siting of any manufactured housing within the Town of Corinth

4 3: Building Permit Fees are as stated in Fee Schedule for the Town of Corinth.

4.4: Plumbing permit fees are as required by the Maine State plumbing code

4.5: The burden of proof rests with the applicant

4.6: A Certificate of occupancy is required before any occupancy is allowed

Article 5:Definitions

1: For the purpose of interpreting this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein

2: Terms not defined shall have the customary dictionary meaning.

Abutting: Having a common border with or being separated from such common border by an alley or easement.

Abutter: A party owning an abutting lot or owning one directly across the road

Access: A means of entry to or exit from a property

Acre: A measure of land containing forty-three thousand five hundred and sixty (43,560) square feet.

Addition: A room or rooms added to a structure. Any addition added to any Hud - Code or Pre Hud-Code home must comply with the current Maine State building code.

Aggrieved person: A person whose interests are damaged or adversely affected by a decision, action or the failure to act by the planning board or code enforcement officer.

Alteration: As applied to a building or structure, a change or rearrangement of the structural parts means of egress or enlargement, whether by extending on a side or by increasing in height or by moving from one location or position to another.

Basement: The substructure of a building that is partially or wholly below ground level which may or may not be used for living space.

Certificate of Occupancy: Official certification that manufactured housing as defined in this ordinance meet or exceeds the requirements of this ordinance and all other pertinent state and local requirements to be used as a residence or other purpose for which it was manufactured.

Chapters 900 thru 970: A group of standards adopted by the Manufactured Housing Board to insure that manufactured housing is installed correctly, safely and remains affordable.

Code Enforcement Officer: A person appointed by the governing body to administer and enforce this ordinance. Code enforcement officer may be construed to include building inspector, plumbing inspector, electrical inspector and the like where applicable.

District: A specified portion of the town delineated on the official land use map or as described in the Corinth Land use ordinance applied under the provisions of this ordinance.

Enlargement or to enlarge: Any addition that increases the floor area or square footage of a structure.

Frontage, Road: The horizontal distance between the intersections of the side lot lines and the front lot line. Permanent easements and permanent right of ways can be used to calculate road frontage provided they are recorded in the properties deed.

Lot: A parcel of property which meets all of the dimensional requirements for the district in which it is located.

Lot Area: The area contained within the boundary lines of the lot.

Lot coverage: The percentage of the lot covered by impervious surface.

Lot Depth: The mean horizontal distance between the front and rear lot line measured within the lot boundaries.

Lot frontage: The lot width measured at the street lot line. When a lot has more than one street lot line the lot width shall be measured and the minimum lot width required, must be provided on one street. (See Frontage, Road above)

Lot Line: A line bounding a lot, which divides one lot from another or from a street road or Water body as defined below.

1: **Front lot line:** In the case of a lot abutting only one street it is the line separating the lot from the street; in the case of double frontage lots either street line can be considered the front lot line but not both. The access to the lot will be considered the front line if it is the required length.

2: **Rear lot line:** The line that is parallel to and the most distant from the front line of the lot. In the case of irregular, triangular or gore shaped lots, a line 20-ft

long entirely within the lot and parallel to and at the maximum possible distance from the front line shall be considered to be the lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite from the lot line along which the lot takes access from the street.

3. **Side lot line:** any lot line not considered a front or rear lot line.

Lot of record: Any lot legally existing and recorded as such at the Penobscot County Registry of Deeds.

Manufactured Housing: A structural unit or units designed to be used as a dwelling or dwellings and constructed in a manufacturing facility and then transported by the use of its own chassis, or placement on an independent chassis to a building site where it is utilized for housing and that may be purchased, sold, offered for sale, or brokered by a licensee in the interim. For the purpose of this ordinance, three (3) types of manufactured housing are included. They are:

1: HUD -code homes, which are those units constructed after June 15,1976 that the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections that, in traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site are 320 or more square feet and are built on a permanent chassis and designed to be permanent dwellings, with or without permanent foundations, when connected to the required utilities including plumbing, heating, air-conditioning and electrical contained therein except that such term shall include any structure that meets all the requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National manufactured Housing construction and safety standards Act of 1974,42 United States Code 5401,et seq; [2005,c344, ss4 (amd).]

2: State certified modular homes, which are those units that the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures transportable in one or more sections that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to the required utilities including the plumbing, heating, air-conditioning and electrical systems contained therein. [2005,c344, ss4 (amd).]

3: Pre HUD-code homes, which are those units constructed prior to June 15,1976 meaning structures transportable in one or more sections, that are 8 feet or more in width and are 32 body feet or more in length and are built on a permanent chassis and designed to be used as a dwelling with or without a

permanent foundation when connected to the required utilities including plumbing, heating, air-conditioning and electrical systems contained therein. [2005, c344, ss4 (amd).]

Mobile Home park: A parcel of land under unified ownership approved by the Town of Corinth and approved and licensed by the State of Maine for the placement of three (3) or more manufactured homes.

Sited: Placed, constructed or located on a lot of record with all permits required and a certificate of occupancy.

Skirting: The enclosure between the bottom of the manufactured home and the ground.

Town: The Town of Corinth

Variance: A relaxation of the requirements of this ordinance, granted by the Board of Appeals under the terms of the Appeals board ordinance of the Town of Corinth.

Article 6: Siting Standards

6.1: All Hud-Code and Pre-Hud code units sited within the Town of Corinth after the adoption of this ordinance shall meet the following installation standards. The State of Maine Manufactured Housing Board has a Manufactured Home Installation Standard Chapter 900, which is adopted by reference in its entirety as the installation standard for the Town of Corinth

6.2: This standard applies to any manufactured home newly sited in the Town of Corinth as of the adoption date of this ordinance.

6.3: This Standard does not apply to any manufactured home legally sited in the Town of Corinth as of the adoption date of this ordinance.

6.4: Manufactured housing will not be allowed within the Town of Corinth without an HHE 200 for a complete septic system. Gray water or primitive systems are not allowed. The burden of proof rests with the applicant.

Article 7: Safety Standards

7.1: All Hud-Code and Pre-Hud code units Sited within the Town of Corinth after the adoption of this ordinance shall meet the following Safety Standards. The State of Maine Manufactured Housing Board has a set of standards known as the Used Home Standards Chapters 910 thru 970, which is adopted by

reference in its entirety as the Manufactured Home Safety Standards for the Town of Corinth.

7.2: These standards must be met prior to unit being sited within the boundaries of the Town of Corinth.

7.3: These standards do not apply to any manufactured home legally sited in the Town Of Corinth, unless it is relocated to another lot after the adoption of this ordinance.

7.4: These standards apply to manufactured homes located in licensed mobile home parks or on private lots whether rented, leased or owned

Article 8: Appearance Standards

8.1: All Manufactured Homes located on private lots whether rented, leased or owned are required to have siding that is residential in appearance or the original factory installed siding.

8.2: All manufactured homes are required to be enclosed between the bottom of the home and the ground.

8.3: All manufactured homes located on private lots whether rented, leased or owned are required to have a pitched shingled roof or the factory-installed roof.

8.4: These standards do not apply to any manufactured home legally sited in the Town of Corinth

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

CHAPTER 900 MANUFACTURED HOME INSTALLATION STANDARD

SUMMARY: Establishes standards for the installation of mobile homes to meet the requirements of resolve 26 of 1989. The rules define installation as the process of affixing or assembling or setting up manufactured housing on foundations or supports at a building site, and includes the connection of existing electrical, oil burner, gas, water, sewage and similar systems.

SUBPART 1

1-1 SCOPE AND INTENT OF STANDARD, ORGANIZATION OF STANDARD, AND DEFINITIONS

SCOPE: This standard covers the installation of manufactured homes, wherever located.

1-2 INTENDED USAGE OF MANUFACTURED HOMES COVERED UNDER THIS STANDARD. The provisions of this standard are intended to apply to manufactured homes (single section, multiple section or expanded types) for use as a single family dwelling. The following homes are included:

Note 1: the standard does not apply to manufactured housing used for other than dwelling purposes.

Note 2: The provisions of this standard shall not apply to recreation vehicles as defined in the NFPA 501C, Standard for Recreation Vehicles, or to park model trailers as defined in the ANSI A119.5, Standards for Park Trailers.

1-2.1 TYPES OF STRUCTURE COVERED

- (a) **Manufactured Homes.** The manufactured homes covered under this Standard are as follows:
 - (1) Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the HUD standard, meaning structures, transportable in one or more sections, which in the traveling mode, are 8 body feet or more in width and 40 body feet or more in length or, when erected on site, are 320 or more square feet, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including plumbing, heating, air conditioning and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development

and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974.

- (2) Those units constructed prior to June 15, 1976, meaning mobile homes, transportable in one or more sections, which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations when connected to the required utilities, including the plumbing, heating, air-conditioning or electrical systems contained therein.

1-2.2 APPLICABILITY

This standard is applicable only for new or used mobile homes and is not intended for modular or other types of manufactured dwellings. The standard is designed for the safety and health of mobile home users. It is intended to apply to all mobile homes. Where this standard provides useful technical data for improvements to existing sites falling within its scope and such is encouraged. However, mobile home park pads which are now licensed and all homes currently installed on private lots and may not comply with all design and construction standards of these rules, shall be deemed acceptable if capable of being maintained and operated in a safe and sanitary condition. This standard shall not be construed as relieving the installers of a manufactured home of responsibility for compliance with the manufacturer's installation instructions, state and local ordinances, codes, and regulations. This standard does not relieve the manufactured home owner or occupant from responsibilities for the proper use and maintenance of a manufactured home.

1-3 DEFINITIONS

ANCHORING EQUIPMENT (TIES). Straps, cables, turnbuckles, and chains, including tensioning devices, which are used to secure a manufactured home.

ANCHORING SYSTEM. A method of construction which when properly designed and installed will resist overturning and lateral movement of the manufactured home.

APPROVED. Acceptable to the Board.

NOTE: THE BOARD DOES NOT APPROVE OR CERTIFY ANY INSTALLATION, PROCEDURES, EQUIPMENT, OR MATERIAL, NOR APPROVE OR EVALUATE TESTING LABORATORIES. IN DETERMINING THE ACCEPTABILITY OF INSTALLATION OR PROCEDURES, EQUIPMENT OR MATERIALS, THE BOARD'S ACCEPTANCE MAY BE BASED ON A SITE INSPECTION BY BOARD PERSONNEL OR AGENTS OF THE BOARD. THE BOARD REFERS TO THE LISTING OR LABELING PRACTICES TO AN ORGANIZATION CONCERNED WITH PRODUCT EVALUATIONS WHICH IS IN A POSITION TO DETERMINE COMPLIANCE WITH APPROPRIATE STANDARDS FOR THE CURRENT PRODUCTION OF LISTED ITEMS.

DIAGONAL TIE. A tie intended to primarily resist horizontal or shear forces and which may secondarily resist vertical, uplift, and overturning forces.

FOUNDATION, MANUFACTURED HOME. A site-built or site assembled system of stabilizing devices which is:

- (a) Capable of transferring design dead loads and live loads required by Federal Regulations and other design loads unique to local home sites due to wind, seismic, and water conditions, that are imposed by or upon the structure into the underlying soil bedrock without failure.

GROUND ANCHOR. A device at the manufactured home stand designed to transfer manufactured home anchoring loads to the ground.

HURRICANE-RESISTIVE MANUFACTURED HOME. A manufactured home which meets the wind design load requirements for Zone II in Subpart D, Section 3280.305(c)(2) of the Federal Standard or the applicable hurricane-resistive design requirements of the Standard for Mobile Homes, NFPA 501B/ ANSIA119.1 edition in effect at the time of manufacture.

INSTALLER. Any licensed dealer or an employee of a licensed dealer, or a person licensed as a mechanic I who engages in the process of affixing or assembling or setting up of manufactured housing on foundations or supports at a building site.

INSTALLATION. The process of affixing or assembling or setting up manufactured housing on foundation or supports at the building site.

Mechanic. For the purposes of these rules, any licensed individual who engages in the process of installing manufactured housing.

Meaning the process of affixing or assembling or setting up a home on foundations or supports at the building site.

PAD. That area which has been established for the placement of a home.

PIER. That portion of the support system between the footing and the manufactured home, exclusive of caps and shims.

SET-UP. The work performed and operations involved in the placement and securing of a manufactured home or any portion thereof.

SHALL. Indicates a mandatory requirement.

SHOULD. Indicates a recommendation or that which is advised but not required.

SITE. A. designated parcel of land designed for the accommodation of one manufactured home, its accessory buildings or structures, and accessory equipment for the exclusive use of the occupants.

SKIRTING. A weather-resistant material to enclose the space from the bottom of the manufactured home to grade.

STABILIZING DEVICES. All components of the anchoring and support systems such as piers, footings, ties, anchoring equipment, ground anchors, or any other materials and methods of construction which supports and secures the manufactured home to the ground.

STAND. That area of a manufactured home site which has been reserved for the placement of a manufactured home.

SUPPORT SYSTEM. A combination of footings, piers, caps, and shims that will, when properly installed, support the manufactured home.

TIE. See anchoring equipment.

UNCONTROLLED FILL. Uncontrolled fills are fill materials that are placed without control of the content of the fill materials or without adequate compaction to assure a bearing capacity without undue settlement. For purposes of this STANDARD, uncontrolled fills shall mean fill materials containing organic matter or fills which are placed without compaction necessary to provide a uniform bearing capacity of 1000 lbs./ft.

VERTICAL TIE. A tie intended to resist the uplifting and overturning forces.

SUBPART 2 SITING AND FOUNDATION SYSTEMS

2.1 Siting and Foundation Systems

2-1.1 GENERAL

This chapter prescribes standards for siting, design and installation of manufactured home foundation systems. It identifies acceptable foundations systems. This chapter is applicable to all new and relocated manufactured homes, when and wherever newly installed at a home site. Homes which are designated 30 PSF snow zone in the manufacturer's data plate shall not be installed in 40 PSF roof load zones designated in Appendix B. Homes designated 20 PSF snow zone in the manufacturer's data plate shall not be installed in the State of Maine. Homes which are designated 15 PSF wind zone on the manufacturer's data plate shall not be installed in a 25 PSF wind load zone as identified in Appendix B.

2-1.2 A MANUFACTURED HOME FOUNDATION SYSTEM shall be constructed on each manufactured home site.

EXCEPTION:

1. Sites which have been licensed by Manufactured Housing Board in accordance with rules governing the licensing of mobile home parks prior to the adoption of this Installation Standard.
2. Sites for the installation of manufactured housing to provide temporary relief from fire, flood or other disasters. The site is exempted from the provisions of Chapter 2 for a period of two years from the date of the installation of the home.

2-1.3

A Manufactured Home Foundation System shall be constructed in accordance with one of the following;

- (a) the manufacturer's installation instructions,
- (b) by Appendix C of the Installation Standard
- (c) a foundation design prepared by a Registered professional engineer or architect for the site.

2-1.4

Homes installed on sites exempted from the requirement of 2-1.2 shall be installed and the sites maintained in a manner which is not detrimental to the functions of any of the systems in the home. Homes which require perimeter blocking shall be blocked at locations required by the manufacturer of the home.

2-2 SITE CONSIDERATIONS.

2-2.1 GENERAL

2-2.1.2 EVALUATION.

Each site shall be evaluated by the person assuming responsibility to determine if it is suitable for its intended use and if such hazards as flood erosion, sediment deposition, or other hazards exist that might impair the use or utility of the site. When, during preparation of the site, such unforeseen factors as rock formation, high groundwater levels, springs, biologically generated gases, etc., are encountered, corrective works shall be taken to siting of the manufactured home.

2-2.1.3

PROTECTIVE SLOPES OF UNPAVED AREAS AROUND MANUFACTURED HOME STANDS. Grades shall slope away from stands, from walls, skirting, and foundations, and from water supply wells to adequate outfalls or to drainage swales discharging to adequate outfalls.

2-3 Soil Considerations

2-3.1 FOOTINGS. It shall be determined when natural soils or controlled fill (free of grass and organic material) are used, that the footing shall support the loads imposed by the support system of the manufactured home placed thereon.

2-3.2. ANCHORING

2-3.2.1

ANCHOR DESIGN AND INSTALLATION. Homes installed on sites in the 25 PSF wind zone as

identified in Appendix B of this standard and which are occupied by other than the home owner shall be installed with an anchoring system properly designed and constructed to resist sliding and overturning of the home.

2-4 PLACEMENT

2-4.1

Clearances.

2-4.1.1

Clearance Under Home. A minimum clearance of 12 in. shall be maintained beneath the lowest member of the main frame (I-beam or channel beam).

2-4.1.2

Elevated Manufactured Homes. When the manufactured home is installed on a basement or split entry type foundation over a habitable lower-level area, or when more than one-fourth of the area of the manufactured home is installed so that the bottom of the main frame members are more than 3 ft. above ground level, the foundation system shall be designed by a registered professional engineer or architect. Appendix C can not be used for any elevated installation or in combination with the manufacturer's instructions.

2-4.1.3

Removal of Manufactured Home Transportation Components at the Time of Installation. No portion of a manufactured home shall be removed when located on its home site unless it is designed to be removed in accordance with HUD's and the manufacturer's instruction.

2-5.1 VENTILATION

2-5.1.1 Access to and Ventilation of Underfloor Areas.

- (a) Provisions shall be made to minimize condensation in underfloor areas through ventilation openings or other suitable means.

- (b) If combustion air for heat appliance(s) is taken from within the underfloor areas, ventilation shall be adequate to assure proper operation of the appliance(s). This requirement shall take precedence over the provisions of 2-6-2.1 (a).
- (c) A minimum of four ventilation openings shall be provided from the underfloor space to the exterior. One shall be placed at or near each corner as high as practicable. Their total net free area shall be calculated by:

- 1. $a = A/150$ or

- 2. $a = A/600$ if the home is installed on a concrete slab or with a ground cover in accordance with 2-6.2.4. where:

A = the area of the crawl space, square feet

A· = the total net free vent area

Openings shall provide cross ventilation on at least two opposite sides. The openings shall be covered with corrosion resistant wire mesh not less than 1/8 in. and not more than 1/2 in. in any dimension or with openings designed to retard entry of dry vegetation, waste material, or rodents.

2-6.2.2.

Intake air for ventilation purposes shall not be drawn from underfloor spaces of the home.

2-6.2.3.

Moisture producing devices, such as dryers, shall be vented to the atmosphere in such a manner to insure that moisture laden air is carried beyond the perimeter of the home.

2-6.2.4

Under floor Continuous Ground Cover/Vapor Retarder.

If a ground cover is required, a uniform 4 to 6 mil. polyethylene sheet material or other acceptable membrane materials shall be installed for this purpose.

2-6.2.5

Skirting

- (a) **Materials.** Skirting, if used, shall be of durable materials suitable for exterior exposures.

General installation.

Skirting, if used, shall be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heaves. Access opening(s) not less than 18 in any dimension and not less than 3 sq. ft. in area shall be provided and shall be located so that any water supply and sewer drain connections located under the manufactured home are accessible for inspection. Such access panel(s) or door(s) shall not be fastened in a manner requiring the use of a special tool to remove or open same. On-site fabrication of skirting shall meet the objectives cited herein.

SUBPART 3 PLUMBING

3-1 General Requirements

NOTE: Where this standard differs from the State of Maine Plumbing Code, the standard adopted by the State of Maine shall prevail.

3-1.1

Need for Plumbing and Utility Connections. Each manufactured home stand shall be provided with water supply and sewer located and arranged to permit attachment to the manufactured home in a workmanlike manner.

3-1.2

Location of Plumbing Utility Connections. The plumbing utility connection shall be located under the mobile home stand.

3-2 Water Supply.

3-2.1

Water -Riser Pipes, Size, and Protection. Water-riser pipes shall be a minimum of 3/4 in. nominal diameter. Water-riser pipes shall extend a minimum of 6 in. above ground elevation. Water riser pipes shall be terminated with a threaded plug, hose bib, or cap when a manufactured home does not occupy a site. Surface drainage shall be diverted from the location of the riser pipe.

3-2.1.1.

Water Supply Shutoff Valves. An accessible shutoff valve shall be provided on the water-riser pipe serving the manufactured home. The system shall be protected from backflow for single family residences on shared wells.

3-2.1.2.

Protection Against Freezing. Provision shall be made to protect the water supply piping and valves, including the riser.

- (a) Frost-proof valves shall be installed where necessary and shall be listed for backflow protection.
- (b) In areas subject to heaving and thawing, the piping shall be adequately protected to prevent damage.
- (c) Heat cables and tapes, when used for protection of plumbing components against freezing, shall be listed and labeled.
- (d) Install in accordance with manufacturer's directions and listing requirements.

3-3 Wells as a Source of Supply.

3-3.1

Location of Wells. A well shall not be located within the boundaries of a manufactured home stand.

SUBPART 4 MECHANICAL EQUIPMENT (HEATING and COOLING)

4-1 Exterior Mechanical Equipment.

4-1.1 Mechanical Equipment shall not be installed in a manner that would obstruct any means of required egress. Mechanical equipment shall not be installed in window openings which are part of an exiting system and shall not obstruct sidewalks or other means of egress from the home.

SUBPART 5 FUEL SUPPLY

5-1

General. All fuel piping systems serving manufactured homes, which are not part of the manufactured home shall be designed and constructed in compliance with all applicable local , state and Federal codes.

SUBPART 6 ELECTRICAL

6-1

Site Electrical Equipment and Installations. Sites provided with an electrical service shall have all electrical equipment and installations designed and constructed, and maintained in accordance with the applicable provisions of NFPA 70, National Electrical Code.

SUBPART 7 LIFE AND FIRE SAFETY

7-1

For life and fire safety requirements, see NFPA 501A, Standard for Fire Safety Criteria for Manufactured Home Installation, Sites and Communities (1987) and NFPA 101, Life Safety Code (1988).

APPENDIX A PREVENTIVE MAINTENANCE

Use and Preventive Maintenance of Manufactured Home Installations

This Appendix is not part of the requirements of this document, but is included for information purposes only.

A-1 Responsibilities of the Manufactured Home Resident.

A-1.1 The resident should comply with all applicable requirements of this standard and should maintain his manufactured home site,

its facilities, and its equipment in good repair and in a fire safe condition.

A-2 Storage Practices Beneath Manufactured Homes

A-2.1 Periodic inspections of the enclosed space are recommended to assure that all utility and other connections are secured and no fire hazards exist

A-2.2 Homeowner should keep site free of an accumulation of combustible materials such as rubbish, paper, leaves. and brush

APPENDIX B WIND ZONE and ROOF LOAD ZONE

MUNICIPALITY	ROOF LOAD	WIND LOAD	INSTALLATION ZONE
CORINTH	40	15	NORTHERN

APPENDIX C

(Note: The paper copy of this Appendix includes a number of drawings not reproduced below. Please contact the Board for a copy.)

PREFACE TO APPENDIX C

The purpose of this appendix is to provide installation instructions which may be less expensive to implement than the manufacturer's installation instructions. This appendix instruction will provide adequate structural support for homes in all but the most extreme winter temperature conditions. During extreme temperature conditions, foundations detailed in this instruction may be subject to frost heave. Owners who choose to have homes installed in accordance with this instruction must understand that they accept responsibility for maintaining the home in a level condition. Failure to maintain the home in a level condition may result in the manufacturer's warranty being voided. Mechanics installing new homes and park owners renting pads to owners should insure that home owners understand the risks and their responsibility when homes are installed on sites constructed in accordance with this instruction.

I GENERAL REQUIREMENTS

1. HOME SITE SELECTION

Home sites shall not be constructed on mud, organic silt or uncontrolled-fill. Home sites shall not be constructed in any naturally occurring seasonal drainage swale.

2. HOME SITE PREPARATION

Site soil conditions shall be evaluated. Home sites shall be prepared as required by SITE PREPARATION DETAILS I and the GENERAL SPECIFICATIONS FOR SITE PREPARATION.

3. LOCATION OF SUPPORTS

- A. New homes shall be supported where required by the manufacturer's installation instructions.
- B. Used homes for which installation instructions are available shall be supported where required by those instructions.
- C. Used homes for which installation instructions are not available shall be supported at locations indicated in SUPPORT LOCATION DETAILS V.
- D. Each unit in multi unit homes shall be supported as a separate unit in accordance with this instruction. For purposes of this instruction, required marriage wall support shall be the same as required for perimeter blocking support.

4. FOOTING REQUIREMENT

- A. Footings shall consist of a concrete pad constructed in accordance with CONCRETE SLAB DETAIL IV-A when
 - (1) The home requires perimeter support or
 - (2) The home is located in the 25 Wind Zone shown in Appendix 8 and the home is to be rented or occupied by someone other than the home owner.
- B. Footings for homes other than those identified in Requirement 4.A.(1) shall be constructed in accordance with FOOTING DETAIL II or CONCRETE SLAB DETAIL IV-A.
- C. A footing shall be installed at each support location.

GENERAL SPECIFICATIONS FOR SITE PREPARATION

- (1) Compacted fill shall consist of gravel or sand which contains less than 5% (by weight) grains that will pass a #200 sieve. Gravel fill shall contain no rocks or boulders larger than 3" in diameter. Compacted fill shall contain no organic matter. Compacted fill shall not be frozen when placed or compacted.
 - (2) Compacted fill shall be compacted in a maximum of 6" lifts. Each lift shall be compacted sufficiently so that when 1000 lbs. is applied to a 3½" x 3½" block placed on top of the fill, the block will not sink more than 3/8" into the fill. (see recommended compaction test procedure below.)
 - (3) Compacted fill shall be placed on undisturbed and unfrozen soil. The site shall be free of topsoil and organic matter prior to the placement of fill.
 - (4) Crushed rock shall consist of clean, washed rock, and may range in size from pea gravel to 3/4". All crushed rock shall be retained by a #4 sieve.
 - (5) The perimeter of foundation sites shall be graded to prevent the flow of surface water under the home and to prevent the accumulation of surface water within 10 (ten) feet of the perimeter of the home.
- D. Footings shall be centered within 1" of the required support location.
- E. Footing surface shall be level within ¼" on the top surface after the home has been installed.

5. PIER REQUIREMENTS

- A. Piers shall be constructed at all locations of support under the main steel frame of the home.
- B. Piers constructed under the main frame shall be constructed in accordance with PIER DETAILS.
- C. Perimeter blocking or support, where required, shall be constructed in accordance with PERIMETER BLOCKING DETAILS.

- D. Piers shall be centered on the footing within 1"
- E. Piers shall be centered under the main frame Within 1" of required support locations.

6. Leveling Requirements

After the home is set, the home shall be leveled so that all doors and windows operate as intended and waste plumbing function in a safe manner. Specifically, leveling shall be adequate to maintain plumbing trap seals and prevent the buildup of solid waste in drain piping.

- A. The floor should be not more than 3/8" out of level in any 8 foot.
- B. The floor should be not more than 2" out of level along the entire length of the home.

7. Tie Down Requirements

Tie downs shall be installed in accordance with the CONCRETE SLAB DETAIL IV-A on all homes which:

- A. are located in the 25 Wind Zone as defined in Appendix B of this Standard, and
- B. which are rented or otherwise occupied by other than the home owner.

SITE PREPARATION DETAIL I-A REV. NOTES:

1. This detail may be used when:
 - a. the foundation site is overlain with at least 24" of naturally occurring gravel or sand with less than 7% (by weight) passing a #200 sieve, and
 - b. the highest ground water table is more than 24" below the finish grade.
2. Sites prepared in the Coastal Zone as defined in Appendix B require 18" where 24" is specified in Note 1.
3. Construction may be placed on naturally occurring soils after all organic material has been removed from the construction site.

SITE PREPARATION DETAIL I-B REV. NOTES:

1. This detail may be used when the foundation site;
 - a. does not contain any mud, organic silt or uncontrolled fill, and
 - b. the highest ground water table is more than 24" below finish grade.
2. If a slab is to be constructed on this site, crushed rock must be installed under the entire slab.
3. A drainage swale at least 6" deep and within 10' of the sidewalls of the home must be constructed around the home. The swale shall have an unobstructed discharge allowing water to flow away continuously from the perimeter of the home.
4. The 4" drainage system shall provide for free flow of water from the rock pads and shall prevent the accumulation of any water.

SITE PREPARATION DETAIL I-C REV. NOTES:

1. This detail may be used on any foundation site that does not contain mud, organic silt or uncontrolled fill.
2. Sites prepared in the Coastal Zone as defined in Appendix B require 18" where 24" is specified in this detail.
3. Finish grade shall be loamed and seeded with grass or otherwise finished to prevent erosion of compacted fill.
4. Compacted fill may be placed below the original site grade only if a drainage system is installed in the fill to prevent the accumulation of water within 24" of the bottom of the footing.

FOOTING DETAIL II-A REV. NOTES:

1. Concrete shall have a minimum compressive strength of 3000 psi at 28 days
2. Concrete shall be protected from freezing for the first 7 days after it has been cast.
3. Footing pads may be cast on in situ or precast and delivered to the site for placing.

4. Footing pads which are precast for later placement shall be cured at least 7 days prior to handling.

FOOTING DETAIL II-3

REV. NOTES:

1. This detail is of a wood isolated footing to be placed on a prepared site. This detail may be used when pier height does not exceed 30".
2. Wood used in this detail must be Southern Yellow Pine, #2, pressure treated with water-borne preservatives in accordance with AWPA C2 or C9. The AWPA stamp must indicate that the treatment is for use in contact with ground.

PIER DETAIL III-A

REV. NOTES:

1. This detail applies to piers which are a maximum of 24" high from the top of footing.
2. Masonry units in this detail shall comply with ASTM C90, Grades N-I or N-II.
3. Wood block shall be of a structurally graded lumber with the 12" dimension centered under the main frame. No more than 2 wood blocks may be stacked.
4. Shims shall provide contact between main frame and 2" x 10" for at least 6".

SUPPORT LOCATION DETAIL V-A

REV. NOTES:

1. This detail applies to homes
 - A. which are used, and
 - B. for which no manufacturer's installation instructions are available, and
 - C. which have floor frames constructed with 2" x 8" or deeper floor joists or are 12' or less wide.
2. Support locations are required within 2' of the end of the main frame and at no more than 8' o.c. under the main frame.

SUPPORT LOCATION DETAIL V-B REV. NOTES:

1. This detail applies to homes:
 - A. which are used, and
 - B. for which no manufacture's installation instructions are available, and
 - C. which have floor frames constructed with 2" x 4" or 2" x 6" floor joists and are more than 12' wide.
2. Support locations are required within 2' of the end of the main frame and at no more than 8' o.c. under the main frame. Continuous perimeter support is required under side walls of the unit.

PERIMETER BLOCKING DETAIL VI-A REV. NOTES:

1. This detail applies where perimeter blocking or support is required.
2. Provide venting through sheathing as required by this standard.
3. Provide an access door to the underside of the home as required by other portions of this standard.
4. P.T. treated lumber shall be treated per AWPA C-2 or C-9 for use above grade
5. Provide a weather protective covering for the sheathing.

APPENDIX D Ground Level Installation of Manufactured Homes (Floor at Grade)

- D-1 General. Ground level installations refer to manufactured homes installed over an open excavation where the supporting foundations are below finished ground level.
 - D-1.1 Grading Permit Requirements. All required permits will be obtained.
 - D-1.2 Retaining Walls. Retaining walls to resist the lateral displacement of soil and other materials should be designed to resist the lateral pressure of the retained material in accordance with accepted engineering practice. Retaining walls, if fastened to the manufactured home at the time of installation, should not degrade the stabilizing system of the home. When a retaining wall is not used as a foundation, it should not be attached to the home. Retaining walls

should be constructed of treated foundation grade wood, concrete, masonry, other approved materials or combinations of these materials.

D-1.3 Backfill, Fill and Grading. All fill and backfill soil surrounding the home should be compacted. Grading around the home should be done in such a manner that water will drain from the unit at a slope of 1/2 ft. vertical for every 12 ft. horizontal.

AUTHORITY: 10 M.R.S.A. Part 11, Chapter 951, Subchapter 1, Section 9006, Paragraph I and Resolve #26 of 1989.

EFFECTIVE DATE: February, 1. 1993

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 910 Used Standard - Space Requirements

SUMMARY: The intent of this chapter is to assure that a home that is to remain in a park after it is sold will meet certain minimum health and safety standards.

Light and Ventilation

Each habitable room shall be provided with exterior windows and/or doors having a total glazed area of not less than 8 percent of the gross floor area. Each bathroom and toilet compartment shall be provided with artificial light and, in addition, be provided with external windows or doors having not less than 1½ square feet of fully operable glazed area, except where a mechanical ventilation system is provided capable of producing a change of air every 12 minutes. Any mechanical ventilation system shall exhaust directly to the outside of the home.

Ceiling Height

Every habitable room shall have a minimum ceiling height of 6 feet and 6 inches.

Exit Facilities - exterior doors.

Homes shall have a minimum of two exterior doors located remote from each other.

1. Required egress doors shall not be located where a lockable interior door must be used in order to exit.
2. Doors may not be less than 12 feet from each other as measured in any straight line direction regardless of the length of the travel between doors.
3. One of the required exit doors must be accessible from the doorway of each bedroom without traveling more than 35 feet.
4. All exterior swinging doors shall provide a minimum 28 inches wide by 74 inches high clear opening. All exterior sliding glass doors shall provide a minimum 28 inches wide by 72 inches high clear opening. Locks shall not require the use of a key for operation from the inside.

Exit Facilities - egress windows and devices.

Homes shall have the following second means of escape or alternate emergency egress facilities. They are:

1. Every room designed expressly for sleeping purposes, unless it has an exterior exit door, shall have at least one outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height and 5.7 square feet in area. The bottom of the opening shall not be more than 44 inches off the floor.

Interior-Doors

Each interior door, when provided with a privacy lock, shall have a privacy lock that has an emergency release on the outside to permit entry when the lock has been locked by a locking knob, lever, button or other locking devices on the inside.

Room Requirements

Every home shall have sufficient space and functional arrangements to accommodate the normal activities of living in a manufactured home.

1. Every home shall have at least one common area with no less than 150 square feet of gross floor area.
2. All bedrooms shall have at least 50 square feet of floor area.
3. Bedrooms designed for two or more people shall have 70 square feet of floor area plus 50 square feet for each person in excess of two.

4. Every room designed for sleeping purposes shall have accessible clothes hanging space with a minimum inside depth of 22 inches and shall be equipped with rod and shelf. Each such room shall have an operable door with a latch to separate the room from the common area.
5. Each toilet compartment shall have a minimum of 21 inches of clear space in front of each toilet.
6. Hallways shall have a minimum horizontal dimension of 28 inches measured from interior finished surface to the opposite finished surface. Minor protrusions by doorknobs, trim, smoke detectors or light fixtures are permitted.

EFFECTIVE DATE: December 12, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 920 Used Standard - Fire Safety

SUMMARY: The purpose of this chapter is to set forth requirements that will assure reasonable fire safety to the occupants by reducing fire hazards and by providing measures for early detection.

I. Fire Detection Equipment.

All manufactured homes, regardless of the date of manufacture, shall meet the following requirements. They are:

1. At least one smoke detector (which may be a single station alarm device) shall be installed in the home in the following locations:
 - A. A smoke detector shall be installed on any wall in the hallway or space communicating with each bedroom area between the living area and the first bedroom door unless a door separates the living area from that bedroom area, in which case the detector shall be installed on the living area side as close to the door as practical. Homes having bedroom areas separated by any one or combination of communication areas such as kitchen, dining room, living room, or family room (but not a bathroom or utility room) shall have at least one detector protecting each bedroom area.

- B. When located in hallways, the detector shall be between the return air intake and the living area.
- C. The smoke detector shall not be placed in a location which impairs its effectiveness.
- D. Smoke detectors shall be labeled as conforming with the requirements of Underwriters Laboratory Standards No. 217, Third Edition, 1985, as amended through October 8, 1985, for single and multiple station smoke detectors.
- E. Each smoke detector shall be installed in accordance with its listing on a wall or ceiling. If installed on a wall, the top of the detector shall be located 4 inches to 12 inches below the ceiling. However, when a detector is mounted on an interior wall below a sloping ceiling, it shall be located 4 inches to 12 inches below the intersection on the connecting exterior wall and the sloping ceiling (cathedral ceiling). The required detector(s) shall be attached to an electrical outlet box and the detector connected by permanent wiring method into a general electrical circuit. There shall be no switches in the circuit to the detector between the over-current protection device protecting the branch circuit and the detector. The smoke detector shall not be placed on any circuit protected by a ground fault circuit interrupter.

II. **Flame Spread**

All manufactured homes constructed before June 15, 1976, are "grandfathered" from meeting flame spread limitations, except work that is performed to meet the requirement of this code shall not be exempt. The requirements are:

1. Ceiling interior finish shall not have a flame spread rating exceeding 75.
2. Walls and ceilings adjacent to enclosing a furnace or water heater shall have an interior finish with a flame spread rating not exceeding 25. Sealants and other trim material 2 inches or less in width used to finish adjacent surfaces within this space are exempt if supported by framing members or by materials having a flame spread rating not exceeding 25.
3. Exposed interior finishes adjacent to the cooking range shall have a flame spread rating not exceeding 50.

4. Kitchen cabinet doors, countertops, backsplashes, exposed bottoms, and end panels shall have a flame spread rating not to exceed 200.
5. Finish surfaces of plastic bathtubs, shower units, and tub or shower doors shall not exceed a flame spread of 200.
6. No burner of a surface cooking unit shall be closer than 12 horizontal inches to a window or an exterior door.

III. Kitchen Cabinet Protectors

All manufactured homes, regardless of the date of manufacture, will meet the following requirements. They are:

1. The bottom and sides of combustible kitchen cabinets over cooking ranges to a horizontal distance of 6 inches from the outside edge of the cooking range shall be protected with at least 5/16-inch thick gypsum board or equivalent limited combustible material. One-inch nominal framing members and trim are exempted from this requirement. The cabinet area over the cooking range or cooktops shall be protected by a metal hood with not less than a 3-inch eyebrow projecting horizontally from the front cabinet face. The 5/16-inch thick gypsum board or equivalent material which is above the top of the hood may be supported by the hood. A 3/8-inch enclosed air space shall be provided between the bottom surface of the cabinet and the gypsum board or equivalent material. The hood shall be at least as wide as the cooking range.
2. The metal hood will not be required if there is an oven installed between the cabinet and the range.
3. Ranges shall have a vertical clearance above the cooking top of not less than 24 inches to the bottom of combustible cabinets.

IV. Carpeting

All manufactured homes, regardless of the date of manufacture, shall meet the following requirements. They are:

1. Carpeting shall not be used in a space or compartment designed to contain only a furnace and/or water heater. Carpeting may be used in other areas where a furnace or water heater is installed, provided that it is not located under the furnace or water heater.

EFFECTIVE DATE: December 12, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 930 Used Standard - Body and Frame Requirement

SUMMARY: The chapter of this rule is to assure that minimum requirements are met to provide structural strength and rigidity and protection against corrosion, decay, insects and other similar destructive forces.

Roof Loads

All homes manufactured prior to June 15, 1976, are exempt from meeting The National Manufactured Home Construction and Safety Standards for roof loads for the State of Maine, except:

1. All homes with roofs added after construction will be inspected by a registered professional engineer to determine that the roof and home can withstand any snow loads or wind uplifts that may occur.

Floors

All floors will be of a solid construction to protect users of the home from the hazard of an unsafe floor.

Anchoring System

No park operator may require a manufactured home to be anchored unless a concrete slab is provided.

Exterior Coverings

Exterior coverings shall be of moisture and weather resistant materials to resist wind, snow and rain.

EFFECTIVE DATE: December 12, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 940 Used Standard - Thermal Protection

SUMMARY: This chapter outlines the minimum requirements for thermal protection.

Insulation

The minimum requirements for a home shall be as follows:

1. Walls - R-11
2. Roof - R-14
3. Floor - R-11

A destructive inspection will not be performed to determine the actual amount, however, a thermal scan may be used to determine uniformity of the insulation.

EFFECTIVE DATE: December 12, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 950 Used Standard - Plumbing Systems

SUMMARY: This chapter covers the plumbing materials, fixtures, and equipment installed within or on manufactured homes. It is the intent of this chapter to assure water supply, drain, waste and vent systems which permit satisfactory functioning and provide for health and safety under all conditions.

General Requirements

A State of Maine licensed plumber shall inspect and verify that the following conditions are met. They are:

1. The plumbing is of a durable material, free from defective workmanship that would cause a safety hazard.
2. Water closets are adjusted to use a minimum quantity of water consistent with proper performance and cleaning.

3. All plumbing, fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste or sewage are connected to the drain system in a manner that is consistent with the State Plumbing Code.
4. All piping and fixtures subject to freezing temperatures shall be insulated or protected to prevent freezing under normal occupancy. To prevent freezing, a modern technological designed heat cable should be used.
5. All dishwashing machines shall not be directly connected to any waste piping, but shall discharge its waste through a fixed air gap installed above the machine.
6. Clothes washing machines shall drain either into a properly vented trap, into a laundry tub tailpiece with watertight connections, into an open standpipe receptor, or over the rim of a laundry tub.
7. Toilets shall be designed and manufactured according to approved or listed standards and shall be equipped with a water flushing device capable of adequately flushing and cleaning the bowl.
8. Each shower stall shall be provided with an approved watertight receptor with sides and back at least 1 inch above the finished dam or threshold.
9. Water supply pumping systems shall be sized to provide an adequate amount of water to each plumbing fixture at a flow rate sufficient to keep the fixture in a clean and sanitary condition without any, danger of backflow or siphonage.
10. Each home shall be equipped with a kitchen sink and bathtub and/or shower and be provided with a hot water supply system including a listed water heater.
11. No part of a water system shall be connected to any drainage or vent piping.
12. All new plumbing after the effective date of these standards shall be lead free with solders and flux containing not more than 0.2 percent lead and pipes and pipe fittings containing not more than 8.0 percent lead.

EFFECTIVE DATE: December 12, 1990

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 960 Used Standard - Heating and Fuel Burning Systems

SUMMARY: This chapter covers the heating and fuel burning equipment installed within, on, or external to a manufactured home.

1. A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system is in a safe condition and meets the requirements of NFPA-31 Installation of Oil Burning Equipment as adopted by that Board.
2. Heat-producing appliances and vents, roof jacks and chimneys necessary for installation in manufactured homes shall be listed or certified by a nationally recognized testing agency for use in manufactured homes.

EFFECTIVE DATE: December 12, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

385 MANUFACTURED HOUSING BOARD

Chapter 970 Used Standard - Electrical System

SUMMARY: This chapter covers the electrical conductors and equipment installed within or on a home and the conductors that connect the home to the supply of electricity.

A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system that is accessible, including the wiring of the smoke detector, is safe and meets the National Electrical Code at the time the home was constructed.

- A. Homes wired with aluminum conductors shall meet the current Underwriter Laboratory (UL) requirements for connecting to branch circuits of 30 amps or less. (Note: The intent of this is not to require the home to be rewired but only to require that U. L. listed conductors be affixed to receptacle switches and light fixtures. There are several methods of doing this. The most preferred is the "pig tail" method.)

EFFECTIVE DATE: December 12, 1990

EFFECTIVE DATE (ELECTRONIC CONVERSION): January 11, 1997

**Town of Corinth
Opioid Treatment Program Ordinance
(i.e. Methadone Clinics)
March 17, 2009**

1 GENERAL

1.1 Title

This Ordinance shall be known as and may be cited as the "**Opioid Treatment Program Ordinance**" of the Town of Corinth, Maine, and will be referred to herein to as the "Ordinance".

1.2 Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and Title 30-A, Section 4352 of the Maine Revised Statutes Annotated.

2 PROGRAM REQUIREMENTS AND RESTRICTIONS

Any Opioid treatment program ("OTP") registered under 21 U.S.C. 823(g) shall comply with all the following requirements and restrictions:

- 2.1 The OTP must be approved by the Town of Corinth Zoning Board as a Conditional Use regardless of size;
- 2.2 The OTP must be part of an acute care hospital's main campus (hospital based clinic);
- 2.3 There may be only one OTP per acute care hospital;
- 2.4 The program must be restricted to a maximum of 5 patients – measured as the active case load at any one time for the entire OTP;
- 2.5 The OTP may not operate in part or in whole out of a mobile unit;
- 2.6 The OTP must be located on a major state transportation artery (currently, only State Highway Route 15), within the Commercial Zone; and
- 2.7 The OTP may not be located within three thousand feet (3000) of any place of worship, school, recreation area, daycare or child care facility, or any facility sponsoring youth activities for individuals less than eighteen years of age. Distance shall be measured as the closest linear distance of lot lines between the lot upon which the OTP is located and the lot upon which any of the foregoing activities in this paragraph are located without regard to normal vehicular routes of travel.

3 EFFECTIVE DATE

The effective date of this ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

4 REPEAL OF PRIOR ORDINANCE

Any existing Town ordinance or policies addressing Opioid Treatment Programs or Methadone Clinics are repealed as of the effective date of this Ordinance. However, the adoption of this Ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, the violation of any ordinances repealed by this Section if the violation is also a violation of the provisions of this ordinance.

It is also the intention and direction of this Section that if this Ordinance is, for any reason, held to be invalid or void in its entirety, the ordinance repealed by this Section shall be automatically revived.

5 CHANGE CONTROL

03/17/09 Ordinance adopted at Annual Town Meeting March 17, 2009 via passage of Article 62

**Town of Corinth
Park & Recreation Director Ordinance
March 20, 2012**

1 GENERAL

1.1 Title

This Ordinance shall be known as and may be cited as the "**Park & Recreation Director Ordinance**" of the Town of Corinth, Maine, (herein referred to as the "Ordinance".)

1.2 Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and Title 30-A, Section 3001 of the Maine Revised Statutes Annotated.

1.3 Purpose

The Town of Corinth finds that the supervision and administration of all municipal park and recreation programs is essential to the protection and promotion of the public health and welfare and this Ordinance is necessary to accomplish this objective.

1.4 Function

A Recreation Committee, (herein after referred to as the Committee) within this Ordinance shall, with the aid of the Recreation Director, (herein referred to as the Director). Be responsible for submitting to the Town Manager and the Corinth Board of Selectpersons (herein referred to as the Corinth BOS), its annual budget, for use by the Corinth Budget Committee in its calculations for the Corinth Town Budget.

1.5 Establishment

1.5.1 Recreation Director

The Corinth Town Manager shall hire a Recreation Director, under the approval of the Corinth BOS

1.5.2 Recreation Committee

There shall be a Committee of three (3) regular members and one (1) associate member, appointed by the Corinth BOS with considerations of the Directors advice. All vacancies shall be filled in like manner. A vacancy created by a member leaving before their term expires shall be filled in like manner but, only for the unexpired term of that seat. Committee members shall serve without compensation.

**Town of Corinth
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March 20, 2012**

2 PERSONNEL

2.1 Director

The director shall have a term and salary set by the Corinth BOS

2.2 Regular Committee Members

The regular members shall serve three (3) year terms

2.3 Associate Committee Member

The associate member shall serve a three (3) year term and vote in the absence of a regular members vote.

2.4 First Year Terms

Regular members are:

one (1) for a one (1) year term
one (1) for a two (2) year term
one (1) for a three (3) year term

Associate member is:

One (1) for a three (3) year term

As each of these terms expire, it shall be replaces by a three (3) year term

3 ELIGIBILITY

Any resident in the Town of Corinth, who is eighteen (18) years of age or older, without a criminal record, who enjoys working with and helping children and has the time to devote to the recreation programs

4 MEETINGS

4.1 Time and Place

There shall be at least one (1) regular meeting each year, the committee chair or the Director may call special meetings as needed. Meetings shall be held in the conference room of the Town Office.

4.2 Quorum

A quorum for said meeting shall be two (2) and no meeting shall be held without a quorum of two (2)

4.3 Attendance

All members, regular and associates are required to attend all meetings. Any member missing three (3) consecutive meetings without just cause may face termination. The director shall attend all meetings to aid the committee in achieving their goals.

**Town of Corinth
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5 OFFICERS

The terms of officers shall be one (1) year; they shall be elected annually by a majority vote of its members. Re-election is permissible.

5.1 Chairperson

Chairperson shall preside over all subsequent meetings for the ensuing year.

5.2 Secretary

The secretary shall take minutes, thus recording all meetings, transactions and all correspondence. All records shall be deemed public and may be inspected at reasonable times. The Town of Corinth policy regarding meeting minutes shall be followed.

6 DUTIES OF THE DIRECTOR

6.1 Shall, head, oversee and aid all aspects of recreation for the Town of Corinth

6.2 Shall, with advice from the committee, recommend to the Corinth BOS the appointment and/or removal of committee members.

6.3 Shall, with the aid of the committee, advise and recommend to the Corinth BOS on the management of the park and recreation facilities, programs and services. Advise and recommend on creation of new programs and services.

6.4 Shall keep orderly records of all transactions and up-to-date budgetary figures; Shall be ready to give a financial report of all recreation accounts at any time. All records shall be deemed public and may be inspected at reasonable times.

7 DUTIES OF THE COMMITTEE

7.1 Shall, with the aid of the Director, create and appoint members to various subcommittees as needed to deal with specific programs. Members of the Committee may also serve as members of subcommittees.

7.2 Shall, with the aid of the Director, develop written policies and standard operating procedures to guide the operation of the various programs; once written they shall be presented to the Corinth BOS for approval before adoption by the committee.

7.3 Shall, with the aid of the Director, develop, promote, organize and supervise comprehensive municipal recreation programs and administer the same in the interest of the entire community

**Town of Corinth
Park & Recreation Director Ordinance
March 20, 2012**

7.4 Shall, with the aid of the Director, prepare an annual report and recommendations to the Corinth BOS regarding the need of capital development, improvement, maintenance or a new facility with respect to the existing facility.

7.5 Shall, with the aid of the Director, prepare an annual report of all committee activities for inclusion in the Corinth Annual Report

8 CONFLICT OF INTEREST

8.1 Voting

If a vote of the committee will affect a committee member or a member of their immediate family, that member must abstain from that vote; the associate shall vote instead

8.2 Positions

It is a conflict of interest for any committee member or director to coach any sporting activity

9 EFFECTIVE DATE

This Ordinance shall become effective, on the date of acceptance by the voting body, at an annual Corinth Town Meeting

10 ORDINANCE REPEAL

Upon acceptance of this Ordinance, all other recreation ordinances in the Town of Corinth, shall be repealed

11 SEVERABILITY

If in any court of law, any part of this Ordinance is found to be unlawful, invalid or ineffective, let that part therein be stricken and the remainder of the Ordinance left intact and in full effect.

CHANGE CONTROL

03/20/12 Ordinance adopted at Annual Town Meeting March 20, 2012 via passage of Article 57.

**Town of Corinth
Public Indecency Ordinance
March 17, 2009**

1 GENERAL

1.1 Title

This Ordinance shall be known as and may be cited as the "Public Indecency Ordinance of the Town of Corinth, Maine ", and will be referred to herein as the "Ordinance".

1.2 Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution and Title 30-A, Section 4352 of the Maine Revised Statutes Annotated.

2 PURPOSES

The purposes of this ordinance are:

- 2.1 to prohibit certain acts of commercial exploitation of human sexuality in commercial or business establishments within the Town of Corinth in order to reduce the likelihood of criminal activity, moral degradation, sexually transmitted diseases, and disturbances of the peace and good order of the community which may occur when such commercial exploitation is permitted in such places, and
- 2.2 to protect the health, safety, welfare and morals of the community by using recognized and traditional governmental police power to protect societal order, morality and physical and emotional health in public places without infringing on protected First Amendment rights of individuals.

3 DEFINITIONS

For the purpose of interpreting this Ordinance, the following definitions shall apply:

- 3.1 **Commercial or business establishments** include, but are not limited to: companies, firms, corporations, stores, shops, malls, markets, bars, cocktail lounges, saloons, restaurants or dining facilities, swimming pools, gymnasiums, health clubs, spas, hot tub centers, relaxation centers, etc..
- 3.2 **Nudity**, other than nudity in a dressing room, locker room, shower, restroom, or other changing or lavatory facility set off and marked as such, means the showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- 3.3 **Public indecency** means the knowing or intentional commission of an act of sexual intercourse, a sexual act, sexual contact, or nudity in a public place.
- 3.4 **Public place** means a place to which the public at large or a substantial group has access including, but not limited to, commercial or business establishments, public ways, schools, government owned facilities, and the lobbies, hallways, and basement portions of apartment houses, hotels, motels, public buildings and transportation terminals, as well as non-profit recreational facilities and clubs, including, but not limited to, health clubs, gymnasiums, spas,

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March 17, 2009**

hot tub centers, relation clubs, swimming pools, open to the membership by members of the public.

- 3.5 **Sexual act** means any act of sexual gratification between two persons involving direct physical contact between the sex organs of one and the mouth or anus of the other or direct physical contact between the sex organs of one and the sex organs of the other, or direct physical contact between the sex organs of one and the hand of another, or between the sex organs of one and an instrument or device manipulated by the other. A sexual act may be proved without allegation or proof of penetration.
- 3.6 **Sexual contact** means any touching of the genitals directly or through clothing other than as would constitute a sexual act for the purpose of arousing or gratifying sexual desire.
- 3.7 **Sexual intercourse** means any penetration of the female sex organ by the male sex organ. Emission is not required.

4 PUBLIC INDECENCY PROHIBITED

- 4.1 Engaging in public indecency is prohibited.
- 4.2 Encouraging or permitting another person or persons to engage in an act or acts of public indecency by a person who or entity which owns, leases, or otherwise controls a premises on which the act or acts of public indecency occur(s) is prohibited.

5 SEXUAL CONTACT FOR PECUNIARY BENEFIT PROHIBITED

- 5.1 Engaging in, agreeing to engage in, or offering to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a third person is prohibited.
- 5.2 Providing or agreeing to provide a person for purposes of engaging in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a third person is prohibited.
- 5.3. Causing or aiding another person to engage in sexual contact in return for a pecuniary benefit to be received by the person engaging in the sexual contact or by a third person is prohibited.
- 5.4 Leasing or otherwise permitting a place controlled by the defendant in any action to enforce this ordinance, alone or in association with other, to be used as a site for sexual contact for pecuniary benefit to any person is prohibited.

6 PENALTIES

The violation of any provision of this ordinance shall be punished by a fine not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

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In addition to such penalty, the Town of Corinth may enjoin or abate any violation of this ordinance by appropriate action, including but not limited to revocation of any Town license or permit for a premises or commercial or business establishment in which the public indecency occurs. If the Town is the prevailing party in an action to enforce any provision of this ordinance, it must be awarded its reasonable attorney fees, expert witness fees and costs, unless extraordinary circumstances make the award of these fees unjust.

7 NURSING WOMEN

Notwithstanding any ordinance to the contrary, no Town ordinance shall prohibit, or be interpreted or construed to prohibit or regulate, women from nursing or breastfeeding in public or private.

8 EFFECTIVE DATE

The effective date of this Ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

9 SEVERABILITY

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

10 CHANGE CONTROL

03/17/09 Ordinance adopted at Annual Town Meeting March 17, 2009 via passage of Article 64.

Town of Corinth
Road Construction and Design Standards Ordinance
March 18, 2008

ROAD CONSTRUCTION AND DESIGN STANDARDS

1. General

1.1. Title

This Ordinance shall be known as and may be cited as the "Road Construction and Design Standards Ordinance of the Town of Corinth, Maine ", and will be referred to herein as the "Ordinance".

1.2. Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, Section 4352 and Title 38, Section 435 et. seq., of the Maine Revised Statutes Annotated.

1.3. Purposes

The purposes of this Ordinance are as follows:

1.3.1. Comprehensive Plan Implementation

To assist in the implementation the policies and recommendations of the Corinth Comprehensive Plan;

1.3.2. Preservation Of The Town Character

To assist in preserving and protecting the character of Corinth by providing uniform road standards defining the infrastructure necessary to support future growth that may be associated with the dividing of the Town into neighborhood zones according to the use of land and buildings and the intensity of such uses;

1.3.3. Protection Of The General Welfare

To assure the comfort, convenience, safety, health, and welfare of the present and future inhabitants of the Town of Corinth through the provision of road construction and design standards that will accommodate the coexistence of vehicular and pedestrian traffic on Town road right-of-ways;

1.3.4. Protection Of The Environment

To protect and enhance the natural, cultural, historic and archaeological resources of the Town from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment by directing road right-of-ways and road construction to land areas that will promote these objectives;

1.3.5. Promotion Of Community Development

To promote the development of an economically sound and stable community by providing road design and construction standards that will provide durable infrastructure in development areas identified in the Comprehensive Plan;

1.3.6. Reduction Of Traffic Congestion

To lessen the danger and congestion of traffic on roads and highways, limit excessive numbers of intersections, driveways, and other friction points, minimize hazards, and insure the continued usefulness of all elements of the existing road system for its planned future function;

1.3.7. Balancing Of Property Rights

To protect property rights and values by balancing the rights of landowners to use their land with the corresponding rights of abutting and neighboring landowners, to enjoy their property without undue disturbance from abutting or neighboring uses;

1.3.8. Reduction Of Fiscal Impact

To provide a means of evaluating development proposals to determine their fiscal impacts on the municipality's ability to provide and improve necessary public infrastructure and services; and

1.3.9. Establishment Of Standards

To establish standards whereby the Town Officials may review the developments or construction regulated or guided by this Ordinance by providing fair and reasonable standards for construction of roads, road improvements, installation of apertures or utilities in a road right-of-way to protect and maximize the life of such investments, thereby reducing the total cost of ownership to the inhabitants and taxpayers of Corinth.

1.4. Applicability

New 1.4.1 All roads constructed in approved subdivisions or approved for construction as part of subdivision approval prior to the original adoption of this ordinance March 18, 2008 shall be constructed in accordance with the design and construction standards that were contained in the Planning Board Standards for reviewing land subdivisions that was adopted in 1976. Any road approved for construction after the adoption of this ordinance March 18, 2008 shall comply with this ordinance.

New 1.4.2 Pavement requirements for roads constructed prior to the adoption of this ordinance and not accepted as Town owned roads need to have a minimum of three (3) inches of pavement in place prior to being placed on the warrant for acceptance at town meeting.
Proof of Depth is required and needs to be documented. This can be accomplished in two ways:
1: core drill with a 2-inch diameter bit at 500-foot intervals with no less than 3 cores along the centerline. The code enforcement officer will verify the depth of the pavement on site.
2: Written certification from a professional engineer that the pavement depth is at least 3 inches.

1.4.3 All roads and sidewalks shall be designed and constructed to meet the following standards according to their classification as determined by the Board of Selectpersons or as the Board may deem necessary to insure public safety, emergency operations, protect existing road infrastructure, or provide public services including, but not limited to, emergency services.

1.4.4 These standards shall also apply to all roads in subdivisions, flood plain management and shoreland zoning areas except that these standards may be reduced to comply with State of Maine and Federal laws and regulations.

1.4.5 These standards will also apply to any Municipal roads and road improvements constructed by the Town of Corinth. Any variance from these standards must be approved at a Town Meeting.

1.5 Conflict With Other Ordinances

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, ordinance, deed restriction or covenant, that imposing the most 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, such decision shall not be deemed to affect the validity of any other section, subsection, or any other portion of this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

1.7 Testing, Review and Assurances

1.7.3 Professional Review and Assistance

The Town reserves the right to hire such professional and expert advisors and certified professional engineers as it deems necessary to review and attest to the proper construction and completion of any project or undertaking governed by this Ordinance in order to protect and preserve the best interests of the Town. Any costs or expenses associated with any testing required by any section, subsection or provision of this ordinance shall be borne by the developer, builder or applicant.

Furthermore, if the developer, builder or applicant refuses to comply with the Road Commissioners' or designees' request(s) to provide documentation of or to perform any reviews, inspections, uncovering, exposure, observation, testing and/or satisfactory reconstruction, then the Town reserves the right to draw upon the funds deposited by the developer, builder or applicant for use by the Town to perform any needed reviews and inspection, and use this money to complete such aforementioned activities.

1.7.4 Assurances

Prior to the start of construction, the developer, builder or applicant shall provide the following information to the satisfaction of the Board of Selectpersons:

1) Financial Capability

The developer, builder or applicant shall provide financial statements and such other corroborating information as is necessary to demonstrate the ability to fund construction and improvements.

2) Technical Capability

Documentation that the applicant has retained qualified contractors and consultants to supervise, construct, and inspect the proposed construction and improvements.

1.7.5 Developer Responsibilities for Testing and Inspection

Developer, builder or applicant (“developer”) responsibilities for the testing and inspection of roads and road improvements including, but not limited to, construction, improvement or upgrading of any road, shoulder, green space, sidewalk, slope, ditch, drainage or other construction or other improvement related to the right-of-way on which such road or improvement is situated are as follows:

Testing of the various materials used for construction of the road and road improvements and inspection of the in-place products is the responsibility of the developer, builder or applicant (“Developer”). A qualified inspector shall be retained by the developer to provide these services. The following items shall be submitted to the Town’s Municipal Engineer upon application for acceptance of a road as minimum evidence that the road has been constructed in accordance with the provisions of this ordinance.

A. The project inspector will be required to certify that all underground utilities have been installed in accordance with the approved plans and generally accepted construction standards. Prior to placing a road acceptance article on a Town Meeting warrant, the Town may also videotape any sewers and storm drains to check for sagging, squatting, misalignment or other evidence of improper installation.

B. Prior to placing filter fabric and sub-base gravel, the subgrade shall be visually inspected to ensure proper grubbing and sloping has been accomplished. The condition of the subgrade shall also be visually evaluated for suitability to support the sub-base material. Proper compaction of all utility trenches should be verified. Copies of all inspection reports shall be forwarded to the Town’s Municipal Engineer or designated Town official upon request.

C. The specifications for the gravel sub-base and base materials shall be shown on the project drawings. Samples of each should be obtained from the source and tested by an MDOT-approved lab to ensure compliance with the MDOT gradation specifications and to determine the theoretical maximum density and optimum water content. The project inspector shall evaluate the lab results to ensure compliance with the project and Town specifications and a copy of the results shall be sent to the Town’s Municipal Engineer or designated Town official upon request.

D. Compaction testing shall be performed on each layer of the road base gravel to ensure 95% compaction is achieved. The method, location and frequency of tests shall be determined by the inspector to ensure representative results are obtained for the project. The certified results of all compaction testing shall be forwarded to the Town’s Municipal Engineer or designated Town official upon request. Visual inspections shall be performed daily, or as necessary, to ensure that contaminated materials are removed from the sub-base and base gravels. Measurement of the depth of each layer of gravel shall be made by the project inspector to ensure compliance with the project specifications and results shall be sent to the Town’s Municipal Engineer upon request.

E. Final approval of the road base prior to paving shall be performed by the project inspector based on the visual inspection and the testing specified above. Final lines and grades shall meet MDOT tolerances cited in this ordinance. Prior to the start of paving a written certification from a Registered Professional Engineer shall be submitted to the Town's Municipal Engineer or designated Town official stating that the roadway base was constructed and pavement layers were applied in accordance with the project specifications. Measurement of the depth of each layer of pavement shall be made by the project inspector to ensure compliance with the project specifications and results shall be sent to the Town's Municipal Engineer upon request.

F. As-built drawings certified by a Registered Professional Engineer shall be submitted to the Town's Municipal Engineer or designated Town official prior to the placement of a road acceptance article on a Town meeting warrant. These shall document all changes to the approved plans and show final locations of all utilities located within the road right of way including but not limited to water, sewer, storm drains, storm drain stubs, electrical, cable television or telecommunications and any extension of same to individual lots.

1.8 Effective Date

The effective date of this Ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

1.9 Repeal of Prior Ordinance

The existing Town Road Ordinance and any other existing Town ordinance or policy addressing road construction, design, paving, road dimensions or other road criteria are repealed as of the effective date of this Ordinance. However, the adoption of this Ordinance shall not affect nor prevent any pending or future prosecution of, or action to abate, the violation of any ordinances repealed by this Section if the violation is also a violation of the provisions of this Ordinance.

It is also the intention and direction of this Section that if this Ordinance is, for any reason, held to be invalid or void in its entirety, the ordinances repealed by this Section shall be automatically revived.

2 Right of way

The minimum right-of-way width shall be sixty-six (66) feet.

3 Road Centerline

The centerline of the road shall be located not more than two (2) feet off the centerline of the right-of-way.

4 Pavement Width

The minimum pavement width of the traveled way shall be twenty-four (24) feet for minor roads and thirty-two (32) feet for collector roads.

5 Roadway Crown

The roadway crown shall be one-quarter inch (1/4") per foot of pavement width.

6 Shoulders

6.4 Gravel Shoulders

Gravel shoulders shall extend a minimum of four (4) feet from each side of the road traveled way pavement. Gravel shoulders shall be an exposed portion of the aggregate layers specified in the Aggregate Layers section of this Ordinance.

6.5 Paved Shoulders (where required)

Paved shoulders shall extend a minimum of six (6) feet from each side of the road travel way pavement. The outer edge of a paved shoulder shall abut a curb, specified green space, or a gravel shoulder extending a minimum of two (2) feet beyond the outer edge of the paved shoulder.

7 Shoulder Grade

7.4 Gravel Shoulders

Gravel shoulders shall have a slope ratio of 4:1 – a slope of four feet horizontally for each one foot vertically of shoulder width.

7.5 Paved Shoulders (where required)

Paved shoulders shall have a slope of one-half inch (1/2") to three-quarter inch (3/4") for each foot of paved shoulder width. Such slope shall assist the road crown in channeling water away from the centerline of the paved roadway and toward the outer edge of the paved shoulder.

8 Road Base

8.4 Flagging Right-of-Way

Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals and all appropriate authorities (e.g. Dig Safe, electric company, telephone company, cable company) shall be contacted to identify any buried facilities.

8.5 Clearing Right-of-Way

Before grading is started, the entire area within the right-of-way necessary for the traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.

8.6 Removal of Unsuitable Materials

All organic materials or other deleterious material shall be removed to a depth of two feet below the sub-grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the roadway. On soils which have been identified by the Town's Municipal engineer as not suitable for roadways, either the subsoil shall be removed from the road site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.

8.7 Side Slopes

Except in a ledge cut, side slopes shall be no steeper than a slope of four feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan (See section 15.4). Where a cut results in exposed ledge a side slope no steeper than five feet horizontal to one foot vertical shall be permitted.

8.8 Underground Utilities

All underground utilities, if any, shall be installed prior to paving in order to avoid cuts in the pavement.

8.9 Sub-grade

Road base layers shall be installed over properly shaped and compacted sub-grade. The sub-grade shall be inspected by the Road Commissioners or their designee(s) before placement of any aggregate on the road base. Any soft spots or otherwise unsuitable soils shall be either over-excavated or reinforced with geotextiles or other suitable materials to the satisfaction of the Road Commissioners or their designee(s) before placement of any aggregates.

9 Aggregate Layers

9.4 Testing

Testing shall be at the expense of the developer or applicant.

The developer or applicant - defined as such without regard to the number or use of buildings proposed to be constructed or located to access the proposed road - shall provide test results of aggregate gradation to the Road Commissioners or their designee(s) for review and approval PRIOR to the start of construction. Aggregate layers shall be applied in six to eight inch layers and compacted to a density of not less than 95% of Modified Proctor density for the full width and depth of each layer.

9.5 Sub-base Aggregate Layer

The sub-base aggregate layer is defined as Maine Department of Transportation (MDOT) Standard Specification 703.6 b, Type D aggregate or better, installed beneath the base aggregate layer and over the road sub-grade, and measuring not less than twelve inches (12") after compaction. Sub-base aggregates shall meet all other applicable specifications of MDOT Standard Specification 703.6. Surface tolerance shall be as specified by MDOT Standard Specification 304.05.

9.6 Base Aggregate Layer

The base aggregate layer is defined as Maine Department of Transportation (MDOT) Standard Specification 703.6 a, Type A aggregate, installed beneath the binder pavement layer and over the sub-base aggregate layer, and measuring not less than six inches (6") after compaction. Base aggregates shall meet all other applicable specifications of MDOT Standard Specification 703.6. Surface tolerance shall be as specified by MDOT Standard Specification 304.05.

9.7 Total Aggregate Thickness

The total thickness of both aggregate layers shall measure not less than eighteen inches (18") after compaction.

9.8 Width of Aggregate Layers

Aggregate layers shall be applied and compacted in a single construction event in sufficient width to accommodate the width of all lanes of the traveled way, paved shoulders (if any), gravel shoulder extensions of paved shoulders (if any), and gravel shoulders.

10 Hot Bituminous Pavement Layers

10.4 Pavement

Bituminous pavement shall only be applied over aggregate surface approved by the Road Commissioners or their designee(s). Bituminous pavement shall be applied with pavers of sufficient class and size with an activated screed (heated if necessary) capable of placing courses of hot mix asphalt pavement in full lane widths on the traveled way, shoulder or similar construction with each layer compacted using suitably sized steel drum or pneumatic tire rollers. The finished surface of each compacted bituminous layer shall be relatively smooth with no dips, tears, or other preventable imperfections caused by careless paving techniques.

Hot mix asphalt pavement shall meet the following MDOT Standard Specifications or parts thereof as appropriate:

- 401 Hot Mix Asphalt Pavement
- 702.01 Asphalt Cement
- 703.07 Aggregates for HMA Pavements
- 703.09 HMA Mixture Composition

10.5 Pavement Compaction

Each layer of pavement shall be compacted to an in-place density of not less than 93% of the theoretical maximum density as defined by the Maine Department of Transportation.

10.6 Bituminous Binder Course Layer

The bituminous binder course layer is defined as Maine Department of Transportation (MDOT) Standard Specifications for Type 19 mm mix maximum compacted to a thickness of two inches (2"). Surface tolerances shall be as defined by MDOT Standard Specification 401.101.

10.7 Bituminous Surface Course Layer

The bituminous surface course layer is defined as Maine Department of Transportation (MDOT) Standard Specifications for Type 12.5 mm mix compacted to a thickness of one inch (1"). Surface tolerances shall be as defined by MDOT Standard Specification 401.101.

10.8 Total Bituminous Pavement Thickness

The total thickness of both bituminous layers shall measure not less than three inches (3") after compaction.

10.9 Pavement Joints

Wearing surface traverse joints shall be constructed in such a manner that meets the minimum tolerances in MDOT Standard Specification 401.101 – Surface Tolerances.

Longitudinal joints shall be constructed in such a manner that will best ensure joint integrity.

Where pavement joins existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.

A coating of emulsified asphalt shall be applied immediately before paving all joints to the vertical face and 75mm of the adjacent portion of any pavement being overlaid except those formed by pavers operating in echelon.

11 Pavement Dates

11.4 Earliest Pavement Date

No paving may occur prior to May 1st, nor when the ground is wet or frozen, nor when the temperature, measured in the shade at the paving site, is below 50 degrees Fahrenheit.

11.5 Latest Pavement Date

No paving may occur after October 1st, nor when the ground is wet or frozen, nor when the temperature, measured in the shade at the paving site, is below 50 degrees Fahrenheit.

11.6 Timing of Surface Course Application

The bituminous surface course must be applied in the same calendar year as the binder course, and is subject to the requirements of sections 11.1 and 11.2.

11.7 Waiver of Pavement Dates

The Road Commissioners may waive the earliest and latest pavement dates on a case-by-case basis provided the above-noted ground and temperature conditions are met.

12 Cul-de-sacs

12.4 Standards

Cul-de-sacs must meet the road construction standards of this ordinance. In addition, the entire surface of the 75 foot radius defined in section 12.2 must be paved.

12.5 Radii

The radius of a cul-de-sac shall be seventy-five (75) feet, measured from the centerline of the roadway to the outer edge of the paved cul-de-sac. The radius of a cul-de-sac right-of-way shall be eighty-five (85) feet, measured from the centerline of the roadway to the property lines.

12.6 Dead End Roads

All dead end roads must end in cul-de-sacs which meet the specifications of this section and must be able to accommodate emergency operations, school buses and snowplows. Dead end roads may not be longer than one thousand six-hundred (1,600) feet and may serve no more than twenty (20) residential units. Residential loop roads may serve no more than fifty (50) residential units.

In addition, the Board of Selectpersons or the Planning Board, as appropriate, may require the reservation of a twenty (20) foot or greater easement for essential services, and sixty-six (66) foot or greater easement in line with the dead end road to provide continuation of the road where future development or subdivision is possible.

13 Sidewalks (where required)

13.4 Width

Sidewalks, where required, shall have a minimum width of five (5) feet.

13.5 Gravel Base

Sidewalks shall have a gravel base course of twelve (12) inches measured after compaction.

13.6 Pavement

Sidewalks shall have a hot bituminous asphalt mix meeting Maine Department of Transportation (MDOT) Standard Specifications for Type 9.5 mm mix with a pavement thickness of two (2) inches, applied in two lifts, each compacted to a thickness of one inch. All other specifications are as contained or referenced in the Hot Bituminous Pavement Layers section of this Ordinance.

13.7 Abutting Existing Sidewalks

New or proposed roads abutting roads with existing sidewalks shall connect with existing sidewalks 1) if they exist in the vicinity of any proposed intersection, and 2) extending such sidewalk link residential units with recreational and commercial facilities, other common facilities, school bus stops, or other existing sidewalks in the neighborhood.

14 Green Space (where required)

At the discretion of the Board of Selectpersons (public ways), Planning Board (subdivisions), or jointly if such bodies so choose, green space may be required within the road right-of-way for a variety of reasons including, but not limited to:

- Motor vehicle operator, bicyclist and pedestrian safety;
- To provide vegetation that will aid in erosion and sedimentation control;

- To provide vegetation that will be an aid to aesthetics;
- To provide vegetation that will aid in lowering construction and maintenance costs;
- To provide vegetation that is in keeping with the character or theme of its environment;
- To provide vegetation that preserves, maintains or supports policies or objectives of the Comprehensive Plan for the zone(s) or impact area(s) that the road will encroach or abut.

14.4 Shoulder Abutment

Green space may abut a road shoulder or curb, may protect road structure by serving as a curb, by acting as erosion control, by directing stormwater runoff, or by serving as a safety zone to separate pedestrian, bicyclist and motor vehicle traffic.

When the primary purpose of green space is one of the foregoing, green spaces shall be of minimal slope and vegetation of minimal height necessary to serve such purpose. The width of such green space shall at the discretion of the Board of Selectpersons or Planning Board, as appropriate.

14.5 Sidewalk-to-roadway Barrier

Green space located between a sidewalk and a curb, shoulder, or roadway shall be not less than three (3) feet wide when measured between the outside edges of the abutting structures and shall not infringe on the safety of motor vehicle operator, bicyclist or pedestrian safety. Additional characteristics are at the discretion of the Board of Selectpersons or the Planning Board, as appropriate.

14.6 Other Green Space

Green space in a road right-of-way other than that described in the two preceding paragraphs shall be at the discretion of the Board of Selectpersons or the Planning Board, as appropriate.

15 Drainage and Stormwater Runoff

15.4 General Provisions

Stormwater drainage and runoff systems shall be designed by a Registered Professional Engineer experienced in the design of stormwater and drainage systems.

The storm drainage system will not adversely affect neighboring properties, downstream water quality, or cause soil erosion. All new construction and development shall be designed to minimize stormwater 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.

If it is not practicable to detain water on site, downstream improvements to the channel may be required of the developer to prevent flooding caused by his project. The natural state of watercourses, swales, floodway or rights-of-way shall be maintained as nearly as possible. The design basis is a twenty-five (25) year storm. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

15.5 Storm Water Management Design Standards

- 15.5.3 Adequate provision shall be made for disposal of all storm water generated within the road right-of-way and any related development and any drained ground water through a management system of swales, culverts, under drain, and water courses. The storm water management system shall be designed to conduct storm water flows to existing watercourses.
- 15.5.4 All components of the storm water management system shall be designed to meet the criteria of a twenty-five (25) year storm based on rainfall data for the closest reporting station to Corinth, Maine.
- 15.5.5 The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. See sections 20.3 and 20.4 for additional requirements. The minimum and maximum lengths shall be based upon common engineering practices that take into account frost protection and future maintenance. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.
- 15.5.6 Catch basins shall be installed where necessary and located at the curb line.
- 15.5.7 Inlets and outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.
- 15.5.8 The storm water management system for the road improvement shall be designed to accommodate complete watershed drainage, taking into account existing conditions and approved or planned developments not yet built and shall include a surplus design capacity factor of twenty-five (25) percent for potential increases in upstream runoff.
- 15.5.9 Downstream drainage requirements shall be studied to determine the effect of the proposed road improvement. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the road improvement. The developer, builder or applicant shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- 15.5.10 Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.
- 15.5.11 Ditches shall be constructed in such a manner as to minimize any residual water levels within 24 hours and be of such depth as to keep any residual water levels at least twelve (12) inches below the depth of road aggregate materials.
- 15.5.12 Ditches shall have a side slope ratio of no greater than 4:1 - a slope of four feet horizontally for each one foot vertically, and a back slope ratio (where applicable) of no greater than 2:1 - a slope of two feet horizontally for each one foot vertically.
- 15.5.13 The minimum pipe size for any storm drainage pipe shall be fifteen (15) inches in diameter. The minimum and maximum lengths shall be based upon common engineering practices that take into account frost protection and future maintenance. Maximum trench width at the pipe crown shall be the outside

diameter of the pipe plus two (2) feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three (3) inches, lumps of clay, or organic matter, reaching a minimum of six (6) inches below the bottom of the pipe extending to six (6) inches above the top of the pipe.

15.5.14 Inlets and outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity.

15.6 Storm Drainage Construction Standards

15.6.3 Reinforced Concrete Pipe:

Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.

15.6.4 Corrugated Metal Pipe:

Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than five (5) percent.

15.6.5 ABS Pipe:

ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.

15.6.6 Corrugated Plastic Pipe:

Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.

15.6.7 Manholes:

Manholes shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

15.6.8 Catch Basins:

Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed with tops which shall conform to the requirements of AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

15.6.9 Drain Inlet Alignment:

Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Town's consulting Engineer.

15.6.10 Manhole Placement:

Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of four hundred (400) foot intervals.

15.6.11 Catch Basin And Manhole Maintenance:

Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance of the road by the Town.

15.7 Erosion And Sedimentation Control Plan

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:

15.7.3 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 clean-up stages. The applicant is encouraged to use the sifting, design and maintenance guidelines in the "Maine Erosion and Sedimentation Control Handbook for Construction: Best management Practices" by the Cumberland County SWcD and Maine DEP for meeting the requirements of this standard.

Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:

15.7.4 Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;

15.7.5 Road improvements 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;

- 15.7.6 Road improvements shall not unreasonably increase the rate or volume of surface water runoff from the proposed site;
- 15.7.7 Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- 15.7.8 The disturbed area and the duration of exposure shall be kept to a practical minimum;
- 15.7.9 Disturbed soils shall be stabilized as quickly as practicable;
- 15.7.10 Temporary vegetation or mulching shall be used to protect disturbed areas during road improvement projects;
- 15.7.11 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 the road improvement construction ends;
- 15.7.12 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;
- 15.7.13 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 otherwise specified by the Board of Selectpersons or the Planning Board, as appropriate. Extraction operations (gravel pits, etc.) shall not be permitted within one hundred feet (100') of any road right-of-way property line unless specifically permitted by the Board of Selectpersons.
- 15.7.14 During grading operations, methods of dust control shall be employed wherever practicable;
- 15.7.15 Whenever sedimentation is caused by stripping vegetation, re-grading or other road improvement, it shall be the responsibility of the developer, builder or applicant causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his/her expense as quickly as possible;
- 15.7.16 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.
- 15.7.17 Maintenance of drainage facilities or watercourses originating and 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.

16 Subdivision Abutting Town Road or Way

Where a subdivision abuts or contains an existing Town road or way and a proposed Town road or way, no residential lot may have vehicular access directly on to the existing Town road or way. This requirement shall be noted on the subdivision or development plan and in the deeds of any lot with frontage on the Town road or way.

17 Grades

- 17.4 Grades of all roads shall conform in general to the terrain so that the cut and fill are minimized while maintaining the grade standards noted in the other subsections of this Road Construction and Design Standards Ordinance and as summarized in the Table of Road Standards contained in this Ordinance.
- 17.5 The maximum sustained grade of a road shall not exceed six (6) percent for collector roads and eight (8) percent for minor roads, except over short distances not to exceed four hundred (400) feet.

18 Intersections

- 18.4 Roads shall intersect existing roads at an angle as near to 90 degrees as site conditions permit, but not less than 75 degrees.
- 18.5 For collector roads, the maximum grade within seventy-five (75) feet of an intersection shall be two (2) percent. For minor roads, the maximum grade within fifty (50) feet of an intersection shall be two (2) percent.
- 18.6 Minimum right-of-way radii at intersections shall be fifteen (15) feet.
- 18.7 Whenever possible, four-way intersections shall be avoided.
- 18.8 A minimum distance of 650 feet shall be maintained between the centerlines of collector roads, minor roads, or a combination thereof. Such distance may be increased by the Board of Selectpersons or Planning Board to meet zoning requirements or conditions outlined in the Comprehensive Plan. Such distance may not be decreased unless necessary to comply with State of Maine or Federal laws and regulations.

19 Sight Distances

- 19.4 All changes in grade shall be connected by vertical curves to provide for the minimum stopping sight distances below.
- 19.5 Where new road intersections or driveway curb cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted or Maine presumptive speed limit if not posted (15 MPH for school zones, 25 MPH for residential and commercial zones, and 45 MPH for rural zones) and conform to the table below. Where necessary, corner lots shall be cleared of all growth and sight obstructions, including ground excavation, to achieve the required visibility.
- 19.6 Sight Speed and Distance Table

S P E E D (M P H)	15	20	25	30	35	40	45	50	55
SIGHT DISTANCE (FT)	150	200	250	300	350	400	450	500	550

19.7 Sight Distance Measurements

Stopping sight distance shall be calculated with a height of eye at 3.5 feet and the height of object at 0.5 feet.

Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the road to be exited with the front of the vehicle a minimum of ten feet (10') behind the curb line or edge of shoulder, with the height of the eye three and one-half (3.5) feet, to the top of an object four and one-half (4.5) feet above the pavement.

20 Culverts, Driveways and Access Drives

20.4 Driveway Radii and Width

All driveways and access drives, except for one (1) or two (2) dwelling units, shall be five (5) feet wider at the curb line (where one exists) and this additional width shall be maintained for a distance of twenty-five (25) feet into the site. Driveways and access drives serving less than ten dwelling units shall be no wider than twenty (20) feet at the point of contact with the radii described in the following paragraph when contacting the widest point of the access drive.

Additionally, the access point to a graveled road shoulder shall be based on fifteen (15) foot radii from the outer edge of the shoulder back to the widest point of the access drive contacted by such radii.

20.5 Access Drive Grade

No driveway or access drive shall have a grade steeper than ten percent (10%) for a distance of at least one hundred (100) feet back from the point of intersect with the right-of-way of a Town road or way.

20.6 Paved Driveway Aprons (where required)

Where required by the Board of Selectpersons or Planning Board, paved driveway aprons will conform to the most recent Maine Department of Transportation specifications available at the time the driveway apron is paved.

20.7 Driveway Culverts

The minimum size of any driveway culvert shall be fifteen (15) inches in diameter. The minimum and maximum lengths shall be twenty-four (24) and thirty-six (36) feet in length, respectively.

Driveway culverts shall meet the requirements of MDOT Standard Specification 603 or the Storm Drainage Construction Standards section of this ordinance, whichever is the greater standard.

20.8 Cross Culverts

The minimum size of any cross culvert shall be eighteen (18) inches in diameter.

Cross culverts shall meet the requirements of MDOT Standard Specification 603 or the Storm Drainage Construction Standards section of this ordinance, whichever is the greater standard. Culvert openings shall be surrounded by stone rip-rap or other suitable stabilizing material to prevent soil erosion.

20.9 Back Lots

Back lots shall be accessible over a deeded right-of-way not less than sixty-six (66) feet in width to a public road with a minimum of a twenty-four (24) foot traveled way with a minimum of 16" inches of gravel.

The maintenance of the access strip (Private Way) shall be the responsibility of the developer or owner and not the Town. An agreement to that effect shall be stated in the deed recorded at the Penobscot Registry of Deeds.

21 Private Road Improvement

21.4 Subdivisions connecting to existing private road(s) must upgrade the existing private road(s) from 1) a point of entrance on a public road onto the existing private road to 2) the point of intersection with the new private road.

21.5 Where the right-of-way of the existing road is less than sixty-six (66) feet, the applicant may request, and the Road Commissioners may grant, a waiver of the right-of-way requirement for the existing road as long as all other construction standards are met.

22 Public Road Improvement

22.4 Subdivisions connecting directly to existing public road(s) must upgrade the existing public road(s) to the existing road construction standards if it is determined by the Road Commissioners that the subdivision will have a detrimental effect on the condition of the public road(s), the level of service at nearby intersections impacted by the subdivision and the carrying capacity of existing public road(s).

23 Performance Guarantees

23.4 Types of Guarantees

With submittal of the application for the construction, improvement or upgrading of any road, shoulder, sidewalk, ditch, drainage or other construction or other improvement related to the right-of-way on which such road or improvement is situated, the developer, builder or applicant shall provide one of the following performance guarantees for an amount adequate to cover the estimated construction costs of all required improvements, taking into account the time span of any construction schedule and the inflation rate for construction costs:

1. Either a certified check payable to the Town or a savings account or certificate of deposit all naming the Town as owner, for the establishment of an escrow account, as provided for in Section 23.4, below;
2. A performance bond payable to the Town issued by a surety company, approved by the Board of Selectpersons and Town Attorney, as provided for in Section 23.5, below;
3. An irrevocable letter of Credit from a Federally-insured financial institution establishing funding for the construction of the development, from which the Town may draw if construction is inadequate, approved by the Board of Selectpersons and Town Attorney, as provided for in Section 23.6, below.

The conditions and the amount of the performance guarantee shall be determined by the Board of Selectpersons with the advice of the Town's Municipal Engineer, Planning Board, Road Commissioners and/or Town Attorney.

23.5 Amount of Guarantee

The amount of the performance guarantee shall be one hundred twenty-five (125) percent of the cost of the road, shoulders, ditches, sidewalks, green space, drainage systems, erosion control measures, or other improvements.

23.6 Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, builder or applicant and a date after which the developer, builder or applicant will be in default allowing the Town access to the funds to finish construction, as provided for in Section 23.9 below.

23.7 Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the Town, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the developer, the Town shall be named as owner or co-owner, and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the developer, builder or applicant.

23.8 Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the developer, and the procedures for collection by the Town. The bond documents shall specifically reference the road or project for which approval is sought.

23.9 Letter of Credit

An irrevocable letter of credit from a Federally-insured financial institution shall indicate that funds have been set aside for the construction of this specific road or project and may not be used for any other project or loan.

23.10 Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town's Municipal Engineer and whatever other Town boards, agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

23.11 Reduction of Performance Bond

A performance bond may be reduced upon satisfactory completion of portions of the required improvements but in no event shall the amount be reduced below 10% of the original amount. The remaining 10% shall continue in force for one year after completion of the improvements, to be used in the event of unforeseen failures.

23.12 Default

If, upon inspection, the Town's Municipal engineer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he shall so report in writing to the Code Enforcement Officer, the Town Manager, the Board of Selectpersons, the Planning Board, and the applicant, subdivider or developer. The Town of Corinth shall take any steps necessary to preserve the Town's rights.

23.13 Developer or Applicant Continued Responsibilities

The developer, builder or applicant accepts complete responsibility for any damages or problems with the road and improvements until such time as the road or improvements are finally accepted by the Town. Such acceptance must be preceded by a certificate of full completion by a professional engineer licensed in the State of Maine.

23.14 Defect Warranty Period

Applicants proposing any road, improvement or upgrading of any road, shoulder, sidewalk, ditch, drainage or other improvement related to the road right-of-way for acceptance shall warranty that such proposed item(s) will remain free of defects for a period of twelve (12) months from the date that title to same is conveyed to the Town. The cost of repairing defects detected during the warranty period shall be borne solely by the applicant.

24 Certification

A professional engineer, licensed in the State of Maine and paid for by the developer, builder or applicant, shall certify in writing to the Town that the following have been constructed in accordance with the provisions of this Ordinance and any other conditions or subdivision approvals established by the Corinth Planning Board and/or the Town of Corinth:

1. Utilities which are located below the surface of the street have been properly installed. Utilities shall include, but not be limited to: water, sewer, storm drains, electrical, cable television or telecommunications.
2. The sub-grade aggregate meets specifications and has been properly graded, compacted and installed.
3. The base aggregate meets specifications and has been tested for material compliance and has been properly graded, compacted and installed.
4. All asphalt materials meet specifications and have been properly installed.
5. Curbs, ditches and any stormwater detention facilities and any stormwater structures meet specifications and have been properly installed.
6. Permanent monumentation of all property lines and road right-of-ways have been set.

25 Acceptance

Prior to placing any article for town road acceptance on a warrant for a Town meeting, an applicant or developer shall submit to the Board of Selectpersons as-built drawings of the road proposed for acceptance which are certified by a Registered Professional Engineer. These drawings shall document all changes to the approved plans and show final locations of all utilities including, but

not limited to: water, sewer, culverts, storm drains, electrical, cable television or telecommunications.

Any road, improvement or upgrading of any road, shoulder, sidewalk, ditch, drainage or other improvement related to the road right-of-way which is being proposed for acceptance by the Town of Corinth must be in a state that will require only normal repair and maintenance at the point that ownership is transferred to the Town. "Normal repair and maintenance" shall mean any work necessary to maintain a road or road improvement in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, resurfacing, repair of pre-existing potholes or other surface or shoulder or ditch defects, change in design, change in structure, change in location, change in size or capacity.

A developer, builder or applicant may not request that the Town accept any road, improvement or upgrading of any road, shoulder, sidewalk, ditch, drainage or other improvement related to the right-of-way on which such road or improvement is situated more than once in any calendar year. To avoid costs associated with Town meetings, the Annual Meeting of the Town of Corinth is the preferred meeting to present articles for acceptance.

No article shall be placed on a warrant if the proposed road does not comply with Town of Corinth road construction and design standards at the time the request is submitted to the Board of Selectpersons.

IN ALL CASES, Maine law provides that a private road or way can only be accepted as a Town of Corinth road by a majority vote at a Town Meeting.

26 Table of Road Standards

TOWN OF CORINTH ROAD MINIMUM DESIGN AND CONSTRUCTION STANDARDS

ITEM	COLLECTOR	MINOR
1. Minimum right of way width	66'	66'
2. Minimum pavement width	32'	24'
3. Minimum shoulder width (each side)		
3.1. Gravel	4'	4'
3.2. Paved (where required)	6'	6'
4. Minimum travel way (each side)	16'	12'
5. Minimum grade	¼"/foot	¼"/foot
6. Maximum grade	8%	10%
7. Maximum grade at intersections	3%	3%
for minimum distance	75'	50'
8. Number of sidewalks (where required)	1	1
9. Number of curbed sides (where required)	2	2
10. Minimum centerline radii	250'	150'
11. Minimum tangent length between reverse curves	200'	100'
12. Sub-base aggregate layer thickness	12"	12"
13. Base aggregate layer thickness	6"	6"
14. Pavement thickness-base course	2"	2"
15. Pavement thickness-surface course	1"	1"
16. Minimum cross slope (travel way)	¼"/foot	¼"/foot
17. Minimum cross slope (shoulders)	½"/foot	½"/foot
18. Sidewalks		
18.1. Minimum width	5'	5'
18.2. Gravel base course	12"	12"
18.3. Pavement thickness	2"	2"

19. Dead-end or cul-de-sac roads		
19.1. Maximum length (see section 14.12.3)	1600'	1600'
19.2. Minimum right of way radius	85'	85'
19.3. Minimum pavement radius at centerline of road	75'	75'
20. Minimum pavement/curb radii at intersection	30'	25'
-if minor intersects with minor		25'
-if minor intersects with collector	25'	
21. Maximum sub-elevation (Collector)	0.08	
22. Grades of roads should conform as closely as possible to the original relief of the land.		
23. All changes in grade shall be connected by vertical curves which provide clear visibility for a minimum distance of 200'.		

27 Definitions

27.4 Construction Of Language

In this Ordinance, certain terms or words should be interpreted as follows:

27.4.3 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;

27.4.4 The present tense includes the future tense, the singular number includes the plural and plural includes the singular;

27.4.5 The word "shall" is mandatory;

27.4.6 The word "may" is permissive;

27.4.7 The word "used" includes the words "intended", "designed", or "arranged to be used"; and

27.4.8 The word "dwelling" includes the word "residence".

27.4.9 Terms not defined shall have the customary dictionary meaning.

In the case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the map shall control.

27.5 Definitions Of Words

For the purpose of interpreting this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein.

AASHTO: American Association of State Highway and Transportation Officials.

ABUTTING: Having a common border with.

ACCESS: A means of approach or entry to or exit from property.

ACCESS DRIVE: A private roadway primarily intended to transport vehicles from a public or private way to a point within private property.

APPLICANT: Any person (see definition) proposing any road, road improvement or other improvement within an actual or proposed road right-of-way for acceptance by, and transfer of ownership to, the Town of Corinth.

ARCHAEOLOGICAL RESOURCES: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as archaeological resources, and any areas identified in the Comprehensive Plan.

ASTM: American Society for Testing and Materials.

BACK LOT: A lot created from a conforming lot of record existing on March 3, 1976, that meets the minimum lot size requirement of the zone in which it is located and does not diminish the remainder of the existing lot of record to a size less than the minimum lot size requirement of the zone in which it is located. A back lot is one which does not have frontage on a public or private road but is served by a right-of-way of not less than sixty-six feet (66') in width to a public road, which right-of-way does not diminish the existing road frontage of the lot of record by more than sixty-six feet (66').

BOARD OF SELECTPERSONS: The officers of the Town of Corinth, and who serve as the day-to-day legislative body of the Town.

BUFFERS: Units of land, together with a specified type and amount of vegetative planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING: Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods or property of any kind. Where independent units with separate entrances are divided by walls, each unit is a building.

COLLECTOR ROAD: A road servicing at least fifteen (15) lots or dwelling units, or a road which serves as a feeder to arterial roads, and a collector of traffic from minor roads.

COMPREHENSIVE PLAN: The Comprehensive Plan of the Town of Corinth, Maine accepted at the Town Meeting of March 20, 2007, and any revisions thereto.

CUL-DE-SAC: A local road with only one outlet, and having the other end for the reversal of traffic movement.

DEVELOPER: The legal or beneficial owner(s) including the holder of an option or contract to purchase, builder, contractor, development corporation or person, of a lot or parcel of any land proposed for, included in or requiring access to a road right-of-way, road, or road improvement to be requested for acceptance by the Town of Corinth.

DEVELOPMENT: The division of any parcel of land; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land which may require access to or use of a public or private road or way for which provisions of this Ordinance may apply.

DRAINAGE: The removal of surface or ground water from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water supply preservation and prevention or alleviation of flooding.

DRIVEWAY: A vehicular access-way either fewer than five hundred (500) feet in length or serving two lots or less.

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

EASEMENT: Authorization by a property owner of the use by another, and for a specified purpose, of any designated part of his property.

EMERGENCY OPERATIONS: Emergency operations shall include 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 and livestock from the threat of destruction or injury.

ESSENTIAL SERVICES: Gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, and including buildings or structures which are necessary for the furnishing of such services.

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

FLOWING WATER: A surface water within a stream channel that has a perceptible flow and is substantially permanent in nature. Such waters are commonly referred to as rivers, streams, and brooks and can be further defined as:

FRONTAGE, ROAD: The continuous linear distance, measured along the lot line which separates the lot from a public or private way provided, however, that any lot, any portions of which abut a public way, the continuous length of the abutments along the public way shall be the frontage.

HISTORIC SITE: A property of historic, architectural or archaeological significance as defined by the National Historic Preservation Act of 1966.

LEVEL OF SERVICE: A qualitative measure that incorporates the collective factors of speed, travel time, traffic interruptions, freedom to maneuver, safety, driving comfort and convenience, and operating costs provided by a highway facility under a particular volume condition, as established by the Institute of Transportation Engineer's Transportation and Traffic Engineering Handbook, 2nd edition or later.

LOT: A parcel of land undivided by any street or public road and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses incidental to such building, use, or development, including such open spaces and yards as are designed, and arranged or required by this Ordinance for such building, use, or development.

LOT, CORNER: A lot abutting two or more streets at their intersection.

MDOT: Maine Department of Transportation.

MINOR ROAD: A road servicing less than fifteen (15) lots or dwelling units.

MOTOR VEHICLE: Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons or property.

MUNICIPAL ENGINEER: Any registered professional engineer hired or retained by the Town of Corinth, either as staff or on a consulting basis.

NORMAL MAINTENANCE AND REPAIR: Any work necessary to maintain a road, road improvement, road structure or aperture in its original or previously improved state or condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in uses, change in location, and change in size or capacity.

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.

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.

PLANNING BOARD: The official body of the Town of Corinth responsible for administering the Subdivision Ordinance of the Town.

PROPERTY LINE: A line bounding a lot which divides one lot from another or from a street or any other public or private space.

PUBLIC UTILITY: Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

RECONSTRUCTION: The restoration, remodeling or rebuilding of a road or road improvement, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the road or road improvement in its existing condition.

REGISTERED PROFESSIONAL ENGINEER: A professional engineer, licensed in the State of Maine.

REAR LOT: See "BACK LOT".

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.

RIGHT-OF-WAY: A road or other area over which legal right of passage is given.

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 public or private 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, as well as areas on subdivision plans

designated as rights-of-way or roads, except such ways as have been discontinued or abandoned.

- 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.

ROAD COMMISSIONERS: The Board of Selectpersons of the Town of Corinth.

ROAD RIGHT-OF-WAY: The metes and bounds of a parcel of land within which a road exists or is proposed to exist.

ROAD IMPROVEMENT: Construction, reconstruction, relocation or alteration of a road, including but not limited to: road base, road sub-base, road surface, road traveled way, shoulders, curbs, side slopes, ditches, back slopes, culverts, drains, sidewalks, green space and any other similar activities or improvements within a road right-of-way.

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

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

SUBDIVISION: The division of a tract or parcel of land into three (3) or more lots within a five (5) year period whether accomplished by sale, lease, development, buildings or otherwise and as further defined in State Statutes, Title 30-A, MRSA, Section 4401, as amended.

SUSTAINED GRADE/SLOPE: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

TOWN: The Town of Corinth, Maine.

TRAVELED WAY: That portion of a road or way designed or intended to accommodate the flow of vehicular traffic. On roads designed to accommodate two-way traffic flow, each lane shall be considered a traveled way.

USE: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

28 Change Control

- 03/18/08 Ordinance adopted at Annual Town Meeting March 18, 2008 via passage of Article 27.
03/22/11 Ordinance amendment adopted at Annual Town Meeting via passage of Article 66

**Town of Corinth
Sex Offender Ordinance
March 17, 2009**

1. GENERAL

1.1 Title

This Ordinance shall be known as and may be cited as the "Sex Offender Ordinance of the Town of Corinth, Maine ", and will be referred to herein as the "Ordinance".

1.2 Authority

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part Second of the Maine Constitution, Title 30-A, Section 4352 and Title 38, Section 435 et. seq., of the Maine Revised Statutes Annotated.

2. PURPOSE

The Town of Corinth recognizes that sex offenders who prey upon children have a high rate of recidivism. The Town of Corinth has an obligation to protect the health, safety, and welfare of its children by prohibiting access by convicted sex offenders to areas where a concentration of children under the age of 16 years exists.

3. DEFINITIONS

The following definitions have the literal meaning as they pertain to this ordinance only:

1. **Registered Sex Offender** – An individual convicted of a crime against a person under the age of 16 years and as a result, is required to register for life pursuant to Title 34-A MRSA, Chapter 15.
2. **School/Daycare** – Any public or private educational facility that provides services to 25 or more students under the age of 16 years or any licensed daycare facility that is clearly marked with at least one sign.
3. **Premises** – Shall mean the building structure, and any accessory buildings attached to or detached from the primary structure, playground area, playing field, or courts.
4. **Public Area** – Any area included but not limited to buildings, property, recreation areas and roads which are owned, leased or otherwise operated by a public entity.
5. **Radius** – Distance shall be measured from the property line of the school or daycare center, as defined above, closest to a registered sex offender's residence.
6. **Child Safety Zone** – Public parks, private and public schools, public library, amusement arcades, video arcades, indoor and outdoor amusement centers, amusement parks, public or commercial and semi-private swimming pools, child care facility, child care institution, public or private youth soccer or baseball field, crisis center or shelter, skate park or rink, public or private youth center, scouting facilities and Offices for Child Protective Services, and school or public bus stops.
7. **Loiter** – Means standing, sitting idly, whether or not the person is in a vehicle or remaining in or around an area.

**Town of Corinth
Sex Offender Ordinance
March 17, 2009**

4. Restrictions

Any person who is a registered sex offender, as defined above:

4.1 Shall not reside within a 3,000-foot radius of the property line of a school, daycare center, or public area as defined above;

4.2 shall not enter upon the premises of a school, daycare center, or public area, as are defined above, unless specifically authorized by the School Superintendent, daycare center owner, or Town Manager or Selectpersons, respectively; and

4.3 shall not loiter within five hundred feet (500') of a Child Safety Zone. The distance of five hundred feet (500') from a child safety zone shall be measured on a straight line from the closest boundary of the Child Safety Zone.

5. Exceptions

A registered sex offender residing within a 3,000-foot radius of a school, daycare, or public area as defined above, is not in violation if the residency was established prior to the date of adoption of this ordinance and the registered sex offender's residency has been continuously maintained.

A registered sex offender is not in violation of this ordinance if a school, daycare, or public area, as defined above, is located or expanded to within a 3,000-foot radius of their residence after the adoption of this ordinance, and the registered sex offender's residency has been continuously maintained.

6. Violation; injunctive relief and penalties

Any person who, 30 days after written notice from the Town of Corinth, is in violation of Section 4.1 of this Ordinance shall be subject to an action brought by the Town of Corinth in the District Court or the Superior Court to enforce the requirements of this Ordinance. Any person who, after verbal notice from a law enforcement officer is in violation of Section 4.2 of this Ordinance shall be subject to an action brought by the Town of Corinth in the District Court or Superior Court to enforce the requirements of this Ordinance. The Town of Corinth may seek injunctive relief to require compliance with the provisions of the Ordinance.

The Town of Corinth may also seek any penalty as may be provided for in the Town of Corinth Fee Schedule. In the event that the Town of Corinth is the prevailing party in any action under this Ordinance, it shall be entitled to an award of its reasonable attorney's fees, court costs and the costs of any expert witness fees incurred by the Town of Corinth.

7. Effective Date

The effective date of this Ordinance and any subsequent amendments shall be the date of adoption at a Town Meeting. A copy of this Ordinance, certified by the Town Clerk, shall be on file at the Town Office.

8. CHANGE CONTROL

03/17/09 Ordinance adopted at Annual Town Meeting March 17, 2009 via passage of Article 63.

TOWN OF CORINTH, MAINE
SITE PLAN REVIEW ORDINANCE
October 27, 2016

- 1. Title.** This Ordinance shall be known and may be cited as the “Town of Corinth Site Plan Review Ordinance”.

- 2. Purpose.** This Ordinance is enacted by the voters of the Town of Corinth for the purpose of:
 - 2.1. Protecting the Town and its residents against development of industrial, commercial, and multi-family residential housing at locations that are unsuitable for such development based on environmental considerations; adverse impact on adjacent properties and uses; or traffic, sanitation and public health considerations; and

 - 2.2. Assuring that development of new industrial, commercial and multi-family residential housing projects in the Town of Corinth occurs only where adequate provision has been made for traffic safety and public ingress / egress; emergency vehicle access; water supply; wastewater / sewage disposal; storm water management; protection of the environment; and protection of historic and archaeological resources.

- 3. Authority.** This Ordinance is enacted as a municipal police power ordinance pursuant to the statutory home rule provisions of Title 30-A Maine Revised Statutes (M.R.S.) sections 3001 *et seq.*

- 4. Effective Date.** This Ordinance shall take effect upon approval by the voters of the Town of Corinth, at the annual or a special Town meeting or municipal referendum election duly called for that purpose.

- 5. Applicability.**
 - 5.1. Notwithstanding Title 1 M.R.S. section 302, this Ordinance shall apply to all development projects requiring site plan approval as defined herein, for which any required final permits had not been obtained, or for which a substantial start on project construction had not been made, as of April 28, 2016, the date of approval of the Town of Corinth, Multi-family Residential Construction Moratorium ordinance.

- 5.2. Development projects requiring site plan approval shall consist of:
 - 5.2.1. All new commercial or industrial development projects in the Town of Corinth.
 - 5.2.2. All new multi-family housing projects and mobile home parks in the Town of Corinth that, as planned, will result in creation of three or more new residential dwelling units or mobile home park lots, respectively.
- 5.3. This Ordinance shall not apply to commercial, industrial or multi-family housing projects and mobile home parks in existence on the effective date of this Ordinance. Provided, however, that any expansion of such existing projects after the effective date of this Ordinance shall require municipal site plan approval in accordance with this Ordinance.
 - 5.3.1. Existing structures in any commercial, industrial or multi-family housing projects and mobile home parks in existence on the effective date of this Ordinance that are removed, demolished, or destroyed by fire or other casualty may be replaced or rebuilt in their original location, without complying with the permit requirements and approval standards of this Ordinance, provided that:
 - 5.3.1.1. There is no enlargement or increase in the nonconforming aspects of the property or structures concerned;
 - 5.3.1.2. A building permit is obtained from the Code Enforcement Officer for the replacement or reconstruction within one (1) year after removal, demolition or destruction of the structures concerned;
 - 5.3.1.3. The replacement or reconstruction is completed within the time specified in the building permit; and
 - 5.3.1.4. Any replacement mobile home must comply with the safety and appearance standards of the Town of Corinth Mobile Home Safety Ordinance.
 - 5.3.2. Upon application by the property owner, the Planning Board may approve replacement or reconstruction of an existing structure that has

been removed, demolished, or destroyed by fire or other casualty, at a different location on the same lot, upon written findings by the Planning Board that replacement or reconstruction at a different location will eliminate or reduce the nonconforming aspects of the property or structure concerned with the provisions of this Ordinance. Following Planning Board approval of replacement or reconstruction at a different location on the same lot, the property owner shall obtain a building permit and complete the replacement or reconstruction within the times provided in this subsection.

5.4. This Ordinance shall not apply to:

5.4.1. Municipal, State of Maine and public school (RSU/MSAD) construction projects;

5.4.2. Single-family residential construction projects;

5.4.3. Church or other non-profit entity construction projects;

5.4.4. Commercial or private timber harvesting activities;

5.4.5. Agricultural activities or construction of buildings for agricultural purposes.

6. Prohibition. After the effective date of this Ordinance, no person, firm, corporation, partnership, limited liability company or other legal entity shall build, occupy, use or maintain any development project requiring site plan approval or expansion requiring site plan approval under section 5.0 of this Ordinance, without first applying for and obtaining a valid, final site plan permit in accordance with this Ordinance. Any violation of this section shall constitute a land use violation and shall be subject to prosecution in accordance with Title 30-A M.R.S. section 4452 *et seq.*

7. Definitions.

7.1. Mobile Homes / Manufactured Housing. All terms used within subsection 10.0(J) of this Ordinance relating to mobile home parks, including without limitation “manufactured housing”, “mobile home park”, “mobile home park lot” and “pitched, shingled roof”, shall be defined as provided in Title 30-A M.R.S. section 4358 (Regulation of Manufactured Housing) and

Article 5 of the Town of Corinth Mobile Home Safety Ordinance, adopted March 16, 2010, as may be amended.

7.2. Other Terms. All other terms in this Ordinance relating to lots, lot area, lot frontage, lot width, setbacks, road frontage, and development of land shall be defined as provided in the Maine subdivision statute, 30-A M.R.S. section 4401 and the Town of Corinth Subdivision Ordinance adopted March 17, 2009, as may be amended. In the event of a conflict between these two references, the definitions of the subdivision statute shall control.

7.3. Terms Not Defined. Terms not defined in any of the references cited above shall be given their ordinary or dictionary meaning.

8. Application Procedure. Any person seeking approval of a proposed project under this Ordinance shall file an application with the Town of Corinth Planning Board, through the Town's Code Enforcement Officer, containing the below-listed elements, together with the required application fee. A total of eight (8) copies of the application shall be provided by the applicant.

8.1. Cover Letter. A cover letter explaining the type and scope of the project.

8.2. Number of Copies; Scale of Plans. Eight (8) copies of required plans as described further below. All plans shall be drawn to a scale no smaller than 1" = 100'.

8.3. Site Plan. The site plan shall contain the following items, unless the Board, by formal action, waives specific requirements:

8.3.1. A title block containing the name and address of the applicant and property owner; the name and address of the preparer of the plan, with professional seal, if applicable; location of the property according to municipal tax maps; and the date of plan preparation or revision.

8.3.2. A north arrow, a graphic scale, and a signature block for members of the Board.

8.3.3. The location and description of all buildings existing or to be placed on the site.

- 8.3.4. The location of physical features such as ledge, wetlands, watercourses, sand and gravel aquifers and forested areas.
- 8.3.5. The location and design details of existing and proposed utilities including power, water, sewer or septic system, and drainage structures.
- 8.3.6. The location of any permanently installed machinery likely to cause appreciable noise at the lot lines.
- 8.3.7. Existing contours and finished grade elevations within the site.
- 8.3.8. The location and necessary design details of all parking and paved areas.
- 8.4. Storm water management. A plan for the treatment and management of storm water.
- 8.5. Soil Survey. A copy of the soil survey map of the area.
- 8.6. Material Storage. A description of any raw, finished or waste materials to be stored outside the buildings and any stored materials of a hazardous nature.
- 8.7. Wastewater disposal. A description of the type and location of sewage / wastewater disposal facilities, including the following:
 - 8.7.1. Where disposal will be accomplished through an on-site subsurface wastewater disposal system, an analysis of test pits prepared by a licensed site evaluator, together with a copy of the applicant's permit application to the Maine Department of Environmental Protection (DEP) for a wastewater disposal license under 38 M.R.S. section 413, as may be amended, or certification from a Licensed Plumbing Inspector that the wastewater disposal system as proposed complies with State of Maine plumbing code requirements and does not require a license from Maine DEP. In all cases where approval by MDEP or other State agencies or officials is required, final site plan approval under this Ordinance shall be conditioned on the applicant providing evidence of binding, final approval of a wastewater disposal license or other required permit(s).

8.7.2. Where disposal will be accomplished through an off-site public or community wastewater facility, certification by the owner, operator or superintendent of the facility concerned that the facility possesses all required licenses and permits; has sufficient available capacity to handle wastewater from the proposed development; and that the proposed development has been approved for connection to or use of the facility concerned.

8.8. Water Supply. Evidence of a water supply sufficient in quantity and quality for normal domestic use, use as process water for industrial operations, and use for fire protection. The Town of Corinth Fire Chief shall review and provide comments on all site plan applications submitted under this Ordinance, in regard to the adequacy of the proposed water supply for fire protection purposes, taking into account the nature of the proposed use; the size, type and proximity of all planned structures to other existing structures on and off the proposed development site; the adequacy of the proposed access routes for fire emergency purposes; the type of fire protection in existing and proposed structures (*e.g.*, sprinkled versus non-sprinkled); available Town fire equipment (*e.g.*, tank and pumper trucks); and the likely effect of the proposed project's fire protection arrangements on the Town of Corinth's ISO / Fire Suppression Rating Schedule (FSRS) rating.

8.9. Preconstruction Cost Estimate. An engineer's preconstruction cost estimate for construction of the proposed project, including a separate estimate for construction all planned public improvements that are part of the project, including but not limited to roads; turning lanes; traffic signals; public water and sewer lines; and storm water storage and detention facilities.

8.10. Right, Title or Interest. Evidence of the applicant's right, title or interest in the project site. Evidence of right, title or interest may consist of (i) evidence of fee title to the project site in the applicant's name; (ii) a binding purchase and sale agreement or option agreement under which the applicant has the ability to acquire the property at the applicant's discretion; (iii) a binding long-term land lease giving the applicant authority to develop the property; (iv) written consent of the property owner to the applicant to file and maintain the application; or other similar evidence.

8.11. Technical and Financial Capacity. Evidence of the applicant's technical and financial capacity to complete the project.

8.12. Application fee. The non-refundable application fee for site plan approval shall be as provided in the Town of Corinth Fee Ordinance, adopted March 22, 2011, as may be amended from time to time.

8.12.1. In addition to the application fee, the Planning Board may require the applicant to deposit a sum not to exceed two percent (2%) of the engineer's preconstruction cost estimate for construction of the proposed project, with the Corinth Town Treasurer, for the purpose of reimbursing the Town's cost of legal and professional services incurred by the Planning Board in reviewing the application. Said amount shall be maintained as a separate line item account in the Town's financial records, and may be drawn upon by the Planning Board as needed. All unexpended amounts remaining after final approval or disapproval or withdrawal of the application shall be reimbursed to the applicant.

8.13. Review Procedures. Any site plan permit application for a project that also requires review and approval as a subdivision or subdivision amendment under the Town of Corinth Subdivision Ordinance shall be reviewed at the same time as the subdivision permit application for the same project, in accordance with the review procedures established under the Subdivision Ordinance.

Any site plan permit application for a project that does not require review and approval as a subdivision or subdivision amendment shall be reviewed in accordance with the following procedures:

8.13.1. Completeness Review. Upon receipt of a site plan permit application, the Code Enforcement Officer shall note the date and time of receipt, and shall review the application for completeness. The Code Enforcement Officer shall inform the applicant of any deficiencies in the required submittals, within fourteen (14) days following receipt of the application.

The applicant shall have fourteen (14) days following receipt of a notice of deficiency from the Code Enforcement Officer to provide

the missing or corrected items. The Code Enforcement Officer may reasonably extend this period upon request of the applicant. Upon satisfaction of any deficiencies in the application, the Code Enforcement Officer shall forward the full application to the Planning Board for its review.

In event the applicant disagrees with a finding by the Code Enforcement Officer that the application is incomplete, the applicant may request that the application, as submitted, be forwarded to the Planning Board for the purpose of conducting a completeness review.

- 8.13.2. Planning Board Action. Upon receipt of the application and resolution of any completeness issues that have been referred to the Planning Board, the Board shall schedule an initial meeting on the application, for the purpose of receiving an overview from the applicant. At the initial meeting, the Planning Board shall also schedule a time for a site visit by members of the Planning Board, the applicant or applicant's representative, and all other interested persons. Following the site visit, the Planning Board shall hold a hearing or hearings on the application, with prior public notice, in accordance with the Planning Board's rules of procedure, which shall include opportunities for the applicant, other interested persons and members of the general public to provide information and present their views.

All Planning Board hearings and final action on the application shall be completed no later than ninety (90) days following the Planning Board's receipt of the completed application, unless the applicant requests or consents to an extension. Upon completion of its hearings, the Planning Board shall deliberate upon the application and enter findings concerning the application's compliance with the Ordinance's approval standards. The Planning Board shall issue its written decision to the applicant, granting, conditionally granting, or denying the application. Copies of the Board's written decision shall be provided to all other interested persons who have participated in the Planning Board's hearings on the application.

Promptly following approval of the site plan permit by the Planning Board, or the applicant's satisfaction of any final approval conditions imposed by the Planning Board, and subject to payment of any required fees, the Code Enforcement Officer shall issue any necessary building permits or other permits to the applicant to commence construction.

Unless appeal proceedings remain pending, failure of the applicant to commence development of the approved project within two (2) years after the applicant's receipt of a building permit, or to complete construction within four (4) years after building permit approval, shall be deemed to constitute an abandonment of the project, and the Town's site plan approval shall be deemed to have expired. The Planning Board, upon written request of the applicant for good cause shown, may extend the start or completion dates for the project by up to two additional years each.

8.13.3. Appeals. Any party may take an appeal from the final decision of the Planning Board on the permit application within thirty (30) days after notice of the Planning Board's decision. All appeals from decisions under this Ordinance shall be filed in writing with the Town of Corinth Board of Appeals, in accordance with that Board's procedures. Permits approved by the Planning Board shall be deemed to remain in effect during the Board of Appeals' consideration of the appeal, unless a party to the appeal seeks and obtains a stay or preliminary injunction from the Penobscot County Superior Court.

9. Review Criteria. The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review. These standards are intended to provide a guide for the applicant in the development of site and building plans as well as a method of review for the Board. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention, and innovation.

9.1. Preservation of Landscape: The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas.

The Planning Board shall consider the comments, if any, of the State Historic Preservation Officer, and may require that significant archaeological sites be preserved to the maximum extent possible both during construction and following completion of the development.

- 9.2. Relation of Proposed Buildings to the Environment. Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. Special attention shall be paid to the scale of the proposed building(s), massing of the structure(s), and such natural features as slope, orientation, soil type, and drainage courses.
- 9.3. Parking and Circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas shall consider general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and the arrangement and use of parking areas.. These facilities shall be safe and convenient and, insofar as practicable, shall not detract from the proposed buildings and neighboring properties.
- All entrance and exit driveways shall be located to afford maximum safety to traffic, provide for safe and convenient ingress and egress to and from the site and to minimize conflict with the flow of traffic.
 - Any exit driveway or driveway lane shall be designed in profile and grading and located as to provide the maximum possible sight distance measured in each direction. The sight distance available shall not be less than the stopping distance for oncoming traffic at the posted speed limit (ten feet [10'] per mph).
 - Acceleration and deceleration lanes shall be provided where the volume of traffic using the driveway and the volume of traffic on the road would create unsafe traffic conditions.
 - Evidence of compliance with the applicable Maine Department of Transportation rules and regulations concerning road entrances, minimum sight distances and turning, acceleration and deceleration lanes shall constitute compliance with this Ordinance in regard to those items.

- 9.4. Surface Water Drainage. Adequate provisions shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, down-stream conditions, or the public storm drainage system. Adequate treatment shall be provided to mitigate potential impacts to receiving wetlands and water bodies from pollutants, excess nutrients and elevated temperatures in storm water runoff from developed areas.
- 9.5. Water Supply; Wastewater Disposal. Adequate provisions shall be made for water supply and wastewater disposal in accordance with state standards.
- 9.6. Special Features. Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures and similar accessory areas and structures shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- 9.7. Exterior Lighting. All exterior lighting shall be designated to encourage energy efficiency, 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 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. The Planning Board shall determine the necessity for lighting depending upon the nature of the intended use.
- 9.8. Emergency Vehicle Access. Convenient and safe emergency vehicle access shall be provided to all buildings and structures at all times.
- 9.9. Landscaping. Landscaping shall be designed and installed to define, soften, or screen the appearance of off-street parking areas from the public right-of-way and abutting properties to enhance the physical design of the building(s) and site.
- 9.10. Road Standards. Except as provided separately below for interior streets in new mobile home parks, when a project requires the construction of public or private ways, these ways shall conform to the Town's design and construction standards for Town public roads.

- 9.11. Site Conditions. 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 Town's Code Enforcement Officer, Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area shall be regularly sprayed to control dust from construction activity.
- 9.12. Location. New mobile home parks and multi-family housing projects requiring site plan approval under this Ordinance must be located entirely within those areas designated as eligible for mobile home parks and multi-family housing projects in the Site Plan Review Map adopted herewith and attached to this Ordinance (Appendix A).

10. Performance Standards.

- 10.1. General Performance Standards. Except as expressly provided below with respect to mobile home parks, the following performance standards shall apply to all site plans.
- 10.1.1. Road Standards. See section 9.10, above.
- 10.1.2. Setbacks. All principal and accessory structures shall be set back at least one hundred feet (100') from the center line of any adjacent public highway or Town road. All parking areas shall be set back at least fifty feet (50') from the center line of any adjacent public highway or Town road.
- 10.1.3. Buffers. All principal and accessory structures shall be set back at least fifty feet (50') from each property line with an adjacent lot.
- 10.1.4. Lot Coverage / Impervious Surface Ratio. The unvegetated or impervious surface area of each separate lot or parcel comprising the proposed project shall not exceed seventy percent (70%) of the total area of the lot or parcel concerned. For expansions of existing projects that otherwise would not be subject to this Ordinance, the

seventy percent (70%) maximum impervious surface ratio shall apply to the project as a whole, following the proposed expansion.

10.1.5. Maximum Building Footprint. The maximum building footprint area within each separate lot parcel comprising the proposed project shall not exceed fifty percent (50%) of the total area of the lot or parcel concerned. For expansions of existing projects that otherwise would not be subject to this Ordinance, the fifty percent (50%) maximum building footprint area shall apply to the project as a whole, following the proposed expansion.

10.1.6. Accessibility. All projects shall comply with any applicable provisions of the federal Americans with Disabilities Act and regulations thereunder, and with all applicable provisions of Maine law and regulations thereunder, pertaining to physical access by disabled persons.

10.1.7. Floodplain Management. All projects requiring site plan approval under this Ordinance shall comply with all applicable provisions of the Town of Corinth Floodplain Management Ordinance adopted March 18, 2014, as may be amended.

10.1.8. Waste Disposal. The developer shall make adequate provisions for collection and disposal of garbage, household waste and other solid wastes generated by the project. Such provisions shall include, at a minimum, weekly pick-up and collection of garbage and household waste and monthly collection of bulky and other solid waste items. Unless collection of garbage and other household waste takes place on a twice-weekly or more frequent basis, the developer shall provide and maintain a dumpster or other centralized collection facilities for disposal of solid waste generated by the project.

10.2. Mobile Home Parks.

10.2.1. Unit Standards. All manufactured housing units (mobile homes) placed or installed in a mobile home park for which site plan approval is required under this Ordinance shall comply with the application requirements, siting standards, safety standards and appearance standards of Articles 4, 6, 7 and 8 of the Town of

Corinth Mobile Home Safety Ordinance, as may be amended. Mobile home park owners shall be responsible for ongoing maintenance of the mobile home park as necessary to maintain compliance with siting, appearance and safety standards.

10.2.2. Lot Standards:

10.2.2.1. Minimum Lot Size:

- 6,500 square feet, for parks with public sewer service
- 12,000 square feet, for parks served by a central, on-site wastewater disposal systems approved by Maine Department of Health and Human Services (DHHS)
- 20,000 square feet, for lots with on-site subsurface wastewater disposal systems

10.2.2.2. For mobile home parks served by public sewer service, the developer shall provide an additional area for open space, storage or recreation, equal to ten percent (10%) of the total area of all lots within the mobile home park. The Planning Board may reduce the required additional area in proportion to the percent by which all lots in the mobile home park exceed the 6,500 square foot minimum lot area. By way of example, if all lots in the mobile home park exceed 7,150 square feet (= 6,500 square feet plus 650 square feet), the open space requirement may be reduced to 0.

10.2.2.3. For mobile home parks served by a central, on-site wastewater disposal system approved by DHHS, the overall density of the mobile Home Park may not exceed one home for every 20,000 square feet.

10.2.3. Road Standards:

10.2.3.1. New mobile home park roads proposed for acceptance as public ways of the Town of Corinth shall conform to the design and construction standards for Corinth town roads.

10.2.3.2. Interior mobile home park roads and access roads that shall remain privately owned must:

- be built to professional engineering standards with a professional engineer's seal as required by the State of Maine Manufactured Housing Board;
- have a minimum right-of-way width of 23 feet;
- have a minimum pavement width of 20 feet;
- Conform to National Highway Safety Administration standards of the U.S. Department of Transportation in regard to intersections with public ways adjacent to the mobile home park.
- Make adequate provisions for ingress, egress, and turn-around by fire engines and other emergency vehicles responding to emergency calls at the mobile home park. Provisions for this purpose may include secondary entrances / exits to the park; cul-de-sacs; "T" or hammer-head lanes; emergency fire lanes kept clear of all other obstructions or development and so designated on the mobile home park site plan; or any combination of these measures. The Town of Corinth Fire Chief shall review the adequacy of provisions proposed for this purpose, and shall give his or her opinion in writing to the Planning Board

10.2.3.3. Setbacks:

10.2.3.3.1. Mobile homes on lots adjacent to any public way shall be set back from the public way concerned the same distance as is required for single-family residential structures on lots adjacent to the mobile home park.

10.2.3.3.2. Buffer Yards: Individual mobile homes shall be set back not less than fifty feet (50') from any property line of the mobile home park adjacent to any parcel that is: (A)

Undeveloped, (B) Developed primarily for single-family residential use.

10.2.4. **Health and Safety, Miscellaneous.** A person developing or expanding a mobile home park under this Ordinance has the burden of proving that the development will not

10.2.4.1. Pollute a public water supply or aquifer

10.2.4.2. The developer of the mobile home park shall make adequate provisions for supplying potable water to the park for domestic use. The developer must demonstrate that the proposed water supply shall be safe and reliable, in accordance with all State (DHHS) and federal drinking water requirements.

10.2.4.3. The developer shall make adequate provisions for supplying water to the park for firefighting purposes. Provisions for this purpose may include one or more fire ponds with hydrants; a public or private pressurized hydrant system; an on-site standpipe with fire hose connections; or any combination of these or other measures. The Town of Corinth Fire Chief shall review the adequacy of provisions proposed for this purpose, and shall give his or her opinion in writing to the Planning Board.

10.2.4.4. No above-ground heating oil supply tank shall be installed within the wellhead protection zone of a community drinking water well serving the mobile home park, except in conformity with 38 M.R.S. section 1395.

10.2.4.5. No individual mobile home or other structure shall be located within seventy-five feet (75') of the upland edge of any pond, wetland or vernal pool, nor within one hundred feet (100') from the normal high water line of any river, brook or perennial stream.

APPENDIX A
Site Plan Review Ordinance Map

CHANGE CONTROL

10/27/2016 Ordinance adopted at Special Town Meeting - Article 2
Effective as of April 28, 2016 (per Section 5.1)

**SUBDIVISION ORDINANCE
OF THE TOWN OF CORINTH, MAINE
ENACTED MARCH 17, 2009**

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**SUBDIVISION ORDINANCE
OF THE TOWN OF CORINTH, MAINE
ENACTED MARCH 17, 2009**

**SECTION ONE – PURPOSES AND STATUTORY REVIEW
CRITERIA**

1.1 Purposes. The purposes of this Ordinance are:

- A. To provide for an expeditious and efficient process for the review of proposed subdivisions;
- B. To assure new development in the Town of Corinth meets the goals and conforms to the policies of the Corinth Comprehensive Plan;
- C. To assure the comfort, convenience, safety, health and welfare of the people of the Town of Corinth;
- D. To protect the environment and conserve the natural and cultural resources identified in the Corinth Comprehensive Plan as important to the community;
- E. To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- F. To minimize the potential impacts from new subdivisions on neighboring properties and on the Town of Corinth; and
- G. To promote the development of an economically sound and stable community.

1.2. **Statutory Review Criteria:** When reviewing any application for a subdivision, as defined by Section 3, the Review Authority shall find that the following criteria as found in Title 30-A M.R.S.A. §4404 have been met, as well as all applicable provisions of the Zoning and Land Use ordinance and any other ordinances of the town of Corinth that may be affected by this subdivision before granting approval. The proposed project:

- A. Will not result in undue water or air pollution. In making this determination, it 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 sub soils 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 resources rules and regulations;
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- C. Will not cause an unreasonable burden on an existing water supply, if one is to be used;
- D. Will not cause unreasonable soil erosion or reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results;
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to the use of the highways or public roads existing or proposed and, if the proposed subdivision requires driveways or entrances onto a state or state aid highway, located outside the urban compact area of an urban compact municipality, the Department of Transportation has provided documentation indicating that the driveways or entrances conform to Title 23, section 704 and any rules adopted under that section;
- F. Will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
- G. Will not cause an unreasonable burden on the Central Penobscot Solid Waste Facility's ability to dispose of solid waste.
- H. 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 municipality, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline;
- I. Is in conformance with the Corinth subdivision ordinance, comprehensive plan, development plan and land use Ordinance. In making this determination, the municipal reviewing authority may interpret these ordinances and plans;
- J. The developer has adequate financial and technical capacity to meet the standards of this section.

- K. 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, sections 435 through 490**, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.
1. When lots in a subdivision have frontage on an outstanding river segment, the proposed subdivision plan must require principal structures to have a combined lot shore frontage and setback from the normal high-water mark of 500 feet.
 - (a) To avoid circumventing the intent of this provision, whenever a proposed subdivision adjoins a shore land strip narrower than 250 feet, which is not lotted, the proposed subdivision shall be reviewed as if lot lines extended to the shore.
 - (b) The frontage and set-back provisions of this paragraph do not apply either within areas zoned as general development or its equivalent under shore land zoning, **Title 38, chapter 3, subchapter I, article 2-B**, or within areas designated by ordinance as densely developed. The determination of which areas are densely developed must be based on a finding that existing development met the definitional requirements of section 4401, subsection 1, on September 23, 1983;
- L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water
- M. 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 applicant shall determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision or project 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. 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. Any river, stream or brook within or abutting the proposed 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, section 480-B, subsection 9**.
- P. The proposed subdivision will provide for adequate storm water management;
- Q. If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond as these features are defined in **Title 38, section 480-B**, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1;
- R. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond's phosphorus concentration during the construction phase and life of the proposed subdivision;
- S. For any proposed subdivision that crosses municipal boundaries, the proposed subdivision will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the subdivision is located.
- T. Lands subject to liquidation harvesting. Timber on the parcel being subdivided has not been harvested in violation of rules adopted pursuant to **Title 12, M.R.S.A section 8869, subsection 14**. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the planning Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The planning Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to **Title 32, chapter 76**. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the planning Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in **Title 12, M.R.S.A section 8868, subsection 6** and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

SECTION 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority.

- A. This Ordinance has been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. This Ordinance shall be known and may be cited as "Subdivision Ordinance of the Town of Corinth, Maine."

2.2 Administration.

- A. The planning Board of the Town of Corinth, hereinafter called the Board, shall administer This Ordinance.
- B. The provisions of This Ordinance shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Corinth.

2.3 Amendments.

- A. This Ordinance shall be amended by: The Legislative Body of the Town of Corinth.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.
- C. The Board shall review all proposed amendments before going to a public hearing.

SECTION 3 - DEFINITIONS

In general, words and terms used in this Ordinance shall have their customary dictionary meanings, unless defined differently below; other words and terms used herein are defined as follows:

Abutting Property: Property that is connected to the subdivision by a common line or intersecting corner, also to include property directly or diagonally across a traveled way.

Affordable Housing: Housing units which will meet the sales price and/or rental targets established by the comprehensive plan for housing affordability.

Applicant: The person applying for subdivision approval under this Ordinance.

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

Buffer Area: A part of a property or an entire property, which is not built upon and is specifically intended to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

Capital Improvements Program (CIP): The town of Corinth's proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

Capital Investment Plan: The portion of the comprehensive plan that identifies the projects for consideration for inclusion within the capital improvements program, together with an estimate of the order of magnitude for the cost of each project.

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in return for the provision of permanent open space.

Common Open Space: Land within or related to a subdivision, not individually owned or within an individual lot, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this Ordinance unless waived, after the applicant's written request, by a vote by the Board. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

Complete Substantial Construction: The completion of a portion of the improvements which represents no less than thirty percent of the costs of the proposed improvements within a subdivision. If the subdivision is to consist of individual lots to be sold or leased by the subdivider, the cost of construction of buildings on those lots shall not be included. If the subdivision is a multifamily development, or if the applicant proposes to construct the buildings within the subdivision, the cost of building construction shall be included in the total costs of proposed improvements.

Comprehensive Plan: A document adopted by the Legislative Body of the town of Corinth, Maine on March 20, 2007, containing the elements established under Title 30-A M.R.S.A. §4326 sub-§§ 1 to 4, including the strategies for an implementation program which are consistent with the State goals and guidelines established under Title 30-A M.R.S.A. §§4311 through 4350.

Conservation Easement: A nonpossessory interest in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic or open space values of real property; assuring its availability for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining air or water quality.

Density: The number of dwelling units per acre of land.

Developed Area: Any area on which a site improvement or change is made, including buildings, landscaping, parking areas, and streets.

Driveway: A vehicular accessway either fewer than five hundred (500) feet in length or serving two lots or less.

Dwelling Unit: A building or portion thereof used exclusively for residential occupancy which contains independent living, cooking, and sleeping facilities; includes single family, two-family and multiple family dwellings as well as condominiums.

Engineered Subsurface Waste Water Disposal System: A subsurface waste water disposal system designed, installed, and operated as a single unit to treat and dispose of 2,000 gallons of waste water per day or more; or any system designed to be capable of treating waste water with higher BOD5 and total suspended solids concentrations than domestic waste water.

Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, may be recorded at the Registry of Deeds.

Freshwater Wetland: Areas which are 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; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

High Intensity Soil Survey: A map prepared by a Certified Soil Scientist, identifying the soil types down to 1/8 acre or less at a scale equivalent to the subdivision plan submitted. The soils shall be identified in accordance with the National Cooperative Soil Survey. The map shall show the location of all test pits used to identify the soils, and shall be accompanied by a log of each sample point identifying the textural classification and the depth to a limiting factor such as seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal systems shall not be considered to constitute high intensity soil surveys.

- 100-Year Flood:** The highest level of flood that, on the average, has a one percent chance of occurring in any given year.
- High Water Mark, Inland Waters:** See DEP Chapter 1000 Minimum Guidelines for Municipal Shoreland Zoning Ordinances.
- Level of Service:** A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, most recent edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.
- Multifamily Development:** A subdivision which contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.
- Municipal Engineer:** Any registered professional engineer hired or retained by the Town of Corinth, either as staff or on a consulting basis.
- Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Article 10.
- Net Residential Density:** The average number of dwelling units per net residential acre.
- New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.
- Person:** An individual, corporation, government agency, municipality, trust, estate, partnership association, two or more individuals having a joint common interest, or other legal entity.
- Planning Board:** The official body of the town of Corinth, responsible for administering the subdivision Ordinance of the town.
- Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.
- Professional Engineer:** A professional engineer, registered in the State of Maine.
- Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.
- Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.
- Reserved Affordable Housing:** Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.
- Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in this Ordinance as a reference for unobstructed road visibility.

Sketch Plan: Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.

Street: Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

- A. **Arterial Street:** A major thoroughfare which serves as a major traffic way for travel between and through the Town of Corinth. The following roadway shall be considered an arterial street: *Route 15 (Main St.)*
- B. **Collector Street:** A street with average daily traffic of 200 vehicles per day or greater, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets. The following roadways shall be considered collector streets: *Route 94 (Garland Rd.), Route 43 (Hudson Rd.) and Route 11-43 (Exeter Rd.)*
- C. **Cul-de-sac:** A local road with only one outlet and having the other end for the reversal of traffic movement.
- D. **Industrial or Commercial Street:** Streets servicing industrial or commercial uses.
- E. **Minor Residential Street:** A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.
- F. **Road Right-of-Way:** The metes and bounds of a parcel of land with which a road exist or is proposed to exist.

Subdivision: The term shall be defined as in Title 30-A M.R.S.A. §4401, sub-§4, as amended. *Optional addition to this definition:* A lot of 40 or more acres shall not be counted as a lot for the purposes of this definition when the parcel of land being divided is located entirely outside any shoreland areas as defined in title 38, **Mandatory Shoreland Zoning Act of the State of Maine.** Adopted by the town of Corinth. March 17, 1975

Tract or Parcel of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

Usable Open Space: That portion of the common open space, which due to its slope, drainage characteristics and soil conditions can be used for active recreation, horticulture or agriculture. In order to be considered usable open space, the land must not be poorly drained or very poorly drained, have ledge outcroppings, or areas with slopes exceeding 10%.

SECTION 4 - ADMINISTRATIVE PROCEDURE

In order to establish an orderly, equitable and expeditious procedure for reviewing subdivisions and to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare a written agenda for each regularly scheduled meeting. The agenda shall be prepared no less than one week in advance of the meeting, distributed to the Board members and any applicants appearing on the agenda, and posted at the municipal offices. Applicants shall request to be placed on the Board's agenda at least 14 (fourteen) days in advance of a regularly scheduled meeting by contacting the Code Enforcement Officer (C.E.O.). Applicants who attend a meeting but who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes. However, the Board shall take no action on any application not appearing on the Board's written agenda.

SECTION 5 - SKETCH PLAN MEETING AND SITE INSPECTION

5.1 Purpose.

The purpose of the sketch plan meeting and on-site inspection is for the applicant to present general information regarding the proposed subdivision to the Board and receive the Board's comments prior to the expenditure of substantial sums of money on surveying, soils identification, and engineering by the applicant.

5.2 Sketch Plan Meeting Procedure.

- A. The applicant shall present the Preapplication Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions, point out potential problems or issues for future discussions, and make suggestions to be incorporated by the applicant into the subsequent application. Substantive, lengthy discussions about compliance with review standards or the consideration of waiver requests shall be postponed until the subsequent review of the full application.
- C. The date of the on-site inspection is selected.

5.3 Sketch Plan Submissions.

3 (three) Copies of the sketch plan and all supporting materials must be submitted 14 (fourteen) days prior to a regularly scheduled Board meeting, in order to be placed on the Board's agenda. The sketch plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a freehand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructure will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

- A. A sketch plan application form, and a sketch plan application fee (see Corinth Administration Fee Schedule).
- B. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision; unless the proposed subdivision is less than 10 acres in size.
- C. A copy of that portion of the York County Soil Survey covering the proposed subdivision, showing the outline of the proposed subdivision development, and
- D. A written project narrative as described above.

5.4 Contour Interval and On-Site Inspection.

Within thirty days of the sketch plan meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan. The applicant shall place "flagging" at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of building footprints shall be "flagged." The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspections shall be noticed as required by 1 M.R.S.A. §§401-410, and the public shall be allowed to accompany the Board. Minutes shall be taken in the same manner as for regular meetings.

5.5 Rights Not Vested.

The sketch plan meeting, the submittal or review of the sketch plan or the on-site inspection shall not be considered the initiation of the review process for the purposes of bringing the plan under the protection of Title 1 M.R.S.A., §302.

5.6 Establishment of file.

Following the sketch plan meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the sketch plan meeting and application shall be maintained in the file.

SECTION 6 - PRELIMINARY PLAN APPLICATION

6.1 Procedure.

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least 14 (fourteen) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail or by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for preliminary plan shall be accompanied by a nonrefundable application fee per lot or dwelling unit, payable by check to the town of Corinth. In addition, the applicant shall pay an escrow fee per lot or dwelling unit, to be deposited in a special escrow account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review engineering and other technical submissions associated with the application, and to ensure compliance with all Ordinances of the town of Corinth. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the balance be brought back up to the original deposit amount. The Board shall continue to notify the applicant and require a deposit as necessary whenever the balance of the escrow account is drawn down by 75% of the original deposit. Any balance in the escrow account remaining after a decision on the final plan application by the Board shall be returned to the applicant. (see Corinth Administration Fee Schedule)
- C. The Board shall not review any preliminary plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend; the Board shall reschedule review of the application at its next regular meeting.
- D. Within three days of the receipt of the Preliminary Plan application, the Board, or its designee, shall:
 1. Issue a dated receipt to the applicant.
 2. Notify in writing by First Class Mail all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

- E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing . The Board shall also notify the Road Commissioner, Fire Chief and Superintendent of Schools of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multifamily, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of existing capital and facilities of their department to service the proposed subdivision. The Board shall determine whether to hold a public hearing on the preliminary plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the town of Corinth at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the town of Corinth at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.
- H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the final plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.

- J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

6.2 Mandatory Submissions for Preliminary Plan.

The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Board, pursuant to section 12 (twelve), Waivers. 3 (three) Copies of all materials shall be delivered to the C.E.O. at the Town Office, at least 14 days prior to a regularly scheduled Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

A. Application Form.

Shall consist of 3 (three) Copies of the application form and any accompanying information.

B. Location Map.

The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:

1. Existing subdivisions in the proximity of the proposed subdivision.
2. Locations and names of existing and proposed streets.
3. Boundaries and designations of zoning districts.
4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.

- C. Preliminary plan. The preliminary plan may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than 100 feet to the inch. Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch, providing all necessary detail can easily be read. The application materials for preliminary plan approval shall include the following information.

1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
2. Verification of right, title or interest in the property by deed, purchase and sales agreement, option to purchase, or some other proof of interest.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The entire parcel or tract shall be shown, including all contiguous land in common ownership within the last five years, as required by **Title 30-A M.R.S.A. section 4401**.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the servicing sewer district stating the district has the capacity to collect and treat the waste water shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface waste water disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. An indication of the type of water supply system(s) to be used in the subdivision.

When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision. Water supply is to be accomplished by a privately drilled well (location shown on map) or a private water supply system.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
10. Wetland areas shall be delineated on the survey, regardless of size.

11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, unusually large specimen trees, if present, and other essential existing physical features.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
14. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
15. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
16. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
17. The proposed lot lines with approximate dimensions and lot areas.
18. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
19. The location of any open space to be preserved or common areas to be created, and a general description of proposed ownership, improvement and management.
20. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
21. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.

22. Areas within or adjacent to the proposed subdivision which have been identified by the Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Project or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program or Maine Department of Inland Fisheries & Wildlife Beginning With Habitat Project the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
 23. All areas within or adjacent to the proposed subdivision which are either listed on or eligible to be listed on the National Register of Historic Places, or have been identified in the comprehensive plan or by the Maine Historic Preservation Commission as sensitive or likely to contain such sites.
- D. Required Submissions for which a Waiver May be granted. The following items shall be submitted as part of the Preliminary Plan Application, unless the applicant submits a written waiver request, and is granted a waiver from the submission requirement by the Board, pursuant to Section 12, Waivers. Three (3) Copies of all materials shall be delivered to the C.E.O. at the Town Office, at least 14 days prior to a regularly scheduled Board meeting, in order for the application to be placed on the Board's agenda. The Board may require additional information to be submitted, as necessary, in order to determine whether the criteria of **Title 30-A M.R.S.A., §4404** are met.
1. A high-intensity soil survey by a registered soil scientist.
 2. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
 3. Hydro-geologic assessment.
A hydro-geologic assessment prepared by a certified geologist or registered professional engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and:
 - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro-geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1998, File No. 98-138, 144 and 147; or
 - b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.The Board may require a hydro-geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on groundwater quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; and proposed use of shared or common subsurface wastewater disposal systems. The hydro-geologic assessment shall be conducted in accordance with the provisions of section 10.9 below.

4. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from the most recent available edition of the Trip Generation Manual, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
 5. Traffic Impact Analysis. For subdivisions involving 28 or more parking spaces or projected to generate more than 140 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
- E. The Board may require any additional information not listed above, when it is determined necessary by the Board to determine whether the statutory review criteria of Title 30-A M.R.S.A. §4404 have been met.

SECTION 7 - FINAL PLAN APPLICATION

7.1 Procedure.

A. Within six months after the approval of the preliminary plan, the applicant shall submit 3 (three) copies of an application for approval of the final plan with all supporting materials, at least 14 (fourteen) days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Code Enforcement Officer in care of the Corinth Town office, P. O. Box 309 Corinth, Maine 04427 or delivered by hand to the C.E.O. at the town office. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

If an applicant cannot submit the final plan within six months, due to delays caused by other regulatory bodies, or other reasons, the applicant may request an extension. Such a request for an extension to the filing deadline shall be filed, in writing, with the Board prior to the expiration of the filing period. In considering the request for an extension the Board shall make findings that the applicant has made due progress in preparation of the final plan and in pursuing approval of the plans before other agencies, and Corinth's ordinances or regulations which may impact on the proposed development have not been amended.

B. All applications for final plan approval, for a major subdivision shall be, accompanied by a nonrefundable application fee, payable by check to the town of Corinth, (see Corinth Administration Fee Schedule). The Board may continue to require the replenishment of the escrow account for hiring independent consulting services to review the application for final plan approval, along with any supporting materials, pursuant to the procedures of section 6.

C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:

1. Maine Department of Environmental Protection, under the Site Location of Development Act.
2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or Storm-water Law, or if an MEPDES wastewater discharge license is needed.

3. Maine Department of Human Services, if the applicant proposes to provide a public water system.
4. Maine Department of Human Services, if an engineered subsurface waste water disposal system(s) is to be utilized.
5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
6. Maine Department of Transportation Traffic Movement Permit, and/or Highway Entrance/Driveway Access Management Permit

If the Board is unsure whether a permit or license from a state or federal agency is necessary, the applicant may be required to obtain a written opinion from the appropriate agency as to the applicability of their regulations.

- D. If the preliminary plan identified any areas listed on or eligible to be listed on the National Register of Historic Places, in accordance with Section 6.2.C.23, the applicant shall submit a copy of the plan and a copy of any proposed mitigation measures to the Maine Historic Preservation commission prior to submitting the final plan application.
- E. Written approval of any proposed street names from the Town of Corinth E911 Addressing Officer.
- F. The Board shall not review any final plan application unless the applicant or applicant's representative attends the meeting. Should the applicant or applicant's representative fail to attend; the Board shall reschedule review of the application at its next regular meeting.
- G. Within three days of the receipt of the Final Plan application, the Board, or its designee, shall issue a dated receipt to the applicant.
- H. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- I. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing. The Board shall determine whether to hold a public hearing on the final plan application.

- J. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days prior to the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the Town of Corinth at least seven days prior to the hearing. A copy of the notice shall be sent by First Class mail to abutting landowners and to the applicant, at least ten days prior to the hearing.
- K. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Section 11.
- L. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of this Ordinance. If the Board finds that all the criteria of the statute and the standards of this Ordinance have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

7.2 **Mandatory Submissions.**

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 (twenty four) by 36 (thirty six) inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. One reproducible, stable-based transparency of the recording plan to be recorded at the Registry of Deeds, and 3 (three) full sized paper copies of all the final plan sheets and any supporting documents shall be submitted.

The final plan shall include or be accompanied by the following mandatory submissions of information.

- A. Completed Final Plan Application Form and Final Plan Application Submissions Checklist.

- B. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- D. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
- E. An indication of the type of water supply system(s) to be used in the subdivision.
 - 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design.
 - 2. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
 - 3. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydrogeologist familiar with the area.
- F. The date the plan was prepared, north point, graphic map scale.
- G. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- H. The location of any zoning boundaries affecting the subdivision.
- I. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- J. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.

- K. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.
- L. Street plans, meeting requirements of the Town Of Corinth Road Construction and Design Standards Ordinance.
- M. The width and location of any proposed new streets or public improvements or open space within the subject property that are shown upon the official map, in the comprehensive plan, or Capital Improvements Program, if any.
- N. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the town of Corinth of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be managed and maintained shall be submitted. These may include homeowners' association by laws and condominium declarations. If proposed streets and/or open spaces or other land is to be offered to the town of Corinth, written evidence that the Corinth Selectpersons Board are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- O. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- P. The location and method of disposal for land clearing and construction debris.

7.3 Required Submissions for which a Waiver May be Granted .

The final plan shall also include or be accompanied by the following information, unless a waiver is requested and granted pursuant to section 12, Waivers:

- A. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices, published by the Maine Department of Environmental Protection and the Cumberland County Soil and Water Conservation District, 1991. The Board may waive submission of the erosion and sedimentation control plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

- B. A storm water management plan, prepared by a registered professional engineer in accordance with the most recent edition of *Storm water Management for Maine: BMPS Technical Design Manual*, published by the Maine Department of Environmental Protection, 2006. Another methodology may be used if the applicant can demonstrate it is equally applicable to the site. The Board may waive submission of the storm water management plan only if the subdivision is not in the watershed of a great pond, and upon a finding that the proposed subdivision will not involve road construction or grading which changes drainage patterns and if the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.

- C. If any portion of the proposed subdivision is in the direct watershed of a great pond, and meets the criteria of section 10.12.D, the following shall be submitted or indicated on the plan:
 - (1) A phosphorus impact analysis and control plan conducted using the procedures set forth in DEP Phosphorus Design Manual, Volume II of the Maine Storm water Best Management Practices Manual, 2006. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the Technical Guide.
 - (2) A long-term maintenance plan for all phosphorus control measures.
 - (3) The contour lines shown on the plan shall be at an interval of no less than five feet.
 - (4) Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

7.4 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the town of Corinth.

B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records.

One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.

C. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the expansion, addition or purchase of the needed facilities is included in the Corinth's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless a revised final plan is first submitted and the Board approves any modifications, in accordance with section 8 (eight), Revisions to Approved Plans. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.

E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the town of Corinth, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Corinth Board of Selectpersons covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

SECTION 8 - REVISIONS TO APPROVED PLANS

8.1 Procedure.

An applicant for a revision to a previously approved plan shall, at least 14 (fourteen) days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.

8.2 Submissions.

The applicant shall submit a copy of the approved plan as well as 3 (three) copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of This Ordinance and the criteria of the statute. The revised plan shall indicate that it is the revision of a previously approved and recorded plan and shall show the title of the subdivision and the book and page or cabinet and sheet on which the original plan is recorded at the Registry of Deeds.

8.3 Scope of Review.

The Board's scope of review shall be limited to those portions of the plan which are proposed to be changed.

SECTION 9 - INSPECTIONS AND ENFORCEMENT

9.1 Inspection of Required Improvements.

A. At least five days prior to commencing construction of required improvements, the subdivider or builder shall:

1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all Corinth Subdivision Ordinance specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
2. Deposit with the Corinth municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the subdivider or builder as appropriate. If the inspection account shall be drawn down by 90%, the subdivider or builder shall deposit an additional 1% of the estimated costs of the required improvements.

B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, the inspecting official shall so report in writing to the C.E.O., Municipal Officers, Board, and the Subdivider and Builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.

C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the subdivider shall obtain permission from the Board to modify the plans in accordance with Section 8 (eight).

- D. At the close of each summer construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the Corinth Road Construction and Design Standards Ordinance and any applicable sections of this Ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the C.E.O. and the Board.
- G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the Town of Corinth or control is placed with a lot owners' association.

9.2 Violations and Enforcement.

- A. No plan of a division of land within the town of Corinth which would constitute a subdivision shall be recorded in the Registry of Deeds until a final plan has been approved by the Board in accordance with this Ordinance.
- B. A person shall not convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision which is not shown on the plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Board.

- E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a plan approved as provided in this Ordinance and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with this Ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with this Ordinance.
- G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.

SECTION 10 - PERFORMANCE & DESIGN STANDARDS

The performance and design standards in this Section are intended to clarify and expand upon the statutory review criteria found in Section 1.2. In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance and design standards and make findings that each has been met prior to the approval of a final plan. In all instances, the burden of proof shall be upon the applicant to present adequate information to indicate all performance and design standards and statutory criteria for approval have been or will be met.

10.1 Basic Subdivision Layout

A. Blocks.

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards for sidewalks below. Maintenance obligations of the easement shall be included in the written description of the easement.

B. Lots.

1. Wherever possible, side lot lines shall be perpendicular to the street.
2. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require approval from the Board, subject to the criteria of the subdivision statute, the standards of this Ordinance and conditions placed on the original approval.
3. If a lot on one side of a stream (as defined in the DEP Minimum Shoreland Zoning Guidelines) or road fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream or road to meet the minimum lot size.
4. The ratio of lot length to width, outside of the shoreland zone, shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited. If any lots in the proposed subdivision have shore frontage on a river, stream, brook or great pond as these features are defined in Title 38, section 480-B, none of the lots created within the subdivision have a lot depth to shore frontage ratio greater than 5 to 1.

5. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The lot numbering shall be reviewed by the E-911 Addressing Officer and the comments shall be considered by the Board.

C. Monuments.

All subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monumentation, as required by the Maine Board of Registration of Land Surveyors.

10.2 Sufficient Water.

A. Water Supply.

1. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
 - a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - (1) Due to the increased chance of contamination from surface water, dug wells shall be prohibited. Applicant shall prohibit dug wells by deed restrictions and a note on the plan.
 - (2) Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.
 - b. Lot design shall permit placement of wells, subsurface wastewater disposal areas, and reserve sites for subsurface wastewater disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.
 - c. Any central water supply system provided by the applicant, the location and protection of the source, the design, construction and operation of the system, shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
 - c. In areas where the Planning Board or the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities.

- (1) Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief.
- (2) A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief.
- (3) Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice. An easement shall be granted to the town of Corinth granting access to and maintenance of dry hydrants or reservoirs where necessary.
- (4) Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches. A suitable accessway to the hydrant or other water source shall be constructed.
- (5) The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

10.3 Erosion and Sedimentation and Impact on Water Bodies

- A. The proposed subdivision shall prevent soil erosion and sedimentation from entering waterbodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- C. Cutting or removal of vegetation along waterbodies shall not increase water temperature or result in shoreline erosion or sedimentation.
- D. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

10.4 Sewage Disposal

A. Public System.

1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the public system.

2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
 3. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
 4. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department.
- B. Private Systems.
1. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface waste water disposal systems or a private treatment facility with surface discharge, licensed by the Department of Environmental Protection.
 2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - a. The site evaluator shall certify in writing that all test pits which meet the requirements for a new system represent an area large enough to a disposal area on soils which meet the Disposal Rules.
 - b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted in the deed so as not to be built upon.
 - c. In no instance shall a disposal area be on a site which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

10.5 Solid Waste

Solid waste from the proposed subdivision shall not exceed the capacity of the Corinth designated solid waste facility, causing the facility to no longer be in compliance with its license from the Department of Environmental Protection.

10.6 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
2. Except in areas of the town of Corinth designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads. Outside of designated growth areas, a subdivision in which the land cover type at the time of application is forested, shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
3. The Board may require the application to include a landscape plan that will show the preservation of any existing large specimen trees, the replacement of trees and vegetation, and graded contours.
4. Unless located in areas designated as a growth area in the comprehensive plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of buildings when viewed from existing public streets. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.
5. When a proposed subdivision contains a ridge line identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.

2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan, National Register of Historic Places, or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.
4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the town of Corinth in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics, but shall constitute no less than 5% of the area of the subdivision. In determining the need for recreational open space the Board shall also consider the proximity of the subdivision to neighboring dedicated open space or recreation facilities; and the type of development. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage.
5. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than 50% of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.
6. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
7. Reserved open space land may be dedicated to the town of Corinth.

8. Where land within the subdivision is not suitable or is insufficient in amount, and when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the Corinth tax assessor. The payment in lieu of dedication shall be deposited into the town of Corinth land open space or outdoor recreation facility acquisition or improvement fund.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife Beginning with Habitat Project or the comprehensive plan as:
 - a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - c. Shorebird nesting, feeding and staging areas and seabird nesting islands;
 - d. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
3. Or other important habitat areas identified in the comprehensive plan or in the Department of Inland Fisheries and Wildlife Beginning with Habitat Project;

the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. There shall be no cutting of vegetation within such areas, or within the strip of land extending at least 75 feet from the edge or normal high-water mark of such habitat areas. The applicant must consult with the Maine Department of Inland Fisheries and Wildlife, and provide their written comments to the Board. The Board may require a report to be submitted, prepared by a wildlife biologist, selected or approved by the Board, with demonstrated experience with the wildlife resource being impacted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe any additional appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

D. Protection of Important Shoreland Areas.

1. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.
2. Within areas subject to the state mandated shoreland zone, within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The plan notes, and deeds to any lots which include any such land, shall contain the following restrictions:
 - a. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 1/2 feet above the ground level on any lot in any ten year period.
 - b. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown.
 - c. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the foot path shall be limited to six feet.
 - d. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
 - e. Pruning of tree branches, on the bottom third of the tree is permitted.
3. Within areas subject to the state mandated shoreland zone, beyond the buffer strip designated above, and out to 250 feet from the normal high water line of a water body or upland edge of a wetland, cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

E. Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.

1. All open space common land, facilities and property shall be owned by:
 - a. The owners of the lots or dwelling units by means of a lot owners' association;
 - b. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - c. The Town of Corinth.

2. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the town of Corinth or its designee prohibiting future development.
3. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
 - a. It shall not be used for future building lots; and
 - b. Which portions of the open space, if any, may be dedicated for acceptance by the Town of Corinth.
4. The final plan application shall include the following:
 - a. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - b. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
 - c. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
5. In combination, the documents referenced in paragraph D above shall provide for the following.
 - a. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
 - b. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
 - c. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.
 - d. The developer or subdivider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination shall be made by the Board upon request of the lot owners' association or the developer.

10.7 Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots, shall meet the minimum dimensional requirements of the zone in which they are located. The proposed subdivision shall meet all applicable performance standards and or design criteria from the Corinth Zoning and Land Use Ordinance.

10.8 Financial and Technical Capacity.

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

10.9 Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

1. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface waste water disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of
 3. drought conditions (assuming 60% of annual average precipitation).
 3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
 4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.
- B. Ground Water Quantity.
1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.
 4. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

10:10 Floodplain Management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

- A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.
- B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the town of Corinth 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 the plan.

10.11 Identification of Freshwater Wetlands, Rivers, Streams or Brooks.

Freshwater wetlands within the proposed subdivision shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers. Any rivers, streams, or brooks within or abutting the proposed subdivision shall be identified.

10.12 Stormwater Management

A. For subdivisions that require a DEP review under the Site Location of Development Act (SLDA), a storm water management plan shall be submitted which complies with the SLDA permit and the requirements of DEP Chapter 500 Storm water Regulations.

B. For subdivisions that do not require a SLDA permit, but require a DEP permit under the Storm water Law, a storm water management plan shall be submitted which complies with the requirements of DEP Chapter 500 Storm water Regulations.

C. For subdivisions outside of the watershed of a Great Pond, that neither require a SLDA permit, nor a DEP permit under the Storm water Law, a storm water management plan shall be submitted which incorporates Low Impact Development techniques on each individual lot, as described in Appendix ___ *(to be prepared by Horsley-Witten under contract with the State of Maine)*.

D. For subdivisions within the watershed of a Great Pond, containing:
1. Five or more lots or dwelling units created within any five-year period; or
2. Any combination of 800 linear feet of new or upgraded driveways and/or streets;

A storm water management plan shall be submitted that meets the phosphorus allocation across the entire subdivision in accordance with the methodology described in the DEP Phosphorus Design Manual, Volume II of the Maine Storm water Best Management Practices Manual, 2006.

E. The Board may require a hydrologic analysis for any site in areas with a history of flooding or in areas with a potential for future flooding, associated with cumulative impacts of development. This hydrologic analysis would be in the form of a "Downstream Analysis" under conditions of the 10-year, 24-hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm, as described below:

Downstream Analysis Methodology

The criteria used for the downstream analysis is referred to as the "10% rule" Under the 10% rule, a hydrologic and hydraulic analysis for the 10-year, 24 hour storm and the 25-year, 24-hour storm, and the 100-year, 24-hour storm is extended downstream to the point where the site represents 10% of the total drainage area. For example, a 10-acre site would be analyzed to the point downstream with a drainage area of 100 acres. This analysis should compute flow rates and velocities downstream to the location of the 10% rule for present conditions and proposed conditions. If the flow rates and velocities increase by more than 5% and/or if any existing downstream structures are impacted, the designer should redesign and incorporate detention facilities.

10.13 Cluster Developments (Reserved)

10.14 Compliance with Timber Harvesting Rules.

The Board shall ascertain that any timber harvested on the parcel being subdivided, has been harvested in compliance with rules adopted pursuant to **Title 12, M.R.S.A section 8869, subsection 14**. If a violation of rules adopted by the Maine Forest Service to substantially eliminate liquidation harvesting has occurred, the Board must determine prior to granting approval for the subdivision that 5 years have elapsed from the date the landowner under whose ownership the harvest occurred acquired the parcel. The Board may request technical assistance from the Department of Conservation, Bureau of Forestry to determine whether a rule violation has occurred, or the Board may accept a determination certified by a forester licensed pursuant to **Title 32, chapter 76**. If the Bureau agrees to provide assistance, it shall make a finding and determination as to whether a rule violation has occurred. If the Bureau notifies the Board that it will not provide assistance, the Board may require a subdivision applicant to provide a determination certified by a licensed forester. For the purposes of this subsection, "liquidation harvesting" has the same meaning as in **Title 12, M.R.S.A section 8868, subsection 6** and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

10.15 Traffic Conditions and Streets. All subdivision streets and roads shall be constructed pursuant to The Corinth Road Construction and Design Standards Ordinance.

SECTION 11 - PERFORMANCE GUARANTEES

11.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the town of Corinth or a savings account or certificate of deposit naming the town of Corinth as owner, for the establishment of an escrow account;
- B. A performance bond payable to the town of Corinth issued by a surety company, approved by the Corinth Board of Selectpersons;
- C. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, Board of Selectpersons, and/or municipal attorney.

11.2 Contents of Guarantee.

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the applicant will be in default and the town of Corinth shall have access to the funds to finish construction.

11.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the town of Corinth, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the town of Corinth shall be named as owner or co-owner, and the consent of the Board Of Selectpersons shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the town of Corinth has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

11.4 Performance Bond.

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the town of Corinth. The bond documents shall specifically reference the subdivision for which approval is sought.

11.5 Phasing of Development.

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

11.6 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

11.7 Default.

If upon inspection, the municipal engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The Corinth Selectpersons Board shall take any steps necessary to preserve the rights of the town of Corinth.

11.8 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of this Ordinance and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

SECTION 12 - WAIVERS

12.1 Waivers of Certain Submission Requirements Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, or that the application is simple and minor in nature, it may waive portions of the submission requirements, unless prohibited by this Ordinance or Maine statutes, provided the applicant has demonstrated that the performance standards of this Ordinance, and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, this Ordinance or any other Ordinance of the town of Corinth.

12.2 Waivers of Certain Improvements Authorized.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

12.3 Waiver of Procedural Steps

The Board may allow an applicant to combine the final plan and preliminary plan application steps into one procedure, upon making all of the following written findings of fact:

1. No new streets are proposed;
2. No approvals are required from the Maine Department of Environmental Protection under the Site Location of Development Act, Storm water Law, or Natural Resources Protection Act, other than a "Permit by Rule;"
3. The Board agrees to approve a waiver from the requirement to submit a storm water management plan and sedimentation and erosion control plan, as ordinarily required by sections 6 or 7; and
4. The application contains all other applicable submissions required for both the preliminary and final plan steps, except for those items for which a waiver of a required submission has been requested and granted.

12.4 Conditions for Waivers.

Waivers may only be granted in accordance with Sections 13.1, 13.2 and 13.3. When granting waivers, the Board shall set conditions so that the purposes of this Ordinance are met.

12.5 Waivers to be shown on final plan.

When the Board grants a waiver to any of the improvements required by this Ordinance, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

SECTION 13 - APPEALS

13.1 Corinth Board Of Appeals (step one)

An aggrieved party may appeal any decision of the Board under this Ordinance to the Corinth Board Of Appeals within thirty days of the date of the Boards written order of its decision.

13.2 Superior Court (step two)

If the party is still aggrieved, they may take their case to the Penobscot County Superior Court, Bangor, Maine, within thirty days of the date of the Corinth Board Of Appeals written order of decision.

LAND USE ORDINANCE FOR THE TOWN OF CORINTH, MAINE

Adopted: March 27, 1993

I. GENERAL PROVISIONS

II. NON-CONFORMING STRUCTURES, USES AND
LOTS

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Land Use Ordinance

I. GENERAL PROVISIONS:

A. Title:

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

B. Authority:

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-

A, Sections 4351 and 4352, of the Maine Revised Statutes Annotated.

C. Purposes:

The purposes of this Ordinance are as follows:

1. Comprehensive Plan Implementation:

To implement the policies and recommendations of the Corinth Comprehensive Plan;

2. Preservation of Town Character:<

To preserve and protect the character of Corinth by dividing the Town into districts according to the use of land and buildings and the intensity of such uses;

3. Protection of the General Welfare:

To assure the comfort, safety, convenience, health and welfare of the present and future inhabitants of the Town of Corinth;

4. Protection of the Environment:

To protect and enhance the natural, cultural, and historic resources from unacceptable adverse impacts and to integrate new development harmoniously into the Town's natural environment;

5. Promotion of Community Development:

To promote the development of an economically sound and stable community;

6. Reduction of Traffic Congestion:

To lessen the danger and congestion of traffic on roads and highways, limiting excessive numbers of intersections, driveways, and other friction points, minimizing hazards;

7. Balancing of Property Rights:

To protect property rights and values by balancing the rights of landowners to use their land for the purposes regulated by

this Ordinance with the corresponding rights of abutting and neighboring landowners; to enjoy their property without undue disturbance from noise, smoke, dust, fumes, odor, glare, traffic, storm water runoff, or the pollution of ground or surface water;

8. Reduction of Fiscal Impact:

To establish procedures whereby the Town officials may review the developments regulated by this Ordinance by providing fair and reasonable standards for evaluating such developments; to provide a public hearing process through which Town residents may raise questions and receive answers regarding how such developments may affect them; and to provide procedures whereby aggrieved parties may appeal decisions made under this Ordinance to the Appeals Board.

D. Applicability:

This Ordinance shall apply to all land areas within the Town of Corinth with the exception of the Shoreland areas which are regulated by the Shoreland Zoning Ordinance of the Town of Corinth. All buildings or structures hereinafter constructed, reconstructed, altered, enlarged, or moved, and the uses of buildings and land including the division of land, in the Town of Corinth, shall be in conformity with the provisions of this Ordinance with the exception of land and buildings regulated by the Shoreland Zoning Ordinance of the Town of Corinth. No building, structure or land area shall be used for any purpose or in any manner except as provided for in this Ordinance.

E. Conflict with Other Ordinances:

Whenever the requirements of this Ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, deed restriction or covenant, the most restrictive or that imposing the higher standards shall govern.

F. Separability:

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

this Ordinance; to this end, the provisions of this Ordinance are hereby declared to be severable.

G. Amendments:

1. Initiation:

Any amendment to this Ordinance may be initiated by the Selectpersons or by petition of the Planning Board to the Selectpersons, or by written petition by a minimum of three registered voters of the Town.

2. Hearings:

In each case, the Planning Board shall hold a public hearing on the proposed amendment at least thirty (30) days prior to a special Town Meeting. The Planning Board shall make known its recommendation on the proposed amendment, in writing, to the Selectpersons prior to the vote and the posting of the warrant.

3. Majority Vote:

This Ordinance may be amended or repealed by a majority vote at a Town Meeting.

H. Annual Administrative Review:

The Code Enforcement Officer, Planning Board, and the Board of Appeals each shall report annually to the Selectpersons on their respective experience with the administration of the Ordinance during the previous year. Their report to the Selectpersons shall include any recommended amendments they may have that would:

1. Enhance their ability to more effectively meet their respective administrative responsibilities under this Ordinance; and
2. Enhance the implementation of the purposes of this Ordinance contained in subsection C, paragraphs 1 through 9, above.

I. Effective Date:

1. The effective date of this Ordinance or any amendments thereto shall be effective immediately following its/their adoption at an Annual or Special Town Meeting. A copy of this Ordinance, certified by the Town Clerk shall be filed with the Penobscot County Registry of Deeds.
2. It shall be the duty of the Town Clerk to keep a chronological record of all amendment proposals and approved ordinance

amendments. The Town Clerk shall maintain the Land Use Ordinance with appropriate notations within margins of the document to reflect the most recent changes to the document.

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Land Use Ordinance

II. NON-CONFORMING STRUCTURES, USES AND LOTS:

A. Burden of Proof:

The burden of establishing that any non-conforming structure, use or lot is a legal existing non-conforming use as defined in this Ordinance shall, in all instances, be upon the owner of such non-conforming structure, use, or lot and not upon the Town of Corinth.

B. Conversion to Conformance Encouraged:

Owners of all existing non-conforming structures and uses shall be encouraged to convert such existing non-conforming structures and uses to conformance wherever possible.

C. Continuance:

1. Any lawful use of building, structure, land or parts thereof existing at the effective date of this Ordinance or amendments thereto and not in conformance with the provisions of the Ordinance shall be considered to be a non-conforming use.
2. Any such non-conforming use may continue, and may be maintained, repaired, and improved. No such non-conforming use may be renewed after it has been discontinued for a period of twelve (12) calendar months or more, expanded, changed to another non-conforming use, or replaced without a permit from the Planning Board in accordance with the provisions of Sections V and VI of this Ordinance.

D. Non-Conforming Lots of Record:

1. A single lot of record which, at the effective date of adoption of this ordinance, does not meet the area or dimensional requirement, or both, of this Ordinance, may be built upon provided that such lot is not contiguous with any other lot in the same ownership, and that all provisions of this ordinance and State Law shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this Ordinance. Variance of setback or other requirements involving area or dimensions shall be obtained only by action of the Board of Appeals.
2. If two or more contiguous lots of record are in the same ownership on or after the effective date of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the area or dimensional requirements, or both, of this ordinance, the lands involved shall be considered to be a single lot for the purposes of this Ordinance, and may be built upon provided that all other provisions of this Ordinance shall be met. No division of the lot shall be made which reduces any dimension or area below the requirements of this Ordinance. Variance of setback or other requirements involving area or dimensions shall be changed only by action of the Board of Appeals.
3. On or after the effective date of adoption or amendment of this Ordinance, no lot shall be created or conveyed which does not meet or exceed the area and dimensional requirements of this Ordinance, except for conveyance to an abutting owner, in which case the provisions of Section II, Subsection C, Paragraph 2, shall apply.
4. Contiguous non-conforming lots of record, which at the effective date of adoption or amendment of this ordinance are the site of permitted principal structures, shall be considered lots of record, even if they subsequently come under the same ownership. Contiguous, non-conforming lots of record which, at the effective date of adoption or amendment of this Ordinance, are vacant or are the site of permitted accessory structures shall conform to the provisions of Section II, Subsection C, Paragraph 2.

E. Transfer of Ownership:

Ownership of land and structures which remain lawful, but become non-conforming by the adoption or amendment of this ordinance, may be transferred and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

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Land Use Ordinance

III. ESTABLISHMENT OF DISTRICTS:

A. Districts Established:

For the purposes of this Ordinance, the Town of Corinth is hereby divided into the following districts:

1. Rural Residential (RR)
2. Natural Resource Protection (RP)
3. Shoreland Zoning (SZ)
4. Village Residential (VR)

B. Standards Establishing Districts, District Description:

1. Rural Residential (RR)
 - a. Areas included:

The entire area of the Town of Corinth shall constitute the RURAL RESIDENTIAL (RR) District except for those areas hereinafter set aside as Natural Resource Protection, Shoreland Zoning, Village Residential.

- b. Purpose:

This designation is for those areas such as agriculture, forested, scenic, and other open space areas. Medium to low density development is permitted. A minimum lot size of two (2) acres with a minimum of 200 feet frontage is required. The rural character of these areas of town are to be protected by requiring appropriate buffers and setbacks between road and dwellings; cluster development is permitted in this district, however, plans must be approved by the Planning Board for such design. This district is the largest single district in the Town.

2. Natural Resource Protection (RP)
 - a. Areas Included:

Those areas delineated as "D.E.P. Wetland" areas on the Shoreland Zoning Map, Town of Corinth, dated May, 1992.

b. Purpose:

For the protection of natural resources such as aquifers, significant wetlands nor included in SZ areas, and animal wintering sites.

3. Shoreland Zoning (SZ)

a. Areas Included:

The shoreland zone shall include all shore frontage on Pushaw Lake, Little Pushaw Pond, and the following streams and brooks: Pushaw Stream, Dead Stream, Bear Brook, Beaver Brook, Baker Brook, Forbes Brook, Corinth Brook, Keyser Brook, Logan Brook, and Mohawk Stream, and all other delineated areas on Town of Corinth Shoreland Zoning Map dated May, 1992.

b. Purpose:

The separately adopted "Shoreland Zoning Ordinance for the Town of Corinth, Maine" shall control in this district.

4. Village Residential (VR)

a. Areas Included:

This area will extend from the junction of Routes 43 and 221 East on Route 43 to the railroad tracks, South on Route 221 to the Corinth Elementary School, West on Corinth Hill Road to Beaver Brook, and North on Route 221 approximately 1/2 mile to the Pine Grove Subdivision.

b. Purpose:

This designation is for an area which includes the existing Village area with its mixture of residential and commercial uses and land adjacent to the Village that will provide for the anticipated increase in residential and commercial activity through the year 2001. The minimum lot size required within this area will be one

(1) acre with a minimum of 150 feet of frontage.
Cluster development will not be allowed in this area.

C. Official Zoning Map:

Districts established by this Ordinance are bounded and defined as shown on the official "Land Use Zoning Map of Corinth, Maine" which, together with its notations and amendments, from time to time, is hereby made a part of this Ordinance.

D. Interpretation of District Boundaries:

Where uncertainty exists as to boundary lines of Districts as shown on the official "Land Use Zoning Map of Corinth, Maine", the following rules of interpretation shall apply:

1. Boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the Shoreland Zone as defined herein.
2. Where physical or cultural features existing on the ground are at variance with those shown on the official map, or in other circumstances where uncertainty exists with respect to the location of a boundary, the Planning Board shall interpret the District boundaries.

E. Division of Lots in Two Zones:

In the event that a District Boundary line divides a lot or parcel of land of the same ownership of record, at the time such line is established by adoption or subsequent amendment of this Ordinance, the Planning Board, after written findings of fact, that such extensions will not create unreasonable adverse impacts on the existing uses of the adjacent properties, may:

1. When that portion of the lot which is located in the more restrictive District is greater than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than twenty (20) percent of the more restrictive portion;
2. When the portion of the lot which is located on the more restrictive District is less than ten (10) acres, extend the regulations applicable to the less restrictive portion into no more than fifty (50) percent of the more restrictive portion;
3. When the portion of the lot which is located in the more restrictive District is equal to that which is located in the less restrictive District, extend the regulations applicable to the less restrictive portion to all of the more restrictive portion.

Land Use Ordinance

IV. SCHEDULE OF USES:

Land Uses permitted in each Zone, in conformance with the land use standards of this Ordinance, are shown in Table 1 below.

Key to Table 1:

Yes - Use allowed with no land use permit required

No - Use prohibited

PB - Use requires permit from the Planning Board

CEO - Use requires permit from the Code Enforcement Officer

NOTE:

Building permits and/or plumbing permits may be required under other ordinances, statutes, rules or regulations.

District Abbreviations:

For the purposes of this table the various Districts are identified by the following abbreviations:

RR - Rural Residential District

RP - Natural Resource Protection District

VR - Village Residential District

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NOTE:

For land uses in the Shoreland Zone District, see the Shoreland Zoning Ordinance of the Town of Corinth

TABLE 1: Schedule of Land Uses			
LAND USE	RR	RP	VR
One and Two Family Dwelling	Yes	PB	Yes
Multi-Family Dwelling	PB	No	PB
Cluster Development	PB	No	No
Home Occupation	Yes	PB	Yes
Agriculture	Yes	PB	Yes
Harvesting Wild Crops (Commercial)	Yes	PB	Yes
Timber Harvesting	Yes	PB	Yes
Non-Intensive Recreational Uses not Requiring Structures (Hunting, Fishing, Hiking, etc.)	Yes	Yes	Yes
Public and Private Parks and Recreational areas/w minimal Structural Development	PB	PB	PB
Management Activities for Fire Protection, Forest, Wildlife, Soil and Water Conservation	Yes	Yes	Yes
Overnight Campground	PB	PB	PB
Cemetery	PB	PB	PB
Non-Residential Facilities for Education, Science or Worship	PB	PB	PB
Health Care Facilities	PB	No	PB
Restaurant, Store, Bakery	PB	No	Yes
Hotel, Motel, Dance Hall	PB	No	PB
Office Building, Bank	PB	No	PB
Small Engine Repair	PB	No	Yes
Light Manufacturing	PB	No	PB
Heavy Manufacturing	No	No	No
Automobile Dealership	PB	No	PB
Public Garage	PB	No	PB
Filling Station	PB	No	Yes
Saw Mill	PB	No	No
Public Sewage Disposal	PB	No	No
Filling or Other Earth Moving Activity of Less than 10 Cubic Yards	Yes	CEO	Yes
Filling or Other Earth Moving Activity of More than 10 Cubic Yards	Yes	CEO	Yes
Essential Services Accessory to Permitted Uses	Yes	Yes	Yes
Uses Similar to Permitted Uses	CEO	CEO	CEO
Uses Similar to a Use Requiring a CEO Permit	CEO	CEO	CEO

Uses Similar to a Use Requiring a PB Permit	PB	PB	PB
Structures Accessory to Permitted Uses	CEO	PB	CEO
Private Junkyards and Automobile Graveyards	CEO	No	No

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Land Use Ordinance

V. LAND USE STANDARDS:

A. Introduction:

1. THIS SECTION CONTAINS GENERAL PERFORMANCE STANDARDS WITH WHICH ALL DEVELOPMENT PROPOSALS SUBMITTED FOR APPROVAL PURSUANT TO THIS ORDINANCE MUST COMPLY.
2. The purpose of the regulations contained in this section is to allow maximum utilization of land while insuring against adverse impacts on the environment, neighboring properties, and the public interest. This insurance is provided by separating the area of the Town of Corinth into Districts and permitting specific land uses within each, provided that a use meets all the additional criteria specified in this Ordinance.
3. This regulatory approach has been termed "Performance zoning" because it permits a use to be developed on a particular parcel only if the use meets "performance" standards which have been enacted to insure against the use causing (or having the potential to cause) adverse impacts.
4. The following Land Use Standards shall govern all Land Use Permits issued by the Code Enforcement Officer and the Planning Board.
5. In reviewing applications submitted pursuant to this Ordinance, the Code Enforcement Officer or the Planning Board shall address these performance standards and make written findings that each applicable standard has been met prior to final approval. In all instances the burden of proof shall be on the applicant.

B. General Standards:

1. Accessory Uses:

An accessory use shall not include any use injurious or offensive to the neighborhood as initially determined by the Code Enforcement Officer.

2. Bed and Breakfast Accommodations:

Bed and Breakfast accommodations shall be permitted in the private dwelling of the host family provided that all State licensing requirements are met.

3. Comprehensive Plan:

All proposed developments shall be in conformity with the Comprehensive Plan of the Town of Corinth and with the provisions of all pertinent local ordinances and regulations, State and Federal laws and regulations.

4. Conversions:

Conversions of existing structures into multi-family dwelling units, in districts permitting multi-family dwellings, may be permitted provided that:

- a. Off street parking for two (2) vehicles per dwelling unit plus maneuvering space will be provided;
- b. Approval of the conversion plans by the Fire Department, Plumbing Inspector, and State Electrical Inspector, Master Electrician or Code Enforcement Officer is required prior to issuance of a land use permit;
- c. Each dwelling unit shall be at least 300 square feet in area for one bedroom units plus 150 square feet for each additional bedroom.

5. Density Bonus Provisions:

- a. If a project is a planned development or a "cluster development", the minimum lot area and frontage per dwelling unit may be reduced by the amounts shown below within those districts allowing for such development (Rural Residential). In no case shall lots served by subsurface sewage disposal systems be less than 20,000 square feet.
- b. A density bonus of ten (10) percent, if ten (10) percent to less than twenty-five (25) percent of the site shall be permanently restricted as open space;

- c. A density bonus of twenty (20) percent, if twenty-five (25) to less than forty (40) percent of the site shall be permanently restricted as open space;
 - d. A density bonus of thirty (30) percent, if forty (40) percent or more of the site shall be permanently restricted as open space.
6. Dust, Fumes Vapors, Gases, Odors, Glare, and Explosive Materials:
- a. No dust, dirt, fly ash, fumes, vapors or gases shall be emitted into the air from any land use or structure so as to endanger the public health and safety, to impair safety on, or the enjoyment of other property, or to constitute a critical source of air pollution. Any such emissions must comply with State and Federal Standards;
 - b. No land use or structure shall be permitted to produce a strong, dazzling light or reflection of that light beyond its lot lines into neighboring properties or onto any town way so as to impair the vision of the driver or any vehicle upon that town way; and
 - c. 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 National Fire Protection Association (NFPA), Section 30, 58 and 59A.
 - d. The above standards shall not be applied to agricultural practices.
7. 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.

- 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 clean-up stages; and
- b. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following best management practices:
 - 1. Stripping of vegetation, soil removal and re-grading or other development shall be done in such a way as to minimize erosion;
 - 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;

3. 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. The disturbed area and the duration of exposure shall be kept to a practical minimum;
 5. Temporary vegetation or mulching shall be used to protect disturbed areas during development;
 6. Permanent (final) vegetation and mechanical erosion control measures shall be installed as soon as practicable after construction ends;
 7. 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;
 8. The top of a cut or the bottom of a fill section shall not be closer than ten (10) feet to an adjoining property, unless otherwise specified by the Planning Board.
8. Flood Hazard Areas:

All construction and development located in a Flood Hazard Area as identified by the Federal Emergency Management Agency and the Floodplain Management Ordinance for the Town of Corinth, shall conform with said Ordinance and subsequent amendments to that ordinance.

9. Home Occupations:

The purpose of the Home Occupation provision is to permit the conduct of those businesses which are compatible with the Districts in which they are allowed. Home occupations are limited to those uses which may be conducted within a residential dwelling without substantially changing the appearance or condition of the residence or accessory structures.

- a. Any home occupation or profession which is accessory to and compatible with a residential use may be permitted if:
 1. It is carried on in a dwelling unit or structure customarily accessory to a dwelling unit;
 2. It does not materially injure the usefulness of the dwelling unit or accessory structure for normal residential purposes;
- b. All home occupations shall conform with the following:
 1. Objectionable conditions such as noise, vibration, smoke, dust, electrical disturbances, odors, heat, glare or activity at unreasonable hours, shall not be permitted;
 2. The traffic generated by such home operation shall not increase the volume of traffic so as to create a traffic hazard or disturb the residential character of the immediate neighborhood;
 3. In addition to the off-street parking provided to meet the normal requirements of the dwelling, adequate off-street parking shall be provided for the vehicles of the maximum number of users the home occupation may attract during peak operating hours;
 4. There shall be no exterior sign other than that permitted in Section V, para.16;
 5. The home occupations may utilize:
 - Not more than twenty percent (20%) of the unit dwelling floor area, provided that for the purpose of this calculation, unfinished basement and attic spaces are not included;
 - Unfinished attic and basement spaces; and
 - Accessory structure(s).
 6. Use or storage of hazardous or leachable materials in excess of normal residential use shall be stored and disposed of properly.
 7. The Code Enforcement Officer shall refer any inquiries for a land use permit for a home occupation to the Board of Appeals if, in his/her opinion, there is any doubt as to whether the proposed use fails to meet any of the requirements.

10. Industrial/Commercial Performance Standards:

The following provisions shall apply to all permitted industrial and commercial uses:

- a. **Danger:** No material which is dangerous due to explosion, extreme fire hazard, chemical hazard or radioactivity shall be used, stored, manufactured, processed or assembled except in accordance with applicable State and Federal statutes, codes, and regulations.
- b. **Vibration:** With the exception of vibration necessarily involved in the construction or demolition of buildings, no vibration shall be transmitted outside the lot where it originates;
- c. **Wastes:** No offensive wastes shall be discharged or dumped onto land, or into river, stream, watercourse, storm drain, pond, lake, or swamp. The disposal of industrial/commercial wastes must comply with the laws of the State of Maine.

11. **Junkyards:**

No junkyard as defined in this Ordinance shall be established, operated, or maintained without first obtaining a non-transferable land use permit issued in accordance with State licensing and the Town of Corinth's Commercial Automobile and Junkyard Ordinance. The Board of Selectmen and/or the Code Enforcement Officer in cooperation with the State Police shall enforce this provision of this Ordinance.

12. **Manufactured Housing:**

- a. **Intent:**

It is the intent of this Ordinance to provide a wide variety of housing alternatives to all economic levels within the community, while continuing to insure the minimum standards of health, safety and welfare of the community and its citizens. To this end, this Ordinance allows the siting of all types of manufactured housing within the Town of Corinth, regardless of their construction date. The Town does hereby require, however, that all manufactured housing sited within the Town of Corinth meet certain minimum design and safety criteria:

- b. **Minimum Safety Standards:**

1. All manufactured housing as defined in this Ordinance, regardless of date of manufacture, and sited within the Town of Corinth after the effective date of this Ordinance, shall meet or exceed the following minimum safety standards before a "Certificate of Occupancy" shall be issued by the Code Enforcement Officer in conformance with Section VI of this Ordinance.
2. Manufactured homes constructed after 1975 must bear the seal of the U.S. Department of Housing and Urban Development which certifies that the Manufactured Home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards as revised.
3. Manufactured homes constructed prior to 1975 must meet the minimum requirements - as provided by the National Electrical Code for:
 - c. Electrical Standards:
 1. Sufficient Ampere Entrance required;
 2. Copper wiring required;
 3. Appropriate means of grounding required;
 4. Ground faulting receptacles required.
 - d. Fire Prevention Standards:
 1. Contain at least one operable AC smoke detector centrally located within the home and one operable smoke detector in each bedroom;
 2. Have at least one operable fire extinguisher which is readily accessible at all times;
 3. All heating systems shall meet the standards of NFPA 211. In addition, no wood stove shall be used for heating purposes in any manufactured home in the Town of Corinth without first being inspected and approved by the Town of Corinth Fire Department for safe installation;
 4. All automatic dryers, whether electric or gas, must meet the venting requirements of the Manufactured Home Construction Standards of 1975, as established by HUD;
 5. Shall have a minimum of two doors exiting directly to the outside of the manufactured home separated by distances as established by the HUD Standards;
 6. Must meet the egress requirements of the Manufactured Home construction Standards of

HUD, to wit, all manufactured homes shall provide for at least two means of egress from each bedroom, one of which must be directly to the outside of the home.

7. Plumbing Standards: All plumbing shall meet or exceed the minimum standards of the Maine Plumbing Code as amended.
8. Structural Standards: All structures shall meet or exceed the minimum HUD standards pertaining to structural integrity.
9. Design Standards: All manufactured housing located within the Town of Corinth after the effective date of this Ordinance shall:
 - Have and maintain external siding which is residential in appearance;
 - Be located on a foundation which may include as a minimum a gravel pad and skirting of a material which is residential in appearance; and provide a safe means of egress and ingress to and from the manufactured home (stairs with handrails).

13. Off-Street Parking:

The following minimum off-street parking requirements shall be provided and maintained;

a. Dwellings:

Two (2) parking spaces for each dwelling unit.

b. Transient Accommodations:

1. Bed and Breakfast accommodations and motels, hotels, boarding houses, and inns, with 10 rooms or less: Two (2) parking spaces plus one (1) space for each guest room; and
2. Motels, hotels, boarding houses, and inns with more than 10 rooms: One (1) parking space for each guest room plus one (1) space for each two employees.

c. Health Institutions (bed facilities):

One (1) parking space for every three (3) beds, plus one parking space for each employee based on the expected average employee;

d. Theaters, churches, and other public assembly places:

One (1) parking space for every four seats, or for every 100 square feet or fraction thereof of assemblage space if no fixed seat;

e. Retail Stores:

One (1) parking space for every 200 square feet of retail area, plus one (1) space for every two employees;

f. Restaurants, eating and drinking establishments:

One (1) parking space for every four (4) seats, plus one (1) space for every two employees;

g. Professional offices and public buildings:

One (1) parking space for every 200 square feet of gross leasable area, exclusive of cellar and bulk storage areas;

h. Commercial Recreational Establishments:

The Planning Board shall determine the appropriate number of spaces;

i. Commercial/Light Industry:

The Planning Board shall determine the appropriate number of spaces.

14. Off-Street Loading Requirements:

Adequate off-street loading areas shall be provided.

15. Sewage Disposal:

a. Subsurface Sewage Disposal:

No permit shall be issued for a project with subsurface sewage disposal unless:

1. There is an area of suitable soils according to the Subsurface Waste Water Disposal Rules of

sufficient size to accommodate the proposed system; and

2. An acceptable plan to construct the absorption area is prepared in accordance with the Subsurface Waste Water Rules; and
 3. In lieu of (1) and (2) above, the applicant demonstrates that any deficiencies of the soil for purposes of sewage disposal can and will be overcome by a suitably engineered solution.
- b. Sewage Sludge Disposal:

All septic sludge disposal shall conform with the "Maine Guidelines for Septic Tank Sludge Disposal on the Land", published by the University of Maine and the Maine Soil and Conservation Commission in April 1974, as revised.

16. Signs:

- a. On-Premise Signs:

Owners or occupant of real property may erect and maintain on-premise signs which advertise the sale or lease thereof or activities being conducted thereon, provided the sign does not adversely impact the character of the neighborhood.

- b. Temporary Signs:

The following temporary signs are permitted provided said signs conform to all standards of this section and all other municipal, federal, and state ordinances, statutes, and/or rules:

1. Temporary signs giving notice:

Signs of a temporary nature, such as political posters, advertisements of charitable functions, notices of meetings, other non-commercial signs of a similar nature, are permitted for a period not to exceed thirty (30) days. Persons who posted the signs shall be responsible for their removal.

2. Temporary Yard Sale Signs:

Temporary Yard Sale Signs are permitted provided they are removed within 24 hours of the completion of the sale. Yard sales which extend for more than four (4) consecutive days are considered a commercial use.

c. Sign requirements:

All signs within the limits of the Town of Corinth shall meet the following requirements:

1. No sign shall contain, include, or be illuminated by flashing, blinking, intermittent, or moving lights;
2. Signs may be illuminated only by shielded non-flashing lights so as to effectively prevent beams or rays of light from being directed at neighboring residential properties or any portion of the main travelled way of a roadway, or is of such low intensity or brilliance so as not to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with the operation thereof.

d. Exempt Signs:

The following signs are exempt from the provisions of this section except as otherwise provided for herein:

1. Signs erected by a government body; and
2. Traffic control signs, signals, and/or devices.

17. 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, 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 prepared by a State-certified soil scientist or geologist, based on an on-site investigation.

18. Topsoil and Vegetation Removal:

- a. Topsoil shall be considered part of the development and shall not be removed from the site except for

surplus topsoil from roads, parking areas, and building excavations;

- b. Except for normal thinning, landscaping, cutting of trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Planning Board shall require a developer to take measures to prevent and correct soil erosion in the proposed development.

19. Utilities:

- a. Underground utilities, when and if installed, shall be installed prior to the installation of the final gravel base of the road; and
- b. The size, type, and location of street lights and other utilities shall be shown on the plan and approved by the Planning Board.

20. Water Quality:

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxious, toxicity, or temperature that runs off, seeps, percolates, or washes into surface or groundwater so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable share deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, to be harmful to human, animal, plant or aquatic life.

C. Dimensional Requirements:

All lots, structures and uses shall meet or exceed the following dimensional requirements:

VI. The Land Use District symbols are:

- VII. RR - Rural Residential District
- RP - Natural Resource Protection District
- VR - Village Residential District

DIMENSION	RR	RP	VR
Minimum Lot Size	2 acres *	2 acres	1/2 acre
Minimum Lot Area per Family	2 acres *	2 acres	1 acre
Minimum Road Frontage	200 Ft.	200 Ft.	150 Ft.
Center of Road Setback	50 Ft. **	50 Ft. **	50 Ft. **

Minimum Side Yard Setback	20 Ft.	20 Ft.	10 Ft.
Minimum Rear Yard Setback	20 Ft.	20 Ft.	20 Ft.

VIII. * Cluster Development may vary in accordance with General Standards above.

IX. ** Denotes setback from center of Town Roads. Minimum setback from State Roads shall be in conformance with State of Maine Department of Transportation requirements.

X. **SHORELAND ZONING (SZ) DISTRICTS ARE GOVERNED BY THE TOWN OF CORINTH SHORELAND ZONING ORDINANCE.**

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Land Use Ordinance

VI. ADMINISTRATION AND ENFORCEMENT:

A. Permits:

1. Permits required:

After the effective date of this ordinance no person shall engage in any use of land requiring a permit in the district in which it would occur, or expand or change an existing non-conforming use, or renew a discontinued non-conforming use without first obtaining a permit.

2. Permit Application:

Application for permits shall be submitted in writing to the Code Enforcement Officer or the Planning Board. All information required to determine conformance with the provisions of this Ordinance must be provided by the applicant.

3. Approval of Permits:

Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within sixty (60)

days of receipt of a completed application, including all the information requested by the Town of Corinth.

4. Permits Issued by the Code Enforcement Officer:

The Code Enforcement Officer shall approve or deny those applications on which he is empowered to act as shown in Section IV, and shall forward to the Planning Board the completed applications upon which they are empowered to act. Approval shall be granted only if the proposed use is in conformance with the provisions of this Ordinance.

5. Permits Issued by the Planning Board:

The Planning Board shall approve or deny those applications on which it is empowered to act as stated in this Ordinance. The Planning Board shall, after the submission of a complete application, including all information requested, grant a permit if it makes a positive finding based on the information presented to it that, except as specifically exempted in this Ordinance, the proposed use:

- a. Meets the Intent of the Comprehensive Plan;
- b. Is in conformance with the appropriate provisions of Section V, Land Use Standards, of this Ordinance;
- c. Will adequately dispose of the amount and type of wastes to be generated;
- d. Will not create adverse long term effects on topographic and drainage features, and vegetative cover of the site;
- e. Does not have a high erosion potential based on the degree and direction of slope, soil type, and vegetative cover;
- f. Will not adversely impact local water supplies and municipal services;
- g. Will not adversely impact the surrounding neighborhood in terms of scale of development, height of structures, traffic, and general compatibility;
- h. Will not result in unsafe or unhealthful conditions;
- i. Will not result in water pollution, including lakes, ponds, streams, brooks, aquifers, and wells;
- j. Will not adversely impact air quality;
- k. Will not create disturbing and disruptive noise levels;
- l. Will not result in damage to spawning grounds, fish, aquatic and bird life, and other wildlife habitat;

m. Will avoid problems associated with flood plain development and use.

6. Conditions:

If the Code Enforcement Officer or the Planning Board does not make a positive finding on any one or more of the above listed criteria, then the permit application may be approved subject to those reasonable conditions which, when imposed, do produce a positive finding on each of the criteria.

7. Other Permits Required Before Approval:

Applications for approval under this Ordinance will not be considered complete for processing until all other required local, state, and federal permits have been secured and evidence that they have been secured has been provided, unless state or federal regulations require local approval first.

B. Violations:

Any violation of this Ordinance shall be deemed to be a nuisance and shall be corrected within thirty (30) days of receipt of Notice of Violation unless an extension of time is granted by the Code Enforcement Officer or the Planning Board. Said violation may void all permits.

C. Commencement and Completion of Work:

Any violation of this Ordinance shall be deemed to be a nuisance and shall be corrected within thirty (30) days of receipt of Notice of Violation unless an extension of time is granted by the Code Enforcement Officer or the Planning Board. Said violation may void all permits.

1. Construction and alteration activities for which approval has been granted under this Ordinance shall commence within one (1) year of the date of issuance of the permit and shall be substantially completed within twenty-four (24) months of the date of issuance.
2. Activities which are not commenced or substantially completed within the time limits provided above shall be subject to new application and the approval issued under this Ordinance shall be considered void.
3. Activities may be extended for up to one (1) year by the Code Enforcement Officer or the Planning Board if an

application is submitted no later than thirty (30) days prior to expiration.

D. Certificate of Occupancy Required:

After a building, structure, or part thereof has been erected, altered, enlarged or moved, pursuant to approval under this ordinance, a Certificate of Occupancy shall be obtained from the Code Enforcement Officer for the proposed use before the same may be occupied or used. A Certificate of Occupancy is required for the following:

1. Any increase in the number of dwelling units in a building;
2. Establishment of a home occupation;
3. Change in the use of a non-conforming structure or lot;
4. Rental or leased units.

E. Public Hearings:

1. The Town Clerk shall publish notice of hearing at least seven (7) days in advance in a newspaper of general circulation in the area at least two (2) times and shall post such notice in at least two (2) conspicuous public places at least seven (7) days in advance of the hearing.
2. At any hearing, a party may be represented by an agent or attorney. Hearings shall not be continued to other times except for good cause. The applicant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman of the Planning Board or designated hearing officer.
3. The Planning Board must reach a decision within sixty (60) days of receipt of a completed application, including all requested information. Upon reaching a decision, the Planning Board shall prepare a written decision, stating its reasons. The detailed written findings of fact, shall be based on sufficient evidence presented at the public hearing, as well as its conclusions and the reasons or basis thereof. These findings shall not be based on feelings or unsubstantiated allegations, but upon the evidence contained in the record of the hearing, site visits, and the application.

F. Enforcement:

1. Code Enforcement Officer:

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 shall notify in writing the persons 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, structures, and abatement of nuisance conditions. A copy of such notice shall be maintained as a permanent record, and a copy provided to the Planning Board.

2. Legal Actions:

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Selectpersons, upon notice from the Code Enforcement Officer, are hereby authorized and 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.

3. Fines:

Any person who continues to violate any provisions of this Ordinance after receiving notice of such violation shall be guilty of a civil violation and subject to such fines as are set forth in 30 MRSA 4966, subsection 3.

4. Contractor Liability:

Any contractor involved in any activity regulated by the provisions of this Ordinance may be held liable for violating this Ordinance if the necessary permits for said activity has not been obtained.

G. Variances and Appeals:

1. Variances:

- a. Variances may be granted by the Board of Appeals from the restriction imposed by this Ordinance on lot size, coverage and setback, only where strict application of this Ordinance, or a provision thereof, would cause undue hardship to the petitioner and his property.
- b. The words "undue hardship" shall mean:
 - That the land in question cannot yield a reasonable return unless a variance is granted;

- That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - That the granting of a variance will not alter the essential character of the locality;
 - That the hardship is not the result of action taken by the applicant or a prior owner.
 - c. A variance is authorized only for dimensional requirements. A variance shall not be granted to permit a use or structure otherwise prohibited.
 - d. Each petitioner for a variance shall submit to the Board of Appeals statements in writing, which may be accompanied by diagrams or photographs which shall become part of the record of such petition, demonstrating the following:
 - The nature of the hardship to the property under appeal; and the physical circumstances that allegedly would occasion such undue hardship;
 - That such physical circumstances are peculiar to the property under appeal, and are not substantially duplicated on other property adjoining or nearby in the same neighborhood or the same District; and
 - That the relief sought would not adversely affect property adjoining or nearby in the same neighborhood or the same District, and would not endanger the public health, safety or convenience and would not be contrary to this Ordinance or the Town of Corinth Comprehensive Plan.
- 2. Administrative Appeals:
 - a. The Board of Appeals may, upon written application of an aggrieved party and after public notice, hear appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of this Ordinance. Such hearings shall be held within thirty (30) days in accordance with State law.
 - b. Following the hearing, the Board of Appeals may reverse the decision of the Planning Board or the Code Enforcement Officer only upon a written finding that the decision is clearly contrary to specific provisions of this Ordinance.
- 3. Appeal to Superior Court:

An appeal may be taken, within thirty (30) days after any decision is rendered by the Board of Appeals, by any party to Superior Court in accordance with State law.

H. Fee Schedule:

All applications for Land Use Permits shall be accompanied by the following fees payable to the Town of Corinth. Fees shall be for the cost of processing the permits and shall not be refundable regardless of the final decision to issue or deny a permit.

1. Plumbing Permits:

Fees for Plumbing Permits shall be pursuant to the Maine State Plumbing Code.

2. Land Use Permits:

Fees for Land Use Permits include the building notification fee and shall be paid to the Town of Corinth, Maine. See the Fee Schedule in the Building Notification Ordinance.

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Land Use Ordinance

VII. DEFINITIONS:

A. Construction of Language:

1. In this Ordinance, certain terms or words should be interpreted as follows:
 - a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual;
 - b. The present tense includes the future tense, the singular number includes the plural and the plural includes the singular;
 - c. The word "shall" is mandatory;

- d. The words "may" is permissive;
 - e. The words "used" or "occupied" includes the words "intended", "designed". or "arranged to be used or occupied"; and
 - f. The word "dwelling" includes the word "residence".
- 2. In the case of any difference of meaning or implication between the text of this ordinance and any map or illustration, the text shall control.
 - 3. Terms not defined shall have the customary dictionary meaning.

B. Definitions:

For the purposes of interpreting this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

ABUTTING

Having a common border with, or being separated from such common border by an alley or easement.

ACCESS

A means of approach or entry to or exit from property.

ACCESSORY BUILDING

A building which (1) is subordinate in extent and purpose to the principal building or use served, (2) is located on the same lot as the principal building or use served except as otherwise expressly authorized by the provisions of this Ordinance, and (3) is customarily incidental to the principal building or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

ACCESSORY USE

A use subordinate to a permitted use located on the same lot, and customarily incidental to the permitted use.

ACRE

A measure of land containing forty-three thousand, five hundred and sixty (43,560) square feet.

AGGRIEVED PERSON

A person whose interests are damaged or adversely affected by a decision, an action, or the failure to act by the Planning Board or Code Enforcement Officer.

ALTERATION

As applied to a building or structure, a change or rearrangement of the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

ANTIQUÉ SHOP

A retail business establishment offering for sale wares or goods such as art, furniture, or decorative objects from an earlier period than the present day.

APARTMENT

See "Dwelling Unit".

APPEAL

A means for obtaining review of a decision, determination, order or failure to act pursuant to the terms of this Ordinance as expressly authorized by the provisions of this Ordinance.

ATTIC

That part of a building which is immediately below, and wholly or part within, the roof framing.

AUTOMOBILE GRAVEYARD

A yard, field or other area used as a place of storage for three (3) or more unserviceable, discarded, worn out or junked automobiles.

AUTOMOBILE SALES LOT

A lot arranged, designed, or used for the storage and display for sale of any motor vehicle and where no repair work is done except minor incidental repair of automobiles or trailers displayed and sold on the premises.

AUTOMOBILE SERVICE STATION (filling station)

Any premises used for supplying gasoline and oil at retail, direct to the consumer, including the sale of minor accessories and minor services of automobiles.

AUTO REPAIR GARAGE

A place where the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and undercoating of automobiles.

BASEMENT

The substructure of a building that is partially or wholly below ground level which may or may not be used for living space.

BED AND BREAKFAST

Those accommodations provided for compensation as a business in the private residence of the host family.

BUFFERS

Units of land, together with a specific type and amount of planting thereon and any structures which may be required between land uses to eliminate or minimize conflicts between them.

BUILDING

Any structure, maintained, or intended for use as shelter or enclosure of persons, animals, goods, or property of any kind. This term is inclusive of any thereof. Where independent units with separate entrances are divided by walls, each unit is a building.

BUILDING AREA

Total of areas taken on a horizontal plane at the main finished grade level of the principal building and all accessory buildings, exclusive of uncovered porches, terraces and steps. All dimensions shall be measured between exterior faces of walls.

CAMP

A building intended only for use on a seasonal basis. If located on the same lot with a principal building, it is considered to be an accessory structure. Use as a principal dwelling or rental cabin is not allowed. A

camp may be a simple one room primitive structure or a building with all modern conveniences. All plumbing and electrical improvements shall comply with the applicable codes.

CAMPGROUND

Any land area specifically designed and developed, containing two or more individual campsites which accommodate that segment of the travelling public seeking temporary camping accommodations for tents, recreational vehicles and/or towed travel trailers for compensation. Accessory uses, subject to further review, include camper services and facilities such as shower and laundry facilities, electricity, fresh water, propane and gas sales, ice, outlets for camping supplies and equipment, recreational services, etc.

CERTIFICATE OF OCCUPANCY

Official certification that a premises conforms to provisions of the land use ordinance and may be used or occupied. Such a certificate is granted for new construction or for alteration or additions to existing structures. Unless such a certificate is issued, a structure cannot be lawfully occupied.

CHURCH CAMP/YOUTH CAMP

A building or group of buildings used for recreational or religious programs and activities for specific time periods throughout the year.

CLUSTER DEVELOPMENT

The development, according to an approved plan, of a large tract of land where three (3) or more buildings are constructed on lots smaller than normally required in the district where located, provided the overall density of the development of the tract does not exceed the density or requirements of the district; and land not built upon is permanently preserved as common "open space". The term also refers to a Planned Unit Development.

COCKTAIL LOUNGE

A public room typically where cocktails and other drinks are served.

CODE ENFORCEMENT OFFICER

A person appointed or elected by the governing body to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may

be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector and the like where applicable.

COMMERCIAL COMPLEX (Shopping Mall)

Commercial premises owned or managed as a single entity, which accommodates more than one retail or service business, including professional offices, and containing more than 12,000 square feet of gross floor area, including department stores and grocery stores with more than 12,000 square feet of gross floor area.

CONDOMINIUM

As defined in the "Maine condominium Act of 1983", the term means real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions under a declaration, duly recorded pursuant to this Act. A condominium is a legal form of ownership, not a land development type. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

CONDOMINIUM CONVERSION

A building that at any time before creation of the condominium was occupied wholly or partially by one or more persons other than purchasers and persons who occupy with the consent of purchasers.

CONFORMING (PERMITTED) USE

A use which may be lawfully established in a particular district, provided it conforms with all the requirements, standards and regulations of such district.

CONGREGATE HOUSING

A private, licensed establishment operated for the purpose of providing domiciliary care for a group of persons who by reason of age or physical condition do not desire to, but are financially capable of providing such care for themselves, and who are not in need of medical or nursing treatment except in the case of temporary illness.

DAY CARE FACILITY

As defined in Title 22, MRSA, Section 1673, as a house or other place in which a person or combination of persons maintains or otherwise carries out a regular program, for consideration, for any part of the day, providing

care and protection for 3 or more children under the age of 16 unrelated to the operator, not to include nursery schools, summer camps, formal public or private schools, and further defined by the Department of Human Services as follows: Day Care Center: A Day Care Facility as defined in State Statutes for 13 or more children on a regular basis; and Day Care Home: A Day Care Facility as defined in State Statutes for 3 to 12 children on a regular basis.

DEDICATION

The transfer of property interests from private to public ownership for a public purpose. The transfer may be fee-simple interest or of a less-than-fee-simple interest, including an easement.

DENSITY

The number of dwelling units per area of land.

DENSITY BONUS

The reduction in the minimum lot size and minimum lot area per dwelling, in planned or cluster development proposals, where permanent open space is provided.

DEVELOPER

The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

DEVELOPMENT

The division of a parcel of land into two (2) or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Ordinance.

DISTRICT

A specified portion of the Town, delineated on the Official Land Use Map, within certain regulations and requirements or various combinations thereof, applied under the provisions of this Ordinance.

DRAINAGE

The removal of surface or groundwater from land by drains, grading or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development, and includes the means necessary for water-supply preservation and prevention or alleviation of flooding.

DRIVEWAY

A private way primarily intended to transport vehicles from a public or private way to within private property.

DWELLING

A building or portion thereof, used exclusively for residential occupancy, including single-family, two-family and multiple family dwellings.

DWELLING UNIT/APARTMENT

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.

DWELLING, SINGLE-FAMILY DETACHED

A dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit. The term shall include manufactured and prefabricated homes.

DWELLING, TWO-FAMILY

A detached or semi-detached building used for residential occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY

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 and row houses.

EASEMENT

Authorization by a property owner of the use by another and for a specified purpose of any designated part of his property.

ELDER COTTAGES

A detached temporary dwelling unit located on the same parcel as the principal dwelling unit, which meets the applicable lot size, setback, and septic system requirements. Elder cottages must be removed from the parcel once its intended needs are served. Elder cottages must be occupied by persons related to the owner and occupant of the principal dwelling unit by blood, marriage or adoption whether or not said persons pay rent or share expenses with the owner thereof.

EMERGENCY OPERATIONS

Emergency operations shall include 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 and livestock from the threat of destruction or injury.

ENLARGEMENT OR TO ENLARGE

An "enlargement" is an addition to the floor area of an existing building, an increase in the size of any other structure, or an increase in that portion of a tract of land occupied by an existing use. To "enlarge" is to make an enlargement.

ESSENTIAL SERVICES

The construction, alteration or maintenance of gas, electrical, communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

EXISTING NON-CONFORMING USE

A use which lawfully existed prior to the enactment of this Ordinance or subsequent amendment, and which is maintained after the effective date of this Ordinance, although it does not comply with use restrictions applicable to the district in which it is situated.

EXTENSION OR TO EXTEND

An increase in the amount of existing floor area used for an existing use within an existing building. To "extend" is to make an extension.

FAMILY

Two (2) or more persons related by blood, marriage, adoption or guardianship, or not more than five (5) persons not so related occupying a dwelling unit and living as a single housekeeping unit; such a group to be distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FRONT LOT LINE

In the case of a lot abutting only one street, the street line separating such lot from such street; in the case of a double frontage lot, each street line separating such lot from a street shall be considered to be the front lot line, except where the rear yard requirement is greater than the front yard requirement in which case one of two opposing yards shall be a rear yard. In the case of a lot with no road frontage, the front lot line shall be considered to be the line parallel to the front of the building.

FRONTAGE, ROAD

The horizontal distance between the intersections of the side lot lines with the front lot line. Easements may be included while calculating road frontage.

GARAGE, RESIDENTIAL

An accessory building for parking or temporary storage of automobiles of residential occupants of the premises, or a part of the residence usually occupying the ground floor area of principal one-or-two family dwellings, not more than one space may be used by the private automobile of a person not resident on the premises.

GENERAL CONTRACTOR

A retail business establishment that contracts to perform work or provide services that is primarily construction related.

GIFT SHOP

A retail business establishment offering for sale wares or goods suitable for gifts.

GRADE

In relation to buildings, the average of the finished ground level at the center of each wall of a building.

GRAIN AND FEED STORE

A retail business establishment offering for sale wares or goods such as grain, feed and other farm related products.

GREENHOUSE, COMMERCIAL

An enclosed building, permanent or portable, which is used for the growth and sale of small plants at wholesale or retail.

GREENHOUSE, NON-COMMERCIAL

An accessory building to a residence designed or used for the growth of small plants.

GROCERY STORE

A small neighborhood establishment retailing food and related commodities, as distinguished from a supermarket, defined as a "Major Retail Outlet".

GUEST ROOM

A room in a hotel, motel, tourist home or "bed and breakfast" residence offered to the public for compensation in which room no provision is made for cooking.

HOME OCCUPATION

A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structural accessory thereto, which use is accessory, incidental and secondary to the use of the building for dwelling purposes, and does not change the residential character or appearance of such building.

HOSPITAL

An institution providing health services, primarily for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

IMPERVIOUS SURFACE

Surfaces which do not absorb water, specifically all buildings, parking areas, driveways, roads, sidewalks and any areas of concrete or asphalt. In cases of lumber yards, areas of stored lumber constitute impervious surfaces.

INDUSTRY

Use of premises for assembling, fabricating, finishing, manufacturing, packaging or processing. These include but are not limited to assembly plants, laboratories, power plants, pumping stations and repair shops.

IN-LAW APARTMENT

A separate dwelling unit which is located within and subordinate to a single family detached dwelling and is occupied by a person or persons related to the owner and principal occupant of the dwelling unit by blood, marriage or adoption whether or not said persons pay rent or share expenses with the owner thereof.

JUNKYARD

A yard, field or other area used as a place of storage for discarded, worn out or junked plumbing, heating supplies, household appliances, furniture, discarded scrap and junked lumber, old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and scrap iron, steel, and other ferrous and non-ferrous material, including garbage dumps, waste dumps and sanitary landfills. Also see "Automobile Graveyard".

LAND USE PERMIT

A permit for a proposed land use activity as defined in this Ordinance and issued by the Planning Board or Code Enforcement Officer in accordance with the provisions of this Ordinance.

LIVE BAIT SALES

The sale of goods and services associated with luring onto a hook or into a trap.

LOADING SPACE

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 AREA

The area contained within the boundary lines of a lot.

LOT, CORNER

A lot abutting two or more streets at their intersection.

LOT COVERAGE

The percentage of the lot covered by impervious surfaces.

LOT DEPTH

The mean horizontal distance between the front and rear lot lines measured within the lot boundaries.

LOT FRONTAGE

Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required the Ordinance shall be provided, at least on one street. Easement may be included when calculating lot frontage.

LOT LINE

A line bounding a lot which divides one lot from another, or from a street or any other public or private space. See Front Lot Line, Rear Lot Line, or Side Lot Line.

LOT OF RECORD

Any validly recorded lot which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

LOT STANDARDS

The combination of controls which establishes the maximum size of a building and its location on the lot. Components of lot standards, also known as "space and bulk" regulations in size and height of building; location of exterior walls at all levels with respect to lot lines, streets and other buildings; building coverage; gross floor area of buildings in relation to lot area; open space (yard) requirements; and amount of lot area provided per dwelling unit.

MAJOR RETAIL OUTLET

A retail commercial establishment with an interior customer selling space, excluding back room storage, office space, and processing space, of more than 5,000 square feet.

MANUFACTURING

The fabrication or processing of materials into a finished product. Fabrication relates to the stamping, cutting or otherwise shaping the processed materials into useful objects/products, including the refining or other initial processing of basic raw materials such as metal ore, lumber or rubber.

MANUFACTURED HOUSING

A structural unit or units designated for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site. For the purposes of this Ordinance, manufactured housing will be classified as "Newer Mobile Homes", "Older Mobile Homes", and "Modular Homes". See the sections for each of these classifications for further details.

MEDICAL CLINIC

An office building used by members of the medical profession for the diagnosis and out patient treatment of human ailments.

MINERAL EXTRACTION

The removal of sand, gravel, bedrock or soil from its natural site of geologic deposition or formation; the screening, sorting, crushing or other processing of any part of the geological material so removed; the storage of sand, gravel, crushed stone, or soil in stock piles or other forms.

MOBILE HOME

If the unit was constructed after June 15, 1976, see "Older Mobile Homes". Otherwise, refer to the entry for "Newer Mobile Homes".

MOBILE HOME PARK

A parcel of land under unified ownership approved by the Town of Corinth for the placement of three (3) or more manufactured homes.

MODULAR HOMES

Those units which the manufacturer certifies are constructed in compliance with the State's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities including the plumbing, heating, air conditioning or electrical systems contained herein.

MOTOR VEHICLE

Every vehicle which is self-propelled and designed for carrying persons or property or which is used for the transportation of persons.

MOTOR VEHICLE, UNSERVICEABLE

Any motor vehicle which is wrecked, dismantled, cannot be operated legally on any public highway, or which is not being used for the purpose for which it was manufactured.

MUNICIPAL FACILITIES

Buildings or land which is owned by the Town of Corinth and operated under its supervision.

MUSEUM

A building or portion thereof which is devoted to the procurement, care, study, and display of objects of lasting interest or value.

NEWER MOBILE HOMES

Those units constructed after June 15, 1976, which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards and complies with the Manufactured Housing Construction and Safety Standards Act of 1974, et. esq., which in the travelling mode, are 14 feet or more in width and are 750 or more square feet and are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation.

NON-CONFORMING USE

A use which does not conform to the provisions of this Ordinance.

NORMAL MAINTENANCE AND REPAIR

Any work necessary to maintain an improvement structure in its original or previously improved condition. Normal maintenance and repair shall not include reconstruction, change in design, change in structure, change in use, change in location, change in size or capacity.

NURSERY, COMMERCIAL

An enterprise which conducts the retail and wholesale sale of plants grown on the site, as well as accessory items (but not power equipment

such as gas or electric lawnmowers and farm implements) directly related to their care and maintenance. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

NURSING HOME

A facility for the care of the aged or infirm, or a place of rest for those suffering bodily disorders; but not including facilities for surgical care or institutions for the care and treatment of mental illness, alcoholism, or narcotics addiction.

OLDER MOBILE HOMES

Those units constructed before June 15, 1976, and not in compliance with the Manufactured Housing Construction and Safety Standards Act of 1974, which are constructed on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, but does not include the smaller units commonly called "travel trailers"; and

OPEN SPACE USE

A use which does not disturb the existing state of the land except to restore this land to a natural condition.

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.

PARCEL

The entire area of a tract of land before being divided by a development.

PARKING LOT

An open area other than a street used for the parking of more than four automobiles and available for public use whether for free, for compensation, as an accommodation for clients or customers.

PARKING SPACE

A designated area, not less than ten (10) feet wide and 20 feet long, enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road or alley

and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

PATIO

A recreation area that adjoins a dwelling and is delineated by paving, concrete, stones or other impervious surfacing material and is adapted especially to outdoor dining and lounging.

PERFORMANCE STANDARD

A criterion established to control the use of land and structures. The purpose of performance standards is to provide detailed regulations and restrictions by means of minimum criteria which must be met by uses in order to protect neighbors from adverse impacts of adjoining land uses and to protect the general health, safety and welfare of the citizens of Corinth.

PRINCIPAL BUILDING

A building (structure) in which is conducted or in which is intended to be conducted, the main or primary use of the lot on which it is located.

PRINCIPAL USE

The specific or primary purpose for which land is used.

PROFESSIONAL OFFICE BUILDING

A building in which there is located the office of a professional such as an architect, accountant, dentist, doctor of medicine, lawyer, etc., or in which a business conducts its administrative, financial or clerical operations, but not including any manufacturing or sale of goods or merchandise.

PUBLIC UTILITY

Any person, firm, corporation, municipal department, board or commission authorized by the Maine Public Utilities Commission to furnish gas, steam, electricity, communication facilities, or transportation of water to the public.

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 twenty (20) 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 lot line. In the case of lots which have 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 the street.

RECONSTRUCTION

The restoration, remodeling or rebuilding of a non-conforming structure, whether necessitated by deterioration, obsolescence, casualty or other occurrence, where the costs of such work equal or exceed the value of the property in its existing condition.

REDEMPTION CENTER

A retail business establishment offering monetary exchange for bottles, cans, and associated products in accordance with the applicable state regulations.

RENTAL CABINS AND COTTAGES

Dwelling units that are specifically designed and developed for temporary accommodations.

REPAIR SERVICE (other than auto)

A retail business establishment providing repair and maintenance services of various products other than automobiles.

RESTAURANT

An establishment whose principal business is the sale of food and/or beverages to consumers in a ready-to-consume state, and whose principal method of operation includes one or both of the following characteristics; 1) Customers normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; or 2) A cafeteria type operation where food and beverages generally are consumed within the restaurant building.

ROAD

A public or private thoroughfare, way, or easement permanently established for passage of persons or vehicles, having a minimum width of 60 feet. Road width may be reduced with Planning Board approval.

ROAD SIDE STAND

A roadside stand selling at retail on the premises farm produce, firewood, garden, greenhouse or nursery products, cut Christmas trees, garland, wreaths, and wreath materials and similar seasonal products.

SCHOOL, MUNICIPAL

A publicly owned facility within which educational classes for any grades, kindergarten through twelve, are conducted pursuant to a program approved by the State Board of Education or a similar governmental agency.

SETBACK

The minimum horizontal distance from the center of the travel-way or lot line to the nearest part of a structure.

SIDE LOT LINE

Any lot line other than a front or rear lot line.

STRUCTURAL TERMS

See "Accessory Building", "Apartment", "Building", "Camp", "Dwelling", "Dwelling Unit", "Dwelling, Single-Family Detached", "Dwelling, Two-Family", "Dwelling, Multi-Family", "Elder Cottage", "In-Law Apartment", "Patio", "Principal Building", "Structure".

STRUCTURE

Anything constructed or erected, the use of which requires permanent location on, above or below the surface of the land, including a patio or deck.

SUBDIVISION

The division of a tract or parcel of land into 3 or more lots within any 5 year period that begins on or after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term "subdivision" also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5 year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structure previously used for commercial or industrial use into 3 or more dwelling units within a 5 year period as further defined in State Statutes, Title 30-A, MRSA, Section 4401, as amended.

TAKE OUT FOOD SERVICES

A retail business establishment designed for the sale of food not to be consumed within the business structure.

TEMPORARY SIGN

A sign of a temporary nature, erected for less than ninety (90) days, exemplified by the following: political poster, charitable signs, construction signs, carnival signs, garage sale signs, lawn sale signs, rummage sale signs, and all signs advertising sales of personal property, and for rent signs.

TEMPORARY USE

A use established for a fixed period of time with the intent to discontinue such upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure, with the exception of an Elder Cottage.

TOWN

Town of Corinth.

USE

The purpose or activity for which land or any building thereon is designed, arranged, or intended, for which it is occupied or maintained. See also "Accessory Use", "Principal Use", "Temporary Use", "Conforming (Permitted) Use", "Existing Non-Conforming Use", "Non-Conforming Use", "Open Space Use".

VARIANCE

A relaxation of the terms of this Ordinance where such a variance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship as defined by State Statutes.

WAREHOUSING AND STORAGE FACILITY

A structure for the storage of merchandise commodities, including bulk storage and bulk sales outlet.

WHOLESALE BUSINESS FACILITY

Any business, housed in a permanent structure, engaged in the sale of goods in large amounts to retailers or jobbers, rather than directly to consumers.

YARD

The area of land on a lot not occupied by buildings. This area can be further defined as: 1) 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; 2) 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; or 3) 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.

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