

2018

# Town of Harrison Maine Ordinances

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# TOWN OF HARRISON

## Bear River Aquifer Protection Ordinance



**Adopted June 25, 1988**

**AMENDED AT THE ANNUAL TOWN MEETING  
ON JUNE 14, 2006**

**AMENDED AT THE ANNUAL TOWN MEETING  
ON JUNE 13, 2007**

**AMENDED AT THE ANNUAL TOWN MEETING  
ON JUNE 10, 2009 A True Attested copy Date: June 11, 2009**

**A TRUE COPY ATTESTED**

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**Judith E. Colburn  
TOWN CLERK**

## TABLE OF CONTENTS

		<u>Page</u>
<b>Section 1</b>	<b>Purpose</b>	<b>2</b>
<b>Section 2</b>	<b>Findings</b>	<b>2</b>
<b>Section 3</b>	<b>Definitions</b>	<b>3</b>
<b>Section 4</b>	<b>District Boundaries</b>	<b>5</b>
<b>Section 5</b>	<b>District Use and Space Standards</b>	<b>6</b>
<b>Section 6</b>	<b>Administrations and Enforcement</b>	<b>8</b>
<b>Section 7</b>	<b>Submission Requirements</b>	<b>10</b>
<b>Section 8</b>	<b>Performance Standards</b>	<b>11</b>
<b>Section 9</b>	<b>Nonconformance</b>	<b>13</b>
<b>Section 10</b>	<b>Appeals</b>	<b>13</b>
<b>Section 11</b>	<b>Legal Provisions</b>	<b>14</b>

### Section 1. Purpose

- A. To manage the groundwater recharge areas of the Bear River Aquifer in order to maintain the present rate of recharge and, where possible. To enhance recharge – thus ensuring a dependable water supply to the town for the future.**
- B. To protect the aquifer from contaminants, which can reasonable be, expected to accompany certain uses of land or activities, thereby maintaining the aquifer’s high water quality.**

**Section 2. Findings**

- A. The Towns of Bridgton and Harrison are fortunate in that they have access to a water supply that is both plentiful and of excellent quality. From the Bear River Aquifer, the Harrison Water District draws water to serve many customers in Harrison and North Bridgton (including Bridgton Academy). The total demand from customers is 3,000,000 gallons of water per month, a rate that is consistent through out the year. The rate of demand is significantly lower than the rate defined as being a “safe yield rate” by Robert G. Gerber, Inc.**
- B. Rainfall replenishes the aquifer through a process known as a recharge. Increasing density of development creates impervious surfaces (areas which water cannot penetrate to reach ground water), which decrease the amount of water available for use from aquifers. Diminishing recharge also decreases the amount of water available to dilute pollutants.**
- C. The most likely sources of toxic water pollution are not necessarily large industries, but often-small businesses such as gas stations, dry cleaners, and automotive shops. Other pollution problems result from elevated concentrations of nitrates, and are linked to more common land uses such as household septic systems and use of fertilizers for agriculture.**
- D. W. Bradford Caswell, after completing a hydrogeological study of the Bear River Aquifer in the summer of 200 states:  
“An overlying glacial-marine clay layer tends to protect the geographically small aquifer from accidental surface spills of contaminants. Much of the land overlying the aquifer is currently owned by the Water District. Establishment of the travel-time boundaries for control of certain land uses will provide still more protection of the aquifer from contaminants introduced at or near land surface. Most importantly, however, this investigation and analysis show without a doubt that the Bear River is your primary source of ground water recharge when the aquifer is pumped, and that maintenance of high quality river water through protection of the Bear River Watershed from introduction of potential contamination substances is of the utmost importance to the Water District and its customer. Commonsense land-use control measures to ensure that the present high quality of river water is not diminished in future years are required.”**
- E. Changes in the Federal Drinking Water Standards may require utilities; now using surface water supplies, to undertake additional treatment processed which could entail significant future costs. Maintaining the high quality of underground water sources such as the Bear river aquifer, including potential well points less influenced by the river itself, will give the Harrison Water District flexibility in the future when considering options for the efficient delivery of clean drinking water.**

### **Section 3. Definitions**

**Agriculture:** The cultivation of soil, producing or raising of crops, for commercial or other purposes, on more than one acre. The term shall also include tree, plant and shrub nurseries and versions thereof.

**Animal Husbandry:** Keeping more than 5 animal units (1 animal unit represents 1,000 pounds of live animal weight).

**Automobile Graveyard:** As defined by 30-A, M.R.S.A., Section 3752.

**Aquifer:** A saturated body of soil or rock that will yield economically significant quantities of water to wells and springs. Aquifers that yield over 10 gallons per minute are considered “high yield”. The estimated yield of the Bear River Aquifer is 50 gallons per minute and over.

**Commercial Animal Feedlots:** A lot, building or combination of lots and buildings intended for the confined feeding, breeding, raising or holding of animals for commercial purposes and specifically designed as a confinement area in which manure may accumulate. Pastures shall not be considered animal feedlots under this Ordinance.

**Commercial Use:** A business in which the principal uses is the sale of goods and/or services to the general public or other businesses. Indoor storage of goods and equipment is permitted as an accessory use. Outdoor storage and uses that fit the definition of industrial use are not included in this definition.

**Cone of Depression** (or Draw down Cone): A depression that is created by a well in the potentiometric surface of a body of groundwater and that has the shape of an inverted cone and develops around the well from which water is being drawn.

**Disposal:** The discharge, deposit, injection, dumping, spilling, leaking, incinerating, or placing of leach able materials in or on any land or water.

**Dog Kennel:** Possession of more than 3 dogs on any one property constitutes a kennel.

**Draw Down:** The difference between the elevation of static water elevation and of the water table at that point when the well is being pumped.

**Dwelling Unit:** A room or group of rooms designed and equipped exclusive for use as living quarters for only one family, including provisions for living, sleeping, cooking, and eating. This term shall not include hotels, motels, and bed and breakfast establishments without cooking facilities in individual rooms or suites.

**Engineered Subsurface Disposal System:** A system or a combination of individually or jointly owned systems that serve a single building or group of associated buildings with a total design flow in excess of 2,000 gallons per day. Examples include condominium projects and clustered systems serving residential dwellings. Residential dwellings with individual systems shall not be included.

**Full Hydrogeological Study:** A study by a Maine licensed geologist or hydrologist that analyzes the subsurface geology of a site, particularly as it relates to groundwater characteristics. Also, assesses the impact a proposed subsurface waste disposal system or other activity will have on the quality of this groundwater.

**Hazardous Material:** Any gaseous, liquid or solid materials or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

**Home Occupation:** An occupation or profession carried out for gain by a resident and conducted as an accessory use in or about the residential dwelling unit. To be considered a home occupation and not a commercial business, the home occupation must be secondary and incidental to the primary use of the premises as a residence, be carried on wholly within the principal structure or accessory structures hereto and be conducted primarily by a member or members of the family residing in the dwelling unit.

Examples of Home Occupations include; but are not limited to

1. Beauty Shops
2. Office of Physician or dentist
3. Daycare center
4. Woodworking

(The term does not include auto repair or auto body shops)

**Impervious Surface:** Natural or man-made material on the ground that does not allow water to penetrate into the soil. Impervious surfaces consist of all buildings, paved parking lots, roads and sidewalks, and any area of concrete, asphalt, plastic or metal or gravel.

**Industrial Use:** A use that involves the mechanical transformation of materials into new products, including manufacture, compounding, assembly or treatment of articles or materials.

**In law Apartments** – Separate living quarters included in an existing single-family residence for use by parents, grandparents, or dependents. An in-law apartment shall not be considered an additional dwelling unit if no expansion of the structure takes place to accommodate the apartment.

**Junkyards:** As defined by 30-A M.R.S.A. Section 3752.

**Leachable Material:** Liquid or solid materials that are capable of releasing harmful contaminants.

**Multifamily Dwelling:** A structure that houses two or more dwelling units as defined.

**Off Road Vehicle:** Any vehicle not manufactured for on highway use and intended for recreational purposes.

**Petroleum:** Oil, gasoline, petroleum products and their by-products, and all other hydrocarbons that is liquid under normal atmospheric conditions.

**Primary Recharge Area:** The area contributing most directly to the groundwater source. For the purpose of this ordinance, the primary recharge area is that area with the Town of Harrison identified in the Robert G. Gerber report as “Maximum Primary Recharge Area.” The primary recharge area also includes the lateral limits of the aquifer, which is defined as the area of glacial outwash that extends approximately 1,000 feet to either side of the Bear River.

**Recharge Area:** The area of land or water that contributes water to an aquifer. For the purpose of this ordinance, the recharge area of the Bear River Aquifer is comprised of a primary and secondary recharge area.

**Safe Yield:** The amount of water that can be withdrawn annually from a groundwater source without producing an undesirable effect. Undesirable effects include depletion of groundwater reserves, intrusion of low quality water, contravention of water rights and other, such as depletion of stream flow and local subsidence.

**Secondary Recharge Area:** The area contributing less directly than the primary recharge area but which constitutes a significant percentage of total recharge to the aquifer. For the purpose of this ordinance, the secondary recharge area shall consist of the drainage area of the Bear River in Harrison and Bridgton as established by topographical high points, excluding the area defined as the primary recharge area.

**Single Family Dwelling:** A dwelling designed for or occupied exclusively by one family.

**Sludge:** Residual materials produced by water or sewage treatment processes and by septic tanks.

**Solid Waste:** Useless, unwanted, or discarded solid material with insufficient liquid content to be free flowing. This includes, but is not limited to, rubbish, garage, scrap materials, junk and refuse.

**Toxic Substance:** Any substance that has the capacity to produce injury, or illness to humans through ingestion, inhalation, or absorption into the body.

**Watershed:** The area of contribution to a surface water body. Topographic high points define it.

#### **Section 4. District Boundaries**

**A.** For the purpose of this ordinance, and in order to carry out its regulations, the Bear River Aquifer Protection District shall be delineated on a tax map titled “Aquifer Protection District Map: Town of Harrison”

**B.** A copy of said map will be available for inspection in the Town Office and shall be updated as new information relevant to the criteria listed below, provided by a Maine Licensed Geologist, warrants that it be changed.

**C.** The Aquifer Protection District includes two sub districts.

- 1.** District A consists of the primary recharge area for the aquifer within the Town of Harrison as defined herein.
- 2.** District B consists of the watershed of the Bear River within the Town of Harrison as determined by U.S.G.S. maps, exclusive of District A. This area constitutes a secondary recharge area.

**D.** Revisions to Map

- 1.** Where the bounds of Aquifer Protection district, or the position of a site in relation to the District, is in dispute, the burden of proof shall be upon the owner (s) or occupier (s) of the land in question to show where they should be properly located.
- 2.** No changes to the Aquifer Protection District Map shall be made until the Planning board holds a public hearing. Notice shall be at least ten (10) days prior to such hearing in a

newspaper of general circulation in the Town of Harrison and to all abutters of affected property. At said hearing the Planning Board shall hear evidence demonstrating why the boundary of the Aquifer Protection District or sub district shall be changed. Evidence shall include a report from a geologist licensed in the State of Maine with proven experience in hydrogeology. The Board shall also notify the Harrison Water District of the hearing at least fourteen (14) days prior to the date of the hearing. Within thirty (30) days of the hearing, the Planning board shall decide whether to recommend to the Selectmen that the proposed Aquifer Protection Map amendment be placed on the next Annual Town Meeting warrant.

3. Any time the Aquifer Protection Map is revised, the date of adoption of the revised map by the Annual Town Meeting and the signature of the Town Clerk certifying the revision shall be noted on the map.

**E. Revisions to Ordinance**

1. No changes to the Aquifer Protection Ordinance shall be made until the Planning Board holds a public hearing. Notice shall be at least 14 days prior to such hearing in a newspaper of general circulation in the Town of Harrison. At said hearing, the Planning Board shall hear evidence pertaining to the proposed changes. The Board shall also notify the Harrison Water District at least 14 days prior to the hearing. Within 30 days, the Planning Board shall decide whether to recommend to the Board of Selectmen that the proposed changes be placed on the next Annual Town Meeting Warrant.

**Section 5. District Uses and Space Standards**

**A. Uses of Land within Districts A and B**

<u>Land Use</u>	<u>Zone A</u>	<u>Zone B</u>
<b>1. Residential</b>		
Accessory uses	P	P
Single-Family homes	P	P
Home occupation	PB	PB
Multi-family home	PB	PB
In-Law apartments	PB	PB
<b>2. Commercial</b>		
Agriculture	P	P
Animal husbandry other than Commercial animal feedlots	X	PB
Boat, Small Engine, and Motor Vehicle Service and Repair	X	PB
Campgrounds	X	X
Car washes	X	X
Commercial uses with non-domestic Waste systems	X	X
Dry Cleaning establishments	X	X



<b>Forestry/timber harvesting subject to the performance standards of the Town's Shoreland Zoning Ordinance within 250 ft of Bear River.</b>	<b>P</b>	<b>P</b>
<b>Furniture Stripping</b>	<b>X</b>	<b>X</b>
<b>Gas Stations</b>	<b>X</b>	<b>X</b>
<b>Kennels</b>	<b>X</b>	<b>X</b>
<b>Photo processors</b>	<b>X</b>	<b>X</b>
<b>Truck terminals</b>	<b>X</b>	<b>X</b>
<b>3. Industrial</b>		
<b>Sand and gravel extraction</b>	<b>X</b>	<b>PB</b>
<b>Junkyard/Automobile graveyard</b>	<b>X</b>	<b>X</b>
<b>Manufacturing</b>	<b>PB</b>	<b>PB</b>
<b>Metal plating</b>	<b>X</b>	<b>X</b>
<b>Sawmills or wood processing plants</b>	<b>PB</b>	<b>PB</b>
<b>Other industrial uses</b>	<b>PB</b>	<b>PB</b>
<b>4. Miscellaneous</b>		
<b>Cemetery</b>	<b>X</b>	<b>X</b>
<b>Disposal or storage of solid waste, Hazardous materials, or leach able Materials (unless specifically permitted within the District)</b>	<b>X</b>	<b>X</b>
<b>Engineered (wastewater disposal ) system When accompanied b a full hydrogeological study and meeting the performance standards herein</b>	<b>X</b>	<b>PB</b>
<b>Open Space</b>	<b>P</b>	<b>P</b>
<b>Outdoor recreation, except those which Disrupt the surfaces of hillsides or other Watershed areas</b>	<b>P</b>	<b>P</b>
<b>Footbridge and bicycle paths</b>	<b>P</b>	<b>P</b>
<b>Uncontained salt, sand/salt storage piles</b>	<b>X</b>	<b>X</b>
<b>Wastewater disposal system</b>	<b>P</b>	<b>P</b>
<b>Use of off-road vehicles</b>	<b>X</b>	<b>P</b>
<b>Public Utilities</b>	<b>PB</b>	<b>PB</b>
<b>Contained salt, sand/salt storage piles</b>	<b>X</b>	<b>X</b>
<b>Roads and parking areas within impervious surface standards</b>	<b>P</b>	<b>P</b>
<b>Application of chemical fertilizer, herbicides or pesticides on more than 1 acres of land</b>	<b>X</b>	<b>P</b>
<b>Application of chemical fertilizer herbicides or pesticides on more than 5 acres of land</b>	<b>X</b>	<b>PB</b>
<b>Demolition stump dumps</b>	<b>X</b>	<b>PB</b>
<b>Subsurface storage of petroleum and other refined petroleum products with the exception of household heating oil where the underground storage tank in full compliance with volume 2 of the Code of Maine Rules, 4<sup>th</sup> Printing, DEP Bureau of Oil and Hazardous Materials, Ch. 691</b>	<b>X</b>	<b>X</b>

Regulations for...Underground Storage Facilities.		
Petroleum storage for commercial or industrial use	X	X
<u>Land application of manure on one acre or more of land</u>	X	X
Nonresidential pipelines for transmission of oil, gas, or hazardous materials	X	X
Aerial spraying of herbicides, pesticides	X	X

X = Not Permitted

P = Permitted (provided that performance standards contained in Section 8 of this Ordinance are met)

PB = Required Planning Board review according to the procedures and standards contained in the Town of Harrison Site Plan Review Ordinance

### C. Space standards within Zone A

1. Minimum Lot size: 120,000 square feet
2. Maximum Density: One dwelling unit per 120,000 square feet
3. Minimum Road Frontage: 250 feet per lot. Road frontage may be measured at the building setback line for lots on cul-de-sacs.
4. Minimum Setbacks:
  - a. Street – 50 feet, Side and rear – 20 feet
5. Maximum lot coverage with impervious surface: 10%
6. Setbacks from Bear River
  - a. Building – 100 feet
  - b. Waste Water disposal
    - New construction – 200 feet
    - Replacement system – as close to 200 feet as lot will allow

### D. Space Standards within Zone B

1. Minimum Lot Size: 40,000 square feet
2. Maximum Density: One dwelling unit per 40,000 square feet
3. Minimum Road Frontage: 150 feet per lot, plus 50 feet for each additional dwelling unit beyond the first. Road frontage may be measured at the building setback line for lot on cul-de-sacs.
4. Minimum Setbacks:
  - a. Building: Front – 50 feet, Side and rear – 20 feet
  - b. River: 100 feet
  - c. Septic: New construction – 200 feet from river
    - Replacement system – as close to 200 ft as lot will allow
5. Maximum lot coverage with impervious surface: 30%

## Section 6. Administration and Enforcement

### A. Enforcement

1. No activity or land use may be conducted in Zone A or B except in accordance with these provisions. Failure to conform to these provisions shall constitute a violation and shall be subject to penalties and actions set forth in this Ordinance.

2. In reviewing subdivisions and site plans located entirely or partially within Aquifer Protection Districts, the Planning Board shall apply requirements and standards of this ordinance to those of the Subdivision Guidelines or Site Plan Ordinance.
3. For areas within the Aquifer Protection Districts that are governed by the Shoreland Zoning Ordinance, the more restrictive standards shall be applied.
4. If any portion of a lot is located in Zone A or B, all the land located in Zone A shall be governed by regulations for Zone A, and the land located in Zone B shall be governed by regulations in Zone B.
5. Individuals proposing uses permitted in Section 5 shall submit all applicable information required in Section 7 (submission requirements) to the CEO with a building permit application. The CEO shall review this information to determine whether the proposed use or dwelling meets the requirements of the Aquifer Protection District. The CEO shall notify the Chairperson of the Planning Board and the chairperson of the Harrison Water District Trustees of any applications for uses proposed in the Aquifer Protection District. The Harrison Water District Board of Trustees will have 30 days from the postmarked date to review the application before the permit is issued by the Code Enforcement Officer.
6. The Planning Board (hereafter referred to as “the Board”) shall review all other proposed uses required listed in Section 5.
  - a. The Board may consult other local boards or groups regarding uses or development in the Aquifer Protection District such as the Conservation Commission.
  - b. The board may require an applicant to submit a hydrogeological study examining the potential impact of the proposed use on groundwater quality. A state Certified Geologist must prepare the study with proven experience in hydrogeology. The Board may hire an expert to review all information submitted by the applicant and may charge the applicant the cost of the consultant.
  - c. The Board shall notify the Harrison Water District of any applications for uses proposed in the Aquifer Protection District. The Board shall request Water District review of the development or use as a condition of its approval.
  - d. Such information requested by the Board from outside parties shall be incorporated into the public record and be made available to the applicant.
  - e. The Board shall, after a public hearing with due notice, approve, deny, or approve with conditions an application if it makes a positive finding, based on the information presented that:
    - ❖ The proposed use meets the specific requirements set forth in this ordinance and will be in compliance with all applicable state and federal laws:
    - ❖ The proposed use meets all applicable performance standards:
    - ❖ The proposed use will not create the risk of bacterial or viral contamination of groundwater in Zone A;
    - ❖ Control measures proposed to prevent adverse impacts on water quality are adequate and reliable;
    - ❖ The use will not involve disposal of solid waste, hazardous materials, or Leach able materials as prohibited under the terms of the District;
    - ❖ Petroleum stored-on-site will be properly contained so as to prevent contamination of the groundwater by leaks or spills.
7. The Code Enforcement Officer shall enforce the provisions of the Aquifer Protection District. The Code Enforcement Officer may, at reasonable hours, with the consent of the property owner, occupant, or agent, enter on any property for compliance with the provisions of this District.
8. The Board can require installation and regular sampling of water quality monitoring wells for any use deemed to be significant actual or potential source of pollution.

- a. The number, location, and depth of the monitoring wells shall be determined by a licensed engineer or hydrogeologist chosen or approved by the Town in accordance with “Guidelines for Monitoring Well Installation and Sampling” (Tolman, Maine Geologic Survey, 1983).
  - b. Results from monitoring well samples shall be submitted to the Water District with evidence showing that the contaminate concentrations meet the performance standards for pollution levels.
9. For subdivisions located in the Aquifer Protection District, the Planning Board shall apply the purpose, terms, and criteria of this District to its review. The Board may require submissions of a hydrogeological study prepared by a State Certified Geologist with proven experience in hydrogeology, which examines a subdivision’s impact on groundwater quality.
10. The code Enforcement Officer is authorized to issue a cease and desist order whenever he becomes aware of violations of this ordinance. Any person, firm or corporation being the owner of or having contact or use of any building or premises, who violates this cease and desist order, or is found guilty of violating any other provisions of this Ordinance, commits a civil violation is subject to a fine of not less than \$100 and not more than \$2,500 for each violation. Each day such a violation is permitted to exist after notification thereof shall constitute a separate offense.

**Section 7. Submission Requirements**

A. Applications for permission to carry out any activity in Zone A or B shall be accompanied by a fee of **\$25.00** and the following information.

- 1. Site Plan drawn to a scale no smaller than 1 inch equals 100 feet showing:
  - a. Aquifer Protection District boundaries if they cross the parcel.
  - b. Boundaries of the property and abutting streets.
  - c. Outlines of all buildings.
  - d. Layout and location of access drives, parking areas and vehicular maneuvering areas.
  - e. Location of all petroleum storage tanks.
  - f. Location of buffers, landscaping, and existing vegetation which will be retained.
  - g. Location and description of storage areas and types of materials to be stored.
  - h. Location of wastewater disposal systems or public sewer facilities.
  - i. Location of all public and private water supplies on the property and abutting properties.

A description of the manner in which the applicant shall meet all applicable Performance Standards.

B. Where applicable:

- 1. A complete list of all chemicals, pesticides, fuels and other potentially toxic or hazardous materials to be used or stored on the premises in quantities greater than those associated with normal household use, and a description of measures to provide for control of spills.
- 2. For animal husbandry operation, a Conservation Plan, approved by the local Soil and Water Conservation District.
- 3. For dwellings with subsurface waste disposal systems, a completed site evaluation form (HHE-200).

C. If required by the Board:

- 1. A map showing groundwater contours of the seasonal high water table.
- 2. A hydrogeological study of the proposed use’s impact on groundwater quality.
- 3. Water quality data from on-site monitoring wells.
- 4. Any other information needed to prove that the use will not adversely affect groundwater quality.

## **Section 8. Performance Standards**

All site plan and subdivision proposals and other proposals for structures, uses and activities within the Aquifer protection district shall conform to use and space standards of the governing subdistrict and the following minimum levels of performance.

### **A. General Standards**

- 1. All such proposals shall be consistent with the need to protect the quality and quantity of Harrison and Bridgton's groundwater supply.**
- 2. In cases where proposed uses are not listed as permitted or prohibited uses above, the Board shall make a finding on whether the use is permitted or prohibited based on its similarity or dissimilarity with listed permitted and prohibited uses and whether its impacts would be more substantial than that of a low-density residential use.**
- 3. Whenever possible, streets, roads and parking areas shall be designated and constructed so that reduced application of road salt can occur without creating winter safety problems and so that runoff from such uses is channeled to avoid or minimize groundwater contamination.**

### **B. Erosion and Sediment Control**

- 1. Erosion and sedimentation shall be minimized by adherence to erosion control management practices contained in the "Environment Quality Handbook", dated March 1986, published by the Maine Soil and Water Conservation Commission.**
- 2. For residential subdivisions, commercial and industrial developments and other large-scale developments, a sedimentation and erosion plan meeting the standards of the Cumberland County Soil and Water Conservation District shall be prepared by the applicant.**

### **C. Home Occupations**

- 1. Home occupations shall be accessory to a residential use and clearly incidental and secondary to the residential use of the dwelling unit.**
- 2. No more than two (2) persons other than the residents occupying such dwelling shall be employed.**
- 3. In no way shall the appearance of the structure be altered or the occupation be conducted in a manner which would cause the premises to differ from its residential character either in the use of colors, materials, construction, lighting, or the emission of sounds, noises, smoke, dust, glare, odors, electrical interference, heat or vibrations.**
- 4. No traffic shall be generated by such a home occupation that would be considered incompatible in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.**
- 5. Provisions must be made for adequate off street parking requirements based on the maximum number of users that the home occupation may attract during peak operating hours, the vehicles of any outside employees, and parking to meet the normal requirements of the dwelling unit.**
- 6. Evidence shall be provided that the subsurface disposal system on the site can accommodate the wastewater generated by the home occupation.**

#### **D. Manure Storage**

**Agricultural operations must provide manure containment facilities for manure storage. Facilities must be adequate to hold one year's production and must be covered.**

#### **E. Preservation of Landscape**

**The landscape shall be preserved in its natural state, insofar as is practicable, by minimizing tree, vegetation and soil removal, retaining existing vegetation wherever possible, and keeping grade changes consistent with neighboring areas.**

#### **F. Runoff**

- 1. For residential subdivisions, commercial and industrial developments and other large-scale developments, the developer shall submit a storm water runoff plan, showing calculations for predevelopment and post development runoff for the site for a 25 year, 24 hour frequency storm, and planned runoff control measures.**
- 2. Unless it can be shown that an increase in runoff will have no off-site impact, peak runoff from the site in the developed state will not be increased beyond that in the undeveloped state.**

#### **G. Subsurface Waste Disposal Systems**

- 1. On-site waste disposal systems shall be designed and located so as to avoid or minimize groundwater contamination.**
- 2. Disposal of hazardous materials to subsurface waste disposal systems, including organic solvents designed for cleaning septic systems is prohibited.**
- 3. Engineered Systems in "B" districts shall be reviewed and approved by the Division of Human Services, Health Engineering Division. In addition, the applicant shall submit to the Board a full hydrogeological study of the proposed engineered system.**

**The study shall demonstrate that the development will not increase any contaminate concentration in the groundwater to more than one-half of the Primary Drinking Water Standards adopted by the State of Maine. The study shall also demonstrate that the project will not increase any contaminant concentration in the groundwater to more than Secondary Drinking Water Standard adopted by the State of Maine, Department of Human Services.**

- 4. Proposals for on-site septic systems within the 200-day travel period of District A will also require a full hydrological study. The Planning Board may also require hydrological studies for proposed subdivisions within District A that because of size, type location or topography are deemed a potential threat to groundwater quality. In reviewing these studies, the Planning Board shall apply the standard of subsection G.3 above.**

#### **D. Sand and Gravel Extraction**

- 1. Pits shall not be excavated lower than five (5) feet above the average seasonal high water table.**
- 2. Petroleum products shall be kept out of pits. Refueling and oil changes that must be conducted in the pit shall take place over a containment area constructed to contain the maximum possible spill from entering the ground.**

3. Absorbent pads shall be kept on-site to be used immediately should any petroleum products be spilled on the soil.
4. No hazardous materials shall be used, stored or deposited within the excavation area.
5. Access roads into and around the pit shall not be oiled, salted, or paved.
6. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions.
7. Access to the pit shall be strictly controlled at all times with locking gates, and when the operations are finished, all vehicular entrances shall be made impassable.
8. Structures and subsurface waste disposal systems shall be sited a minimum seventy-five (75) feet from the gravel pit slopes in excess of forty (40) percent.
9. Reclamation projects shall whenever possible, use trees for re-vegetation purposes.

### **Section 9. Nonconforming Uses**

- A. Structures, uses and lots which were legally existing as of \_\_\_\_\_ (effective date of this Ordinance) shall be treated as nonconforming and may continue and be maintained, repaired and improved.
- B. All expansions of structures (outside the Shoreland Zone) nonconforming because of density, lot size, frontage, and setback shall be permitted as long as they meet the other standards of this Ordinance and do not make the structure more non-conforming.
- C. Expansions of non-residential structures/facilities that are nonconforming because the use carried out within the structure of facility is prohibited by this Ordinance shall not be permitted. In cases of undue hardship, the board of appeals may issue a variance for a one-time increase of no more than fifteen (15) percent of the gross floor area of the existing structure, as long as this expansion meets the other standards of this Ordinance.
- D. Construction of one principal, permitted use on non-conforming lots of record legally in existence on \_\_\_\_\_ (effective date of this Ordinance), is permitted if all other standards of this Ordinance are met.
- E. Expansions of uses or structures in excess of the impervious surface ratio shall only be permitted in cases of hardship and shall be reviewed by the Board of Appeals as variances.

### **Section 10. Appeals**

#### **A. Administrative Appeals**

1. If the Planning Board or Code Enforcement Officer disapproves an application for a building permit, septic or subsurface sanitary disposal system permit, or any use permit issued under the authority of this Ordinance, or grants any of these permits subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent of the Ordinance has been misconstrued or wrongfully interpreted, the applicant, an abutting landowner, town officials, or other aggrieved party may appeal the decision of the Planning Board or code Enforcement Officer in writing to the Board of Appeals, within thirty (30) days of the Planning Board's or the code Enforcement Officer's decision. The Board of Appeals may reverse the Planning Board's or the Code Enforcement Officer's decision after holding a public hearing if a finding is made that the decision was clearly contrary to the provisions of the Ordinance or was unsupported by substantial evidence. Public hearings shall be held in accordance with the provisions of M.R.S.A. Title 30-A Section 2691 as amended. Administrative appeals shall be administered according to the provisions of Section 16 H. (3) of the Harrison Shoreland Zoning Ordinance.

2. **If the Planning Board disapproves an application for subdivision which is subject to the provisions of the Ordinance, or approves an application for subdivision subject to conditions that are objectionable to the applicant or any abutting landowner or any aggrieved party, or when it is claimed that the provisions of the Ordinance do not apply, or that the true intent of the Ordinance has been misconstrued or wrongfully interpreted, an appeal from the order of decision of the Planning Board may be taken by the applicant, an abutting landowner, town officials, or any aggrieved party to Maine Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.**

#### **B. Variances**

**In certain instances where a literal application of the standards of this Ordinance would cause the imposition of an undue hardship, as defined in M.R.S.A. Title 30-A Section 4353 as amended, upon an applicant, the Board of Appeals may grant a variance to these standards. A variance shall not be granted by the Board of appeals unless and until a written application for a variance has been filed and reviewed by the Board of Appeals in accordance with the provision of the Harrison Shoreland Zoning Ordinance.**

### **Section 11. Legal Provisions**

#### **A. Authority**

**This Ordinance has been prepared in accordance with the provisions of Revised Statutes of Maine, as amended.**

#### **B. Title**

**This Ordinance shall be known and cited as the Bear River Aquifer Protection Ordinance.**

#### **C. Interpretation**

**Interpretation of what may not be clear in this Ordinance shall be according to the intent of the Ordinance and the Comprehensive Plan.**

#### **D. Conflict within this Ordinance or with other Ordinances**

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

#### **E. Separability**

**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.**

#### **F. Effective Date**

**The effective date of this Ordinance is June 10, 2009**



## BUILDING PERMIT REQUIREMENTS

Before the construction, alteration, relocation, repair or replacement of any building or part thereof, or the placing of any mobile home or other form of pre-constructed building, the owner or lessee, or architect, or contractor or builder, or dealer, etc., employed by such owner or lessee shall obtain from the Code Enforcement Officer or his/her deputy a permit covering such proposed work. However, no fee shall be required for repairs or improvements when the reasonable cost is less than \$2,500.00.

The building permit requirements are not intended to encompass all local ordinance requirements. Other ordinances may require additional permitting and/or contain more restrictive requirements. Please consult with the CEO on your specific project.

Issuance of a building permit does not release the applicant from complying with any additional requirements contained in State and/or Federal Rules and Regulations.

**A. APPLICATION:** The application for the permit shall be in writing and be such form and copies as the Code Enforcement Officer or his/her deputy shall prescribe. It will contain a description of the proposed work as well as identify who is to do the work. A sketch, plan, or drawing shall be provided showing the location of the proposed structure on the lot, other structures existing on the lot, lot lines, distances to highway setback lines, and any other details the permitting authority may require. If the application is approved, this sketch, plan, or drawing shall become part of the building permit and shall be signed by the permitting authority identifying it to the building permit.

**B. PERMIT APPROVAL:** The Code Enforcement Officer or his/her deputy, after application review, will either issue the requested permit or notify within 10 days the reasons for non-issuance. Notice of refusal shall be in writing. The Code Enforcement Officer or his/her deputy will issue such permit unless he/she deems the proposed work to be in violation of existing state and local laws or the work will in some manner constitute a health and safety hazard.

**C. LIFE OF PERMIT:** All building permits will be void unless work is commenced within one year of date of issue.

**D. DISPLAY OF PERMIT:** Every building permit shall be displayed conspicuously on the premises to which issued, clearly visible from the principle traveled street or way and shall remain until the work is completed.

**E. Fee:** The building permit shall be accompanied by a fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee schedule.

**F. VIOLATION:** Without a permit, any building constructed or work performed or mobile home or other reconstructed structure installed shall be classed as a nuisance.

**G. PENALTY:** Any person or firm found guilty of violating any of the provisions of this act shall be subject to a fine of not more than \$100.00 for each offense. Each day in which a violation is proved to exist shall constitute a separate offense.

### **H. MINIMUM LOT SIZE AND FRONTAGE REQUIREMENT:**

1. 40,000 square feet for lots of record after March 15, 1974. If the lot abuts a lake, pond, stream, or river, it shall have a minimum frontage of 100 feet on the water body.
2. 20,000 square feet for lots of record between January 1, 1970 and March 15, 1974. If the lot abuts a lake, pond, stream, or river, it shall have a minimum frontage of 100 feet on the water body.
3. Single family lots of record: The minimum lot size requirements above do not apply to any single family residential lot which prior to January 1, 1970, was specifically described as an identifiable and separate lot either in the instrument conveying such lot to the then owner or in a valid and enforceable agreement for purchase and sale or was shown on a plan recorded in accordance with law, prior to January 1, 1970; provided that contiguous undeveloped lots in the same ownership on or after October 3, 1973 shall be considered as one lot for purposes hereof.
4. Other lots of record: Undeveloped lots where the use will be other than single-family residential are not exempt from the minimum lot size requirements.
5. Existing structures: The minimum lot size does not apply to any structure in existence and in place on or before October 3, 1973, which then or theretofore disposed of wastes by means of subsurface waste water disposal; except

that no person shall reduce the size of the lot upon which such structure is located to a size or frontage less than that allowed in H.6 below.

6. For both 1 and 2 above, land uses that generate wastewater shall require a lot containing at least 20,000 square feet and 100 feet of frontage (if applicable) for every 300 gallons per day of wastewater generated by the use. For wastewater generated in excess of 300 gallons per day the lot shall be in the proportion of 20,000 square feet and 100 feet of frontage for every 300 gallons per day. Refer to Attachment 1 for examples.
  - a. A single-family residential unit shall be determined to be 300 gallons per day of wastewater.
  - b. A duplex shall be considered two single-family residential units.
  - c. Multiple unit housing: Calculate the daily wastewater flow based on 120 gallons per bedroom per day.
  - d. Other new land uses: Calculate the daily waste water flow based on the design flow requirements in Table 1 of the Minimum Lot Size Rules, 144A CMR 243.
  - e. Other existing land uses: Calculate the daily wastewater flow based on the design flow requirements prescribed in Table 1 or actual water meter readings as set forth in Section 1002.0 of the Minimum Lot Size Rules, 144A CMR 243.
7. Approval by local plumbing inspector: A lot of less than the size required in 1 or 2 above may be used for subsurface waste disposal if approved in writing by the plumbing inspector as long as:
  - a. The applicant has submitted a current application for subsurface wastewater disposal, or the equivalent, pursuant to rules adopted by the Department of Health and Human Services; and
  - b. The subsurface waste disposal meets the criteria for first time subsurface waste disposal systems as adopted by rule by the Department of Health and Human Services without requiring a variance; and
  - c. The subsurface waste disposal is not an engineered disposal system.
8. A lot that does not meet the criteria for approval by the local plumbing inspector (H.7 above) may be used for subsurface waste disposal if the subsurface waste disposal is in compliance with the rules regarding subsurface waste disposal adopted by the Department of Health and Human Services and is approved in writing by the Department of Health and Human Services.

**I. SET BACK:** A fifty foot (50') set back from highway limits is required on all future structures (trailers, mobile homes, modular homes also to be considered structures). Undersized lots of record are subject to the following rules:

1. If a structure is not present, then one is permitted provided that the highway setback is met to the greatest extent practical. In determining the greatest extent practical the CEO shall consider such factors as the size of the lot, the terrain of the lot, the size of the proposed structure, and comparison with other structures in the area to ensure compatibility.
2. If a structure already exists on a lot, expansion into the highway setback limit is not allowed.
3. If any structure or portion thereof is presently within the highway setback limit, it can remain, but cannot be expanded any closer to the highway than already exists.
4. A mobile home or trailer may be replaced with a permanent dwelling, provided that the highway setback limit is met to the greatest extent practical, using the factors described in item 1 above.

**J. EXEMPT:** Anything added that relates to energy conservation such as insulation, furnaces, solar panels, or anything that does not change the overall structure of the building.

**K. Driveways:** Prior to installing any driveway with direct access on a Town public way or excavation on a Town public roadway, the applicant is required to secure a Driveway Opening/Excavation Permit from the Code Enforcement Officer. Driveways shall be constructed in such a manner that no damage will be caused to the roadway as a result of water drainage from the driveway. There will be no fee for this Permit; however, the applicant is required to repair the road to its original condition immediately after the work is completed. Driveways installed with direct access to a State road are subject to the State requirements.

**L. Minimum Road Frontage:** A minimum road frontage of 150 feet shall be required with lots already recorded in the Cumberland County Registry of Deeds prior to June 9, 1998 exempt from this provision.

## **M. APPEALS:**

With the exception of H.3 above, The Department of Health and Human Services is the only approval authority for a variance for undersized lot use for subsurface waste disposal when the state minimum lot size and frontage cannot be met and the requirements for approval by the local plumbing inspector (H.7 above) cannot be met. Appeal of a decision of the Department of Health and Human Services associated with minimum lot size is described in the State of Maine Minimum Lot Size Rules, 144A CMR 243.

Other than lot size criteria, all other appeals shall follow the Appeal Procedure as spelled out in the Town of Harrison Shoreland Zoning Ordinance, Section G, subsection (3), Appeal Procedure. Appeals can either be Administrative Appeals or a Variance Appeal. An Administrative Appeal is an appeal whereby an applicant is requesting the Board of Appeals to determine whether 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 administration of these requirements. A Variance Appeal is an appeal whereby an applicant is requesting relief from dimensional standards contained in these requirements, and are subject to the following rules for granting a variance:

1. Variance from dimensional standards for residential and commercial structures are permitted when strict application of the requirements to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:
  - a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;
  - b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;
  - c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;
  - d. No other feasible alternative to a variance is available to the petitioner;
  - e. The granting of a variance will not unreasonably adversely affect the natural environment; and
  - f. The property is not located in whole or in part within shoreland areas as described in the Shoreland Zoning Ordinance.

As used in this subsection, "dimensional standards" means and is limited to provisions relating to lot area, and setback requirements.

As used in this subsection, "practical difficulty" means that the strict application of the ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the district in which the property is located and results in significant economic injury to the petitioner.

2. Variance recorded. If the board grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local registry of deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval.

Attachment 1  
(Sample lot size calculations)

1. Mr. Doe wants to convert an existing property he owns into an apartment building with three apartments. Two apartments will have 1 bedroom each, and one apartment will have 2 bedrooms. He wants to know if the lot size is large enough to seek approval. His lot is a 42,000 square foot lot of record on January 20, 1980. There is no water frontage on the lot.

Solution: Minimum lot size rule require multiple unit housing to be calculated based on 120 gallons per bedroom per day. There will be 4 bedrooms, thus the calculations will be based on  $4 \times 120 = 480$  gallons per day. The rule states that for wastewater generated in excess of 300 gpd, the lot shall be in the proportion of 20,000 square feet for every 300 gpd. Using a simple proportion calculation:

$$\frac{300 \text{ gpd}}{20,000 \text{ sq. ft.}} = \frac{480 \text{ gpd}}{X \text{ sq. ft.}} \quad \text{where X is the square footage required for the lot size.}$$

$$300X = (480) (20,000)$$

$$X = \frac{(480) (20,000)}{300}$$

$$X = \frac{9,600,000}{300}$$

$$X = 32,000 \text{ square feet required minimum lot size.}$$

Mr. Doe's lot meets the minimum lot size standard for his intended use.

2. Mrs. Doe wants to operate a beauty salon in her existing single family home located on a 19,000 square foot lot of record on January 20, 1965, with the existing structure being built in 1969. She would like to have two salon chairs in her beauty salon. There is no water frontage on the lot.

Solution: Mrs. Doe has an existing structure on a lot of record prior to October 3, 1973, therefore her existing structure is exempt from the minimum lot size rules as it exists. Once she starts changing her use we must revert to the standard 300 gallon per day for single family use, plus the additional wastewater flows generated as a result of the beauty salon. From Table 1 of Minimum Lot Size Rules, 144A CMR 243, a beauty salon uses 100 gpd per chair. Therefore, her new usage will have 300 gpd for residential use, plus 200 gpd for beauty salon use for a total wastewater flow of 500 gpd. Using a simple proportion calculation:

$$\frac{300 \text{ gpd}}{20,000 \text{ sq. ft.}} = \frac{500 \text{ gpd}}{X \text{ sq. ft.}} \quad \text{where X is the square footage required for the lot size.}$$

$$300X = (500) (20,000)$$

$$X = \frac{(500) (20,000)}{300}$$

$$X = \frac{10,000,000}{300}$$

$$X = 33,333 \text{ square feet required minimum lot size.}$$

Mrs. Doe can keep her present structure without change, but does not have the required lot size to add a beauty salon.

# **C.A.T.V. ORDINANCE**

**THE TOWN OF HARRISON, acting by and through its municipal officers,  
HEREBY ORDAINS the following Cable Television Ordinance:**

## **Section 1. PURPOSE.**

**The purpose of this ordinance is to provide for Town regulation and use of the community antenna television system including its construction, operation and maintenance in, along, upon, across, over and under the streets, alleys, public ways and public places now laid out or dedicated, and all extensions thereof and additions thereto in the Town of Harrison, including poles, wires, cables, underground conduits, manholes, conductors and fixtures necessary for the maintenance and operation in the Town of Harrison, of the community antenna television system and to provide conditions accompanying the grant of franchise; and providing for the Town regulation of CATV operation.**

## **Section 2. DEFINITIONS.**

- a. “C.A.T.V.” shall mean any community antenna television system or facility that, in whole or in part, receives directly or indirectly, over the air, and amplifies or otherwise modifies signals transmitting programs broadcast by one or more television or radio stations, or originates its own signal or signals produced through any of its community access channels and distributes such signals by wire or cable to subscribing members of the public who pay for such services, but such term shall not include any such facility that serves only the residents of one or more apartment dwellings under common ownership, control or management.**
- b. “Cable Television Company” shall mean any person, firm or corporation owning, controlling, operating, managing or leasing a CATV system within the Town of Harrison sometimes hereinafter referred to as “the company”.**
- c. “Town” shall mean the Town of Harrison, organized and existing under the laws of the State of Maine and the area within its territorial limits.**

## **Section 3. FRANCHISE REQUIRED.**

**No person, firm or corporation shall install, maintain or operate within the Town or any of its public ways or other public areas any equipment or facilities for the operation of a CATV system unless a franchise authorizing the use of said public ways or areas has first been obtained pursuant to the provisions of this Ordinance**

and unless said franchise is in full force and effect.

**Section 4. FRANCHISE CONTRACT.**

- a. **The municipal officers of the Town may contract on such terms, conditions and fees as they deem in the best interests of the Town and its residents with one or more Cable Television Companies for the operation of a CATV system within the Town, including the granting of a franchise or franchises for the operation thereof for a period not to exceed fifteen (15) years.**
- b. **Applicants for a franchise shall pay a non-refundable filing fee to the Town of \$250.00 to defray the cost of public notice and advertising expenses relating to such application. The applications shall be filed with the Town Clerk and shall contain such information as the Town may require including, but not limited to, a general description of the applicant's proposed operation, a schedule of proposed charges, a statement detailing its previous two fiscal years, and estimated ten year financial projection of its proposed system, its proposed annual Town franchise fee, if any, or the basis for same, and a statement detailing the prior operational experience of the applicant in both CATV and microwave service including that of its officers, management and staff to be associated with the proposed operation.**
- c. **Any franchise contract may be revoked by the municipal officers for a good and sufficient cause, after due notice to the company and a public hearing thereon, with the right to appeal to the Superior Court under Rule 80B of the Maine Rules of Civil Procedure.**

**Section 5. PUBLIC COMMENT PERIODS.**

- a. **Before issuance of a request for proposals, the Town shall hold a public hearing with at least seven (7) days' advance notice for the purpose of determining any special local needs or interests regarding cable television.**
- b. **Any proposal submitted by a prospective CATV franchise shall be filed in triplicate with the Town Clerk's office, shall be deemed a public record, shall be available for a period not less than thirty (30) days prior to the Town's taking any formal action thereon, and public notice of the filing shall be given.**
- c. **Before authorizing the issuance of any such franchise contract, the municipal officers shall review the applicant's character, financial and technical qualifications and the adequacy and feasibility of its qualifications to operate a CATV system within the Town, and shall conduct a public hearing thereon with at least seven (7) days advertised**

notice prior to said public hearing.

**Section 6. PERFORMANCE BOND & INSURANCE COVERAGE.**

Upon the execution of any such franchise contract the Cable Television Company shall file a surety company performance bond in an amount not less than \$25,000.00 conditioned upon the faithful performance of said contract and full compliance with any laws, ordinances, regulations governing said franchise, including cost of dismantling the system, and also evidence of such public liability, copyright infringement and other insurance coverage as the municipal officers may require. When the Cable Television Company has completed its proposed system as set forth in its proposal, and in compliance with its franchise agreement, the municipal officers shall permit the company to cancel said bond except for an amount to cover cost of dismantling the system.

**GIVEN UNDER OUR HANDS THIS 18 TH DAY OF NOVEMBER, 1986.**

**AMENDED: AUGUST 17, 1999**

**Section 4, Paragraph a**

**Ten (10) years to fifteen (15) years**

\_\_\_\_\_  
**SHEILA SMITH, CHAIRMAN**

\_\_\_\_\_  
**RICHARD ST. JOHN, VICE  
CHAIRMAN**

\_\_\_\_\_  
**SUSAN SEARLES-GAZZA**

\_\_\_\_\_

**JOHN STRICKLAND**

---

**DONALD WOOLLEY**



# **TOWN OF HARRISON**

**TOWER  
ORDINANCE**

**ENACTED: JUNE 9, 1999**

**A True Copy**

**ATTEST: \_\_\_\_\_**

**Judith E. Colburn, Town Clerk**

**TOWN OF HARRISON**

**Proposed Telecommunications Towers, Antennas and Associated Facilities  
Ordinance**

**This Ordinance is enacted pursuant to the Municipal Home Rule Authority (30A MRSA 2101 et seq), Municipal Ordinance Authority (30A MRSA 3001 et seq), and the Town of Harrison Comprehensive Plan.**

**SECTION 1. PURPOSE**

**This Ordinance is designed and intended to balance the interests of the residents of the Town of Harrison, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the Town. These purposes are also intended:**

- A. To minimize the adverse impact of such facilities including visual impacts, environmental impacts, impacts to historically significant areas, health and safety impacts and property value impacts.**
  
- B. To encourage co-location of carriers and minimize the total number of towers located**

within the town.

- C. To permit the construction of new towers only where all other reasonable opportunities have been exhausted.
- D. To encourage the users of towers and antennas to configure them in a way that minimizes the need for additional towers in the Town of Harrison.
- E. To provide for the removal of structures which are no longer being used for telecommunications purposes.

## SECTION 2. DEFINITIONS

*Alternative Tower Structure* - shall mean clock towers, bell steeples, light poles and water towers, and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

*Antenna* - shall mean any exterior apparatus designed for commercial transmission of telephonic, radio, or television, or similar communications through the sending and/or receiving of electromagnetic waves.

*Co-Location* - shall mean the location of more than one telecommunications facility (use) on a tower or alternative tower structure.

*FAA* - shall mean the Federal Aviation Administration.

*FCC* - shall mean the Federal Communications Commission.

*Height* - shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

*Telecommunications Facility* - shall mean any structure, antenna, tower, or other

device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. Telecommunications Facilities shall be considered a principal use. Pre-existing accessory use towers/antennas shall be exempt from this definition.

**Threshold Height** - shall mean the height, as defined above, below which a telecommunications facility does not need review and approval as a special exception, unless otherwise noted herein.

**Tower** - shall mean any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purposes of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular towers, alternative tower structures, and similar structures.

### **SECTION 3. PERMITS REQUIRED**

**A. All new telecommunications facilities which exceed 35 feet in height in the shoreland zone and all towers exceeding 70 feet in all other areas must apply for, acquire and conform to the requirements of a permit from the Planning Board as more particularly referred to in Section 4 below.**

**B. New telecommunications facilities below those threshold heights shall be considered a permitted accessory use, and shall need only to apply for and receive a building permit from the Code Enforcement Officer, if such telecommunications facility is**

accessory to a

principal use on the lot and is used for the private communications of the owner of or

business location on the lot.

**C. All telecommunications facilities proposing to locate on existing tower or alternative**

tower structures below the threshold heights as set forth above shall apply for and

conform to the requirements of a building permit from the Code Enforcement Officer.

**D. All other telecommunications facilities below the threshold heights as set forth above**

shall apply for and conform to the requirements of a building permit from the Code

Enforcement Officer.

#### **SECTION 4. APPLICATION PROCEDURE**

**A. All applications under this section shall be reviewed by the Planning Board of the Town**

of Harrison in accordance with the procedure, standards and submission requirements

set forth below and of the Harrison Site Plan Review Ordinance and the Harrison

Shoreland Zoning Ordinance as applicable.

**B. All activities or construction that require a permit in accordance with this Ordinance**

shall be submitted in an application to the Code Enforcement Officer. The Code Enforcement Officer, after reviewing the application to determine if it contains

**sufficient information as required below, will schedule the completed application for review at the next available meeting of the Planning Board.**

**C. Each application for a permit under this Ordinance shall submit a scaled plan and application in accordance with the following submission requirements:**

- 1. Location of the proposed structure, including map/lot number and street address.**
- 2. Name of owner or operator of the telecommunications facility and owner of property.**
- 3. Proof of right, title and interest to use the property on which the telecommunications facility is proposed.**
- 4. Name of company (ies) responsible for constructing and/or maintaining the telecommunications facility.**
- 5. Date the telecommunication facility, in cases of co-location, was initially constructed or is proposed to be constructed.**
- 6. A description and construction detail of the telecommunication facility, including: plot plan identifying location of the tower on the property; dimensions of the tower; structural supports, if any; lighting; color; and equipment located on the structure, if any. This description shall also identify any accessory structures that are essential to operation of the telecommunication facility.**

**7. A topographical map, drawn at a scale of 1 inch = 50 feet (or other appropriate scale as**

**determined by the Planning Board) of the property proposed as location of the structure. The topographic map shall identify: accurate contours at not less than 5**

**foot intervals (or other dimensions of the property; appropriate scale as determined by**

**the Planning Board) existing vegetation, particularly noting height, diameter, density,**

**quality, and type (deciduous or evergreen) of existing trees, wetlands, floodplains,**

**streams and open bodies of water; ledge outcrops; soils data, medium intensity; all**

**existing structures on the property; and any right-of-ways, easements, or similar**

**encumbrances on the property; and other significant features.**

**8. A locus map drawn at a scale of not less than 1 inch = 100 feet (or other appropriate**

**scale as determined by the Planning Board) that identifies all properties, all residences,**

**all non-residential structures, all roads and the natural topography (vegetation and**

**contours at 20 foot intervals) of the area located within a radius of 1000 feet of the**

**proposed telecommunication facility location.**

**9. A landscape plan prepared at a scale of 1 inch = 50 feet (or other appropriate scale as**

**determined by the Planning Board) that identifies how the applicant shall satisfy**

**landscape, screening and buffering requirements.**

**10. A visual impact analysis prepared by a landscape architect or other qualified professional that quantifies the amount of visual impact on properties located within**

**500 feet, within 2,500 feet and within 2 miles of the proposed telecommunication structure. This analysis will include recommendations to mitigate adverse visual**

**impacts on such properties.**

**11. An analysis prepared by a qualified professional that describes why this site and structure is critical to the operation for which it is proposed. The analysis shall address, at a minimum; existing and proposed service area maps; how this structure is**

**integrated with other company operations, particularly other structures in Harrison**

**and surrounding communities; future expansion needs in the area; the affect on company operations if this structure is not constructed in this location; other sites**

**evaluated for location of this structure and how such sites compare to the proposed**

**site; other options, if any, which could be used to deliver similar services, particularly if**

**the proposed equipment can be co-located (shared use) on an existing structure; and**

**an analysis to the projected life cycle of this structure and location.**

**12. Certification by a structural engineer that construction of the structure shall satisfy all**

**Federal, State and Local building code requirements as well as be able to satisfy the**

**needs of maximum permitted co-location at the site (as approved by the Planning**



Board) per the height limits of the applicable zoning district.

**13. Payment of all required performance guarantees as a condition of plan approval - with a note on the plan so stating.**

**D. The Planning Board has discretion to request additional information to proceed with the review process the cost of producing such additional information to be borne solely by applicant.**

**E. All applications shall be accompanied by fees as set by the Town of Harrison.**

**SECTION 5. REVIEW PROCEDURES**

**A. The Planning Board shall make its decision to approve, approve with conditions, or deny a permit within 90 days after review begins or within another time limit as may be mutually agreed to by the Board and the Applicant.**

**B. The Planning Board shall schedule a public hearing within forty-five (45) days of taking up the application. Notification of the hearing shall be provided:**

**1. By the Applicant in writing, at least ten (10) days prior to the hearing, to all owners of property that directly abut or are located within one thousand (1,000) feet of any property line of the property for which the permit is requested. (Notice to the owners within the first 500 feet shall be by certified mail the remaining notice shall be by first class mail). Notice shall also be given by certified mail to any town located within 1,000 feet of the proposed telecommunications facility. The applicant also shall present proof of such notification satisfactory to the Code Enforcement Officer. The notification shall include: the name of the applicant location of the property, a brief description of the project, and a plot plan identifying the proposed site layout in relation to nearby streets and properties.**

**2. By the Town posting notice of such hearings in the Municipal Office a minimum of ten (10) days in advance of the hearing.**

**3. By the Town advertising in a newspaper of general circulation within the Town notice of the hearing a minimum of ten (10) days in advance of the hearing.**

**C. The Planning Board will, after a public hearing and review of the application, issue Findings of Fact and Conclusions which outline the reasons it approves, approves with conditions, or denies the telecommunication structure application. The Board shall use the standards identified in the Harrison Site Plan Review Ordinance as well as those noted below (Section VI) to make its decision. The Planning Board may impose conditions in any permit issued hereunder to ensure conformity with the purposes of this Ordinance and the Town of Harrison Comprehensive Plan.**

#### **SECTION 6. REVIEW GUIDELINES**

**A. The Planning Board will be guided in its considerations by the following standards:**

**1. Height of proposed tower or other structure does not exceed that which is essential for its intended use and public safety.**

**2. Proximity of tower to residential development or zones does not create undue impact on the value or use of property (ies) in such residential areas.**

**3. Nature of uses on adjacent and nearby properties and the degree of incompatibility of the proposed construction or activity with such adjacent and nearby uses.**

**4. Surrounding topography of the proposed site and the degree to which any specific topographical features render the proposed site incompatible with the purposes of this Ordinance, or require special consideration (s) as to drainage, erosion and sedimentation control.**

**5. Surrounding tree coverage and foliage and the extent to which the proposed site or construction would disturb or diminish such coverage and foliage, or require special consideration (s) as to landscaping or buffering.**

**6. Design of the tower, antenna, or facility with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness including the need for landscaping or other site improvement (s).**

**7. The safety and utility of any proposed ingress and egress to the site.**

**8. Availability of suitable existing towers and other alternative tower structures or locations as discussed in Section 7.**

**9. Visual impacts on view sheds, ridge lines, and other impacts resulting from tower location, tree and foliage clearing and placement of incidental structures, powerlines and access roads.**

**10. Visual impacts on the view from any public park, natural scenic vista, historic building or major view corridor.**

**11. That the proposed facility/tower/dish be constructed in such a manner not to result in needless height, mass, and guy-wire supports with documentation having provided and review regarding the design capacity and/or the remaining co-location capacity of the tower/facility.**

**12. The proposed facility will minimize potential effects on wildlife.**

**B. The Planning Board may use any technical and professional services necessary to assist in their review of a Facility. Services may include but are not limited to: an analysis of shared use, an analysis of visual impact, an analysis of the structure satisfying federal and state requirements, an analysis of alternative sites, and other issues required to satisfying requirement of this section. The applicant shall be**

required to pay all costs involved with these professional services.

C. The code Enforcement Officer may use professional and technical services to inspect construction of an approved project. The applicant shall pay all costs incurred for these inspection services.

## **SECTION 7. PERFORMANCE: STANDARDS/DIMENSIONAL REQUIREMENTS**

### **A. Height**

Towers, antennas and facilities shall not exceed a height of 150 feet except that where evidence of acceptable design and co-location is provided to the Planning Board, an additional 25 feet of height per each additional user is permitted, (based upon signed agreements to be filed with the Code Enforcement Officer prior to the issuance of any building permit). No telecommunications facility shall exceed a height of 200 feet.

### **B. Setbacks**

1. All telecommunications towers shall be setback from the lot lines of any residential use or residential zoning district a distance equal to at least 125% of the tower height. The tower height used shall be the maximum design height approved for the site.

2. Tower, guys and accessory facilities shall meet the minimum zoning district setback requirements.

### **C. Aesthetics, Landscaping, Buffers & Fencing**

1. Towers shall have a galvanized steel finish or be painted a neutral color so as to

reduce visual obstructiveness.

**2. All telecommunications structures shall maintain the required setbacks as undisturbed vegetated buffers, except for the access road. The Planning Board may require additional plantings in the buffer area to enhance the quality and effectiveness of the buffer area to serve as a visual screen. The size and quantity of plantings shall be subject to Planning Board approval.**

**3. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screenings and landscaping that will blend the tower facilities to the natural settings and built environment.**

**4. Towers shall not be artificially lighted, unless required by the FAA or other Federal or State authority. If lighting is required, the Planning Board may review the available lighting alternatives and approve the design that would cause the least disturbance of the surrounding properties and views.**

**5. Road access to the telecommunications structure shall be so located to minimum size necessary to allow safe access.**

**6. The base of a telecommunications tower may not be located in a wetland or floodplain.**

**7. A security fence or wall not less than eight (8) feet in height from the finished grade shall be provided around the tower. Access to the tower shall be through a locked gate.**

**D. Investigation of Existing Alternative Towers, Sites & Structures**

**Applicants shall identify all existing and proposed (on file in the Municipal Office) towers, including their heights, located in the town within one mile of the town boundaries. Applicants must provide evidence of the lack of antenna space on all such towers, (except in cases where tower access is denied by tower owner), and**

shall identify other tower structures and sites which have been investigated as an alternative to constructing a new tower. Applicant shall address the use of co-location and/or other alternative tower structures and shall demonstrate that they cannot provide adequate communication service utilizing such existing towers or structures.

**E. Co-Location**

The applicant and owner shall allow other future wireless service carrier, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunication tower and site, unless satisfactory evidence is presented and the Planning Board concurs that technical constraints prohibit co-location. Space shall be provided at no charge to public agencies namely police, fire, ambulance, communications and Highway if requested at the time of review by the Planning Board.

**F. Other Requirements**

1. **Building Code and Safety Standards** - To ensure the structural integrity of telecommunications facilities, the owner shall ensure that it is designed, constructed and maintained in conformance with application Federal, State and Local building, electrical and safety codes.
  
2. **Advertising** - No advertising or signage is permitted on telecommunications facilities.

**SECTION 8. PERFORMANCE GUARANTEES AND REMOVAL OF ABANDONED/UNUSED FACILITIES GENERAL GUARANTEE**

**A.** No building permit may be issued until the applicant has filed a performance guarantee with the Town Manager equal to 100% of the cost of completing the following improvements;

1. The construction of any drainage systems involving piping, culverts, or retention or detention facilities; and
2. The construction of erosion and sedimentation control measures or landscaping required to meet the standards of this section; and
3. other site improvements requires by the Board to meet the standards of this section.

**B. Removal of Abandoned/Unused Facilities**

1. The owner of a telecommunications facility shall be required to remove the tower should it not be used for the use or uses approved for a period of twelve (12) consecutive months. An applicant for a permit under this sections shall post a performance guarantee with the Town prior to obtaining a permit that is equal to 125% of the cost of removing the structure.
2. The performance guarantee covering such removal shall be for a minimum term of five years. It must contain a mechanism, satisfactory to the Town, for review of the cost of removal of the structure every five years, and a mechanism for increasing the amount of the guarantee should the revised cost estimate so necessitate.

**SECTION 9. HAM RADIO**

**1. Amateur Radio**

This ordinance shall not govern any tower, or the installation of any antenna that is owned and operated by a federally-licensed amateur radio station operator and the tower or antenna is used for the exclusive purpose of amateur radio operations.

**2. Citizen Band Radios**

**This ordinance shall not govern the installation of any antenna that is used for the exclusive purpose of facilitating the use of a Citizen Band Radio.**

**3. Receive-Only Antennas**

**This ordinance shall not govern any tower, or the installation of any antenna that is used exclusively for receive only antennas, except any towers in this section shall be limited to (70) feet in height.**

**SECTION 10. ENFORCEMENT**

**Any construction of or on or use of any premises for telecommunications purposes as set forth above without first obtaining a permit as required hereunder, or any use of any site or facility not in compliance with the terms and conditions set forth in any permit issued hereunder, or any material misstatement of fact in any application or supporting documentation discovered subsequent to the issuance of any permit hereunder, or any failure to comply with and maintain the performance guaranties and/or removal requirements set forth hereunder, or any failure to observe and comply with any provision of this ordinance, shall be deemed a violation of this Ordinance. This Ordinance shall be enforced, and any violations hereof abated, by the municipal officers of the Town of Harrison or their duly authorized designees, and shall be enforceable by and under, and subject to all the terms, fines and penalties of 30A MRSA 4451 and 4452, as amended, which are incorporated herein by reference.**

**SECTION 11. APPEALS**

**Any appeal by the aggrieved party with standing from any decision of the Code Enforcement Officer or the Planning board to approve, approve with conditions or deny any application hereunder shall initially be to the Harrison Board of Appeals, said appeal to be filed within thirty (30) days of the decision, action or failure or refusal to take action complained of. Any appeal shall be governed by the provisions of 30A MRSA 2691.**



**SECTION 12. SEPARABILITY**

**If any section, part of a section or any provision of this Ordinance is declared by a court of competent jurisdiction, invalid or unenforceable such declaration shall not affect the validity or enforceability of the Ordinance as a whole, or any part or provision other than that specifically declared to be unconstitutional, invalid or unenforceable.**

**SECTION 13. NO RETROACTIVE EFFECT**

**This Ordinance does not render illegal any structure, facility or use which legally existed or was under active construction at the effective date of this Ordinance. Permits issued prior to the adoption of this Ordinance remain valid for a period of one year from the initial date of issuance.**

**SECTION 14. AMENDMENT**

**This Ordinance may be amended by a vote of a Town Meeting, upon a town meeting warrant article submitted by the Planning Board after public hearing.**

**SECTION 15. EFFECTIVE DATE**

**This Ordinance takes effect and is in force as of the date of its enactment by a duly called annual or special Town Meeting.**

## TOWN OF HARRISON CURFEW ORDINANCE

**WHEREAS**, there has been an increase in juvenile violence and crime, and an increased presence of juvenile gang activity in the Town of Harrison; and

**WHEREAS**, persons under the age of eighteen are particularly susceptible, because of their lack of maturity and experience, to participation in unlawful activities and gang-related activities, and to victimization by older perpetrators of crime; and

**WHEREAS**, the Town of Harrison is obligated to provide for: the protection of minors from each other and from other persons, the protection of the health, safety, and welfare of the general public, and the reduction of juvenile crime, violence, and gang related activity in the Town; and

**WHEREAS**, a curfew for those under the age of eighteen will aid in the achievement of these goals, and will be in the interest of public health, safety, and welfare;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF HARRISON**  
:

**Section 1. Short title.** This ordinance shall be known and may be cited as the Town of Harrison Curfew Ordinance.

**Section 2. Definitions.** For the purpose of the Curfew Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word “shall” is always a mandatory and not merely directory.

- (a) **Town**, is the Town of Harrison, Cumberland County, Maine.
- (b) **Minor** is any person under the age of 18, or, in equivalent phrasing often herein employed, any person 17 or less years of age.
- (c) **Parent** is any person having legal custody of a minor (i) as a

natural  
or adoptive parent, (ii) as a legal guardian, (iii) as a person who stands in loco parentis or (iv) as a person to whom legal custody has been given by order of court.

(d) **Remain** means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as a mere passage or going home.

(e) **Street** is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term street applies irrespective of what it be called or formally named, whether alley, avenue, court, road or otherwise.

(f) **Time of night** referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the Town.

(g) **Year of age** continues from one birthday to the next, but not including the day thereof.

**Section 3. Curfew for minors.** It shall be unlawful for any person 17 or less years of age (under 18) to be or remain in or upon the streets within the Town of Harrison at night during the period from 9:00 p.m. until 6:00 a.m. of the following day during Eastern Standard Time and 10:00 p m. until 6:00 a.m. the following day during Eastern Daylight Savings Time. .

**Section 4. Exceptions.** The following exceptions shall not, however, be considered in violation of the Curfew Ordinance.

(a) When accompanied by a parent or guardian of such minor.

(b) When accompanied by an adult authorized by a parent of such minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.

(c) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly.

(d) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer.

(e) When the minor carries a certified card of employment, renewable every three months when the current facts so warrant, dated or re-issued not more than 45 days previously, and briefly identifying the minor, the address of his home and of his place of employment, and his hours of employment.

(f) When the minor is, with parental consent, in a motor vehicle traveling from one point to another.

(g) Involved in an emergency or on an errand necessitated by an emergency.

(h) On an errand directed by a parent or guardian, without any detour or stop;

(i) Attending a school, religious, or governmental activity which is supervised by adults, or traveling to or from such a school, religious, or governmental activity without detour or stop;

(j) Attending a recreational activity sponsored by the Town of Harrison, a civic organization, or a similar activity, which is supervised by adults, or traveling to or from such an activity without detour or stop;

(k) Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable.

**Section 5. Parental responsibility.** It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow, such minor to be or remain upon any town street under circumstances not constituting an exception to, or otherwise beyond the scope of the Curfew Ordinance. The term “knowingly” includes knowledge which parent should reasonably be expected to have concerning the whereabouts of a

minor in that parent's legal custody.

**Section 6. Enforcement.** Before taking any action to enforce this ordinance, a police officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age, and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Section 4 is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian to come to take control of the minor. The police officer shall summons the minor and the minor's parent to the District court for violation of this ordinance. During this period, the officer may require the minor or the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours, so long as the officer complies with all requirements of law, including without limitation, 17-A M.R.S.A. §17.

**Section 7. Penalties.** In the case of a first violation by a minor the police officer shall, by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties.

(a) If, after the warning notice pursuant to this section of a first violation by a minor, a parent violates Section 6 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense a parent shall be fined \$50.00 and for each subsequent offense by a parent the fine shall be \$100.00.

(b) Any minor who shall violate any of the provisions of this ordinance shall be:

1. for the first offense, five hours of community service and a fine of up to \$50.00; and

2. for each subsequent offense, ten hours of community service and a fine of up to \$100.00.

(b) All fines assessed and paid under this section shall be for the benefit of the Town of Harrison, Maine.

**Section 8. Construction.** If any part or parts, section or subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional or invalid, such shall not affect the validity or constitutionality of the remaining portions of this ordinance.

**Section 9. Effective date.** This ordinance shall become effective after passage by the legislative body of the Town of Harrison, at a duly called town meeting.



# DOG ORDINANCE

## 1 PURPOSE

In accordance with the State of Maine, Title 7, Maine Revised Statutes regarding AGRICULTURE AND ANIMALS, the purpose of this ordinance is to promote responsible dog ownership throughout the Town of Harrison, in the interest of health, safety and the general welfare of its residents.

## 2 MUNICIPAL RESPONSIBILITY

- 2.1 The Town of Harrison, on an annual basis, shall appoint an Animal Control Officer with a term that expires annually on June 30th.
- 2.2 The Town of Harrison, on an annual basis, on or before April 1<sup>st</sup>, shall certify to the commissioner of the Department of Animal Welfare the name of a contracted Animal Shelter to accept stray dogs.
- 2.3 The Select Board shall be granted power to set/adjust fees in accordance with Title 7 MRSA.
- 2.4 All fees recovered shall be deposited in a separate account in accordance with the State of Maine, Title 7, MRSA Chapter 725, § 3945.

## 3 ENFORCEMENT

3.1 The town appointed Animal Control Officer shall have the primary responsibility of enforcing this ordinance. All Cumberland County law enforcement officers may also enforce this ordinance.

## 4 DEFINITIONS

- 4.1 **DOG** - shall mean any male or female dog, or wolf hybrid, which is, or is not, spayed/neutered.
- 4.2 **OWNER** - shall mean any individual, corporation, partnership, association or any other legal entity owning, keeping, or harboring a dog.
- 4.3 **AT LARGE** - shall mean off the premises of the owner and not under the immediate command and control of any individual whose personal presence and attention would reasonably control the conduct of the dog.
- 4.4 **NUISANCE DOG** - shall mean any dog which by loud, frequent and continual barking or howling, annoys or disturbs any person; ***or*** shall mean a dog which frequently causes damage to property not belonging to the owner; ***or*** shall mean any dog which frequently defecates on property not belonging to the owner and the owner does not immediately remove and dispose of the feces.
- 4.5 **DANGEROUS DOG** - shall mean any dog which has bitten a person or domesticated animal who was not a trespasser on the owner's premises at the time of the incident; ***or*** shall mean a dog that causes a reasonable and prudent person, acting in a peaceable manner, and who is not on the dog owner's property, to be put in fear of imminent bodily harm to themselves or their domesticated animal.

## 5 LICENSING

- 5.1 In accordance with the State of Maine, Title 7, MRSA Chapter 721 § 3921, all dogs kept, harbored, and domiciled by their respective owners in the Town of Harrison shall be licensed.
- 5.2 Owners of any dog 6 months old or older, or within 10 days of obtaining a dog 6 months old or older, shall provide proof of rabies certificate, and shall obtain a license from the Town Clerk's Office or online at [www.harrisonmaine.org](http://www.harrisonmaine.org). (Online service only available 10/15 – 01/31)
- 5.3 Licenses expire annually on December 31<sup>st</sup> and shall be renewed annually by each January 1<sup>st</sup>. Renewing an expired license after January 31<sup>st</sup> will subject the owner to a State mandated fine. (7 MRSA, Ch 721, § 3923-A)
- 5.4 License fees and fines are mandated by the State. For current fees:
  - 5.4.1 See Town Fee Schedule

## 6 AT LARGE

- 6.1 It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.
- 6.2 The Town appointed Animal Control Officer, or law enforcement personnel, shall seize, impound, or restrain a dog at large, and shall take the dog to its owner if the owner is known; *or* shall deliver it to the Town designated animal shelter if the owner is not known.
- 6.3 A person who finds and takes control of a dog at large shall take that dog to its owner if the owner is known; *or* shall deliver it to the Town designated animal shelter if the owner is not known. (7 MRSA, Ch 719, § 3913)
- 6.4 Owners of dogs delivered to the town designated animal shelter may reclaim their dog within a 6-day period and upon proof of license and payment of all fees including, but not limited to, the municipal impoundment fee and actual fees incurred for food, shelter, and veterinary care.
  - 6.4.1 See Town Fee Schedule

## 7 NUISANCE DOGS

- 7.1 It shall be unlawful for any owner to cause or permit a dog to bark, howl or yelp continuously for thirty (30) minutes or intermittently for (1) hour or more.
- 7.2 It shall be unlawful for any owner to cause or permit a dog to damage property that does not belong to the owner unless that damage is corrected immediately by the owner to the satisfaction of the property owner.
- 7.3 It shall be unlawful for any owner to cause or permit a dog to defecate on property that does not belong to the owner unless the feces is removed immediately by the dog owner.
- 7.4 It shall be unlawful for any owner to cause or permit a dog to bark, howl or yelp continuously for thirty (30) minutes or intermittently for (1) hour or more.



- 7.5 It shall be unlawful for any owner to cause or permit a dog to damage property that does not belong to the owner unless that damage is corrected immediately by the owner to the satisfaction of the property owner.
- 7.6 It shall be unlawful for any owner to cause or permit a dog to defecate on property that does not belong to the owner unless the feces is removed immediately by the dog owner.
- 7.7 It shall be unlawful for any owner to cause or permit a dog to repeatedly trespass on property that does not belong to the owner unless permission is granted by the property owner.
- 7.8 Persons afflicted by nuisance dogs may file a complaint with the town appointed Animal Control Officer using the Witness Statement/Complaint Form found in the Town Clerks office or online at [www.harrisonmaine.org](http://www.harrisonmaine.org).
- 7.9 If any owner, after receiving sufficient warning, from the Animal Control Officer, and opportunity to correct nuisance issues, is found in violation of this section they shall be subject to a municipal fine:
  - 7.9.1 See Town Fee Schedule

## **8 DANGEROUS DOGS**

- 8.1 It shall be unlawful for an owner to permit or cause a dog to bite or otherwise assault or threaten assault against a person or domesticated animal that is not a trespasser on the owner's property.
- 8.2 It shall be unlawful for an owner to permit or cause a dog to bite or otherwise assault or threaten assault against a person or domesticated animal acting in a peaceable manner off of the owner's property.
- 8.3 Persons afflicted by dangerous dogs may, within 30 days of the assault or threatened assault, make written complaint, using the Witness Statement/Complaint form, to the town appointed Animal Control Officer or with the Cumberland County Sheriff's Department.
- 8.4 Any owner found in violation of this section shall be guilty of municipal and civil violation and liable to civil fines and punishments in accordance with the State of Maine, Title 7, MRSA Chapter 727, § 3952.

## **9 PARKS & RECREATION AREAS**

- 9.1 Crystal Lake Park:
  - 9.1.1 Owners visiting Crystal Lake Park shall keep their dog under their immediate command and control at all times.
  - 9.1.2 Dogs shall not be allowed on the sandy beach area of Crystal Lake Park.
  - 9.1.3 Dogs shall not wander, urinate on, or defecate on the playing fields ***at any time***.

9.2 Crystal Lake Park:

- 9.2.1 Owners visiting Crystal Lake Park shall keep their dog under their immediate command and control at all times.
- 9.2.2 Dogs shall not be allowed on the sandy beach area of Crystal Lake Park.
- 9.2.3 Dogs shall not wander, urinate on, or defecate on the playing fields **at any time**.
- 9.2.4 Dogs may join their owners as spectators on the playing field **sidelines** at sporting events so long as they remain leashed.
- 9.2.5 Dogs are not allowed on/in the basketball court.
- 9.2.6 Dogs may be allowed on the grassed areas of the park and may access water in the area of the boat launch. Owners and their dogs shall give right-of-way to boaters at all times.
- 9.2.7 Owners shall immediately remove, and dispose of properly, any feces left by their dog.

9.3 Long Lake Beach:

- 9.3.1 Owners visiting Long Lake Beach shall keep their dog under their immediate command and control at all times.
- 9.3.2 Dogs may access water in the swimming area so long as they are not a nuisance to swimmers.
- 9.3.3 Owners shall immediately remove, and dispose of properly, any feces left by their dog.

9.4 Zakelo Beach / Boat Launch:

- 9.4.1 Owners visiting Zakelo Beach/Boat Launch shall keep their dog under their immediate command and control at all times.
- 9.4.2 Dogs may access water in the swimming area so long as they are not a nuisance to swimmers or boaters.
- 9.4.3 Owners shall immediately remove, and dispose of properly, any feces left by their dog.

9.5 RADR Complex (in its entirety):

- 9.5.1 Owners visiting RADR Complex shall keep their dog under their immediate command and control at all times.
- 9.5.2 Owners will immediately remove, and dispose of properly, any feces left by their dog.

9.6 RADR Playing Fields

- 9.6.1 Dogs shall not wander, urinate on, or defecate on the playing fields **at any time**.
- 9.6.2 Dogs may join their owners as spectators on the playing field **sidelines** at sporting events so long as they remain leashed.

9.7 RADR Fenced In Areas

9.7.1 Owners shall not use ANY fenced in areas of the complex to contain their dog.

9.7.2 **Dogs are not allowed on the tennis court or the basketball court.**

9.8 Play Ground/Grassy Rim/Wooded Trail

9.8.1 Owners and their dogs may enjoy the outer grassy rims of the RADR complex as well as the wooded trail system and playground.

9.8.2 Owners will immediately remove, and dispose of properly, any feces left by their dog.

9.9 Any owner found in violation of this section shall be subject to a municipal fine:

9.9.1 See Town Fee Schedule

## **10 IMPOUNDING, IMPOUNDMENT, IMPOUNDMENT FEES**

10.1 In accordance with the State of Maine, Title 7 MRSA;

10.1.1 Chapter 719, § 3912 & 3913

10.1.2 Chapter 727, § 3952

10.1.3 Chapter 741, § 4041

10.2 The town appointed Animal Control Officer or Cumberland County Sheriff's Department shall seize, impound, or restrain any dog violating this ordinance or state law.

10.3 Owners may reclaim their dog by proof of license and by proof of reimbursement of municipal fines and fees to the Animal Shelter and/or Town of Harrison

10.3.1 See Town Fee Schedule

## **11 REPEAL OF CONFLICTING ORDINANCE**

11.1 This ordinance specifically repeals the "Dog Ordinance" enacted by the Town of Harrison on March 16, 1963, amended March 7, 1970, and amended on August 31, 1994.

## **12 SEVERITY CLAUSE**

12.1 If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

## **13 AMENDMENTS**

13.1 This ordinance may be amended by a majority vote of any Town Meeting, (annual or special) when such amendment is published in the warrant calling for such meeting.

## **14 EFFECTIVE DATE**

14.1 This ordinance shall be in full force and effect upon passage by the legislative body.

**TOWN OF HARRISON MAINE  
EMERGENCY MANAGEMENT ORDINANCE**

The Town of Harrison, Maine, Ordains:

**ARTICLE 1. OFFICE OF EMERGENCY MANAGEMENT**

**Section 1. Short Title**

This Ordinance shall be known and may be cited and referred to as the “Emergency Management Ordinance of the Town of Harrison “Authorized under Title 37-B MRSA ss781-834 as enacted by P.L. 1983, c.460.

**Section 2. Intent and Purpose**

A. It is the intent and purpose of this ordinance to establish an office that will ensure the complete and efficient utilization of the town’s facilities and resources to combat disaster as defined herein.

B. The Harrison Office of Emergency Management will be the coordinating agency for all activity in connection with Emergency Management.

C. This Ordinance will not relieve any Town Department of its normal legal responsibilities or authority, nor will it adversely affect the work of any volunteer agency organized for relief in disaster emergencies.

**Section 3. Definitions**

The following definitions shall apply in the interpretation of this ordinance:

**Emergency.** “Emergency” is defined as any event, which threatens to or actually inflicts damage to people or property, and requires immediate action to mitigate, prevent control, or from which to recover is beyond the scope of the normal resources of the Town.

**Emergency Management.** “Emergency Management” means the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes. These functions include, without limitation, fire fighting, police, medical and health, emergency welfare, rescue, engineering, warning and communications service; evacuation of person from stricken areas; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions of plant protection; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

**Emergency Management Forces.** “Emergency Management Forces” shall mean the employees, equipment and facilities of all Town of Harrison departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons working under this ordinance for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by enemy or terrorist attacks, sabotage, riots or other hostile action, or by fire, flood, earthquake or other natural or man-made causes.

**Emergency Management Volunteer.** “Emergency Management Volunteer” shall mean any person duly registered, identified and appointed by the Town Manager or in his absence, the Director of Emergency Management.

**Director.** “Director” means the director of the Town of Harrison Emergency Management appointed as prescribed in this ordinance. A duly appointed Assistant Director shall assume the duties and responsibilities of the Director in his/her absence.

**Disaster.** “Disaster” means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause including, but not limited to, fire, flood, earthquake, windstorm, wave action, oil spill or other water contamination requiring emergency action to avert danger or damage, epidemic, air contamination, critical material shortage, infestation, explosion, riot, said occurrence being of significant scope as to exceed the normal ability of the Town’s resources to mitigate, respond to or recover from.

**Local.** “Local” is defined as restricted to the geographic boundaries of Harrison or Harrison and the Municipalities adjacent to it.

#### **Section 4. Organization and Appointments**

1. An office of Emergency Management is hereby established within the executive department of the Town government and under the direction of the Town Manager.
2. The Town Manager is hereby authorized to organize the Office of Civil Emergency Management, utilizing to the fullest extent possible the existing agencies with the Town.
3. The Board of Selectmen shall review the existing operational organization to ascertain the team’s ability to cope with its responsibilities and shall approve the town’s Emergency Operations Plan.

#### **Section 5. Administration and Operation**

1. There shall be an executive head of the Office of Emergency Management who shall be known as the Emergency Management Director. The Director shall be appointed by the Town Manager subject to approval by the Board of Selectmen and work under the direction of the Town Manager.

2. In addition to the Director, the office shall include such other assistants and employees as are deemed necessary for the proper functioning to the organization. Any necessary employee shall be hired by the Director with the consent of the Town Manager, subject to approval by the Board of Selectmen.

3. The Office of Emergency Management shall operate according to this Ordinance and regulations. Regulations shall be approved by the Harrison Selectmen, and may be amended from time to time by the Selectmen. No regulation or shall be approved or adopted by the Selectmen during a declared emergency.

### **Section 6. Rules and Regulations**

The Emergency Management Director shall prepare, under the direction of the Town Manager, such policies as may be deemed necessary for the administration and operational requirements of the team, which policies must be approved by the Board of Selectmen prior to becoming effective.

### **Section 7. Emergency Proclamation**

The Town Manager shall have the power and authority, upon consultation with the Selectmen Chairman to issue a proclamation that an emergency exists whenever a disaster or civil emergency exists or appears imminent. The proclamation may declare that an emergency exists in any or all sections of the town. If the Town Manager is temporarily absent from the town or otherwise unavailable, the person designated by the Town Manager may issue the proclamation that an emergency exists. If neither the Town Administrator nor the person designated to act in his/her absence is available, then the following persons shall have the power and authority to issue a proclamation that an

emergency exists, in the following order of succession: the Emergency Management Director, the Fire Chief, and the Public Works Supervisor. A copy of such proclamation shall be posted in the same manner as the warrant calling a town meeting, and a copy of the proclamation shall be filed within twenty-four (24) hours in the Office of the Town Clerk.

Notwithstanding the above, when consultation with the Selectmen Chairman would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the Town Manager, or his/her successor as outlined above, is authorized to take whatever actions are necessary to prevent the loss of life and property in the town. The Town Manager and the Emergency Management Director shall be responsible for submitting a full report to the Board of Selectmen of all actions taken as a result of the declared emergency as soon as the Town Board of Selectmen can be convened.

### **Section 8. Emergency Powers and Duties**

During any period when an emergency proclamation is in effect, the Town Manager may implement rules and or regulations as he/she deems necessary to protect life and property and to preserve critical resources within the purposes of this ordinance. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in order to facilitate the work are subject to approval by the Emergency Management forces, or to facilitate the mass movement of persons from critical areas within or out of the Town;
2. Regulations pertaining to the movement of persons from areas deemed hazardous or vulnerable to disaster within the Town;
3. Such other regulations necessary to preserve public peace, health and safety.

Nothing in this section shall be construed to limit the authority or responsibility of any department to proceed under powers and authority granted to them by state statute, town ordinance or the charter of the Town of Harrison.

The Town Manager or his/her designee shall be authorized to request aid or assistance from the state or any political subdivision of the state and may render assistance to other political subdivision under the provisions of Title 37-B, M.R.S.A. Chapter 13.

The Town Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The Town Manager or his/her designate may require emergency services of any Town Office or employees. If regular Town Forces are determined inadequate, the Director may require the services of such other personnel as he/she can obtain that are available, including citizen volunteers. All duly authorized persons rendering emergency services shall be entitled to the privileges and immunities provided by state law, the Town Charter and Ordinances for regular town employees and other registered and identified Emergency Management and volunteer disaster workers.

The provisions of this section will terminate at the end of the declared emergency.

### **Section 9. Termination of Emergency**

When the Town Manager or his/her successor as outlined above is satisfied that a disaster or civil emergency no longer exists, he/she shall terminate the emergency proclamation by another proclamation affecting the sections of the town covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the office of the town clerk.

### **Section 10. Duties of the Director of Emergency Management**

The Director of the Office of Emergency Management shall be responsible to the Town Manager in regards to all phases of the Emergency Management activity. Under supervision of the Manager, he/she shall be responsible for the planning, coordination, and operation of the Emergency Management activity in the Town. Under the supervision of the Manager, he/she shall maintain liaison with the County, State, and Federal authorities and the authorities of other political sub-divisions as to insure the most effective operation of the Emergency Operations Plan. His/her duties shall include, but not be limited to the following:

- A. Coordinating the recruitment of volunteer personnel and agencies to augment the personnel and facilities of the Town for Emergency Management purposes.
- B. Development of plans for the immediate use of all the facilities, equipment, manpower and other resources of the Town for the purpose of minimizing or preventing damage to persons and property; and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
- C. Negotiating and concluding agreements with owners or persons in control of buildings or other property for the Emergency Management purposes and designating suitable buildings as public shelters.
- D. Through public informational programs, educating the civilian population as to actions necessary and required for the protection of their persons and property in case of enemy attack, or disaster, as defined herein, either impending or present.
- E. Conducting public practice alerts to insure the efficient operation of the Emergency Management forces and to familiarize residents with Emergency Management regulations, procedures and operations.
- F. Coordinating the activity of all other public and private agencies engaged in any Emergency Management activity.
- G. Assuming such authority and conducting such activity as the Manager may direct to promote and execute the Emergency Operations Plan.

### **Section 11. Emergency Operations Plan**

The Emergency Operations Director shall prepare an all hazard Emergency Operations Plan (EOP) for the town, which shall be adopted and maintained by resolution of the Board of Selectmen upon recommendation by the Town Manager.

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The town plan shall be reviewed periodically by the Town Manager in conjunction with all the town department heads and the Emergency Management Director.

### **Section 12. Immunity from Liability**

All Emergency Management Team Forces, while engaged in Emergency Management activities, shall be immune from liability, as set forth in Title 37-B, Section 822 M.R.S.A.

### **Section 13. Compensation for Injuries**

All Emergency Management Team Forces appointed to specific functions whether paid or volunteer, shall be deemed to be employees of the Town of Harrison when engaged in training or on duty and shall have all of the rights of town employees and will be covered by the Town of Harrison workers compensation insurance for the duration of the training or incident. All persons responding to assist the Town of Harrison as part of mutual aid agreements will be covered by their employer or by the State of Maine under the Workers Compensation Act as set forth in Title 37-B Section 823 M.R.S.A.



**Section 14. Violation of Regulations**

It shall be unlawful for any person to violate any provisions of this ordinance or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder or delay any Emergency Management Forces as herein defined in the enforcement of the provisions of this ordinance or any regulation or plan issued hereunder.

**Section 15. Severability**

Should any provisions of this ordinance be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this ordinance as a whole, it being the legislative intent that the provisions of this ordinance shall be severable and remain valid notwithstanding such declaration.

**Section 16. Conflicting Ordinances, Orders, Rules and Regulations Suspended.**

At all times when an emergency proclamation is in effect, the orders, rules and regulations made pursuant to this ordinance shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

**Section 17. Effective Date**

This ordinance shall take effect on the \_\_\_\_\_

Enacted: \_\_\_\_\_



# FIREWORKS ORDINANCE

## SECTION 1 - PURPOSE

This Ordinance regulates the use of professional fireworks and prohibits consumer fireworks to ensure the safety of the residents of Harrison and the property owners of the Town of Harrison and the general public.

## SECTION 2 - TITLE & AUTHORITY

This Ordinance shall be known as the "Town of Harrison Fireworks Ordinance". It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. §3001, and the provisions of 8 M.R.S.A. §223-A.

## SECTION 3 - DEFINITIONS

The following definitions shall apply in this section:

3.1 Consumer fireworks shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions, but includes only products that are tested and certified by a 3<sup>rd</sup> part testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United States Code, Chapter 47. "Consumer fireworks" does not include the following products.

3.1.1 Missile-type rockets, as defined by the State Fire Marshal by rule;

3.1.2 Helicopters and aerial spinners, as defined by the State Fire Marshal by rule;  
and

3.1.3 Sky rockets and bottle rockets. For purposes of this definition, "Sky rockets and bottle rockets" means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition and that may produce a burst of color and/or sound at or near the height of flight. However, these products are prohibited for use in the State of Maine by the State Fire Marshal's Office by rule. See Maine Public Law Chapter 416.

- 3.2 Display - means an entertainment feature where the public or private group is admitted or permitted to view the display or discharge of fireworks or special effects.
- 3.3 Person – Any individual, partnership, limited liability company, corporation, government entity, association, or public or private organization of any character.

#### **SECTION 4 - PROHIBITION**

- 4.1 No person shall use, possess with intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the Town of Harrison.

#### **SECTION 5 — EXCEPTION**

- 5.1 This section does not apply to a person issued a firework's display permit by the Town of Harrison and/or the State of Maine pursuant to 8 M.R.S.A. §227-A.

#### **SECTION 6 – ADMINISTRATION & ENFORCEMENT**

- 6.1 The Town Clerk within 30 days of adoption or amendment will file a copy of this Ordinance with the State Fire Marshall's Office, Inland Fisheries & Wildlife, State Police and the Cumberland County Sheriff's Department.
- 6.2 Any State or County Law Enforcement official may enforce the provisions of this Ordinance specifically including duly-authorized representatives from Cumberland County Sheriff, Maine State Police, Maine Inland Fish & Wildlife, and Maine Department of Public Safety (Fire Marshall's Office).

#### **SECTION 7 — VIOLATIONS & PENALTIES**

- 7.1 Use of consumer fireworks is in violation of this Ordinance and shall be subject to a fine of not less than \$250 plus attorney costs for the first offense, or a fine not less than \$500 plus attorney costs for any subsequent offenses.
- 7.2 In addition to any State penalties for the unlicensed sale of fireworks and/or consumer fireworks, any person who offers for sale fireworks or consumer fireworks shall be subject to a fine of not less than \$500 plus attorney costs for the first offense, or a fine not less than \$1000 plus attorney costs for any subsequent offenses.

#### **SECTION 8 – APPEALS**

Appeals with respect to this Ordinance including fines shall be taken to the Harrison Board of Selectmen, whose decision shall be final and binding.

## **SECTION 9 — SEIZURE & DISPOSAL OF FIREWORKS**

Any person authorized to enforce this Ordinance (Section 6.2) may seize consumer fireworks who has probable cause to believe are used, possessed or sold in violation of this Ordinance and shall forfeit seized consumer fireworks for disposal.

## **SECTION 10 — SEVERABILITY CLAUSE**

In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

## **SECTION 11 — EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage by a majority vote of the Legislative Body.

**FLOODPLAIN MANAGEMENT  
ORDINANCE**

**FOR THE  
TOWN OF HARRISON, MAINE**

**ENACTED:**      June 14, 2000  
Date

**CERTIFIED BY:** \_\_\_\_\_  
Name

Town Clerk  
Title

**Affix Seal**

## Table of Contents

ARTICLE	PAGE
I. PURPOSE AND ESTABLISHMENT.....	2
II. PERMIT REQUIRED.....	2
III. APPLICATION FOR PERMIT.....	3
IV. APPLICATION FEE AND EXPERT'S FEE.....	4
V. REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	4
VI. DEVELOPMENT STANDARDS.....	6
VII. CERTIFICATE OF COMPLIANCE.....	11
VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS.....	12
IX. APPEALS AND VARIANCES.....	12

**X. ENFORCEMENT AND PENALITIES.....14**

**XI. VALIDITY AND SEVERABILITY.....15**

**XII. CONFLICT WITH OTHER ORDINANCES.....15**

**XIII. DEFINITIONS.....15**

**XIV. ABROGATION.....20**

**60.3 (d) Rev. 4/99**

**FLOODPLAIN MANAGEMENT ORDINANCE**

**ARTICLE 1 – PURPOSE AND ESTABLISHMENT**

**Certain areas of the Town of Harrison, 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 Harrison, 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 Harrison, 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 Harrison 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 and 4401-4407.**

**The National Flood Insurance Program, established in the aforesaid Act, provides that area of the Town of Harrison having a special flood hazard be identified by the**

**Federal Emergency Management Agency and that the 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 Harrison, Maine.**

**The areas of special flood hazard, Zones A and A1-30, are identified by the Federal Emergency Management Agency in a report entitled “Flood Insurance Study – Town of Harrison, Maine, Cumberland County.” Dated October 15, 1981 with accompanying “Flood Insurance Rate Map” dated April 15, 1982 and “Flood Boundary and Floodway Map” dated April 15, 1982, which are hereby adopted by reference and declared to be a part of this Ordinance.**

## **ARTICLE II- PERMIT REQUIRED**

**Before any construction or other development (as defined in Article 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 Harrison, 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;**
  - H)**
  - I) [ Items H-K.2 apply only to a new construction and substantial improvements.]**
- A. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:**



1. **base flood at the proposed site of all new or substantially improved structures, which is determined:**
    - a. **in Zones A1-30, from data contained in the “Flood Insurance Study – Town of Harrison, Maine, “as described in Article I; or,**
    - b. **in Zone A, to be the evaluation 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;**
- A. **A description of an elevation reference point established on the site of all new or substantially improved structures;**
- A. **Either an elevation Certificate (FEMA Form 81-31, 03/97, as amended) completed by a Professional Land Surveyor, registered professional engineer or architect; or, for non-residential structures to be floodproofed, a Floodproofing Certificate (FEMA Form 81-65, 05/93, as amended) completed by a registered professional engineer or architect. These Certificates verify that the evaluations shown on the application are accurate;**
- A. **Certifications as required in Article VI by a registered professional engineer or architect that:**
1. **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. **engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.;**
  3. **bridges will meet the standards of Article VI.N.;**
  4. **containment walls will meet the standards of Article VI.N.;**
- A. **A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,**
- A. **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 \$25.00 shall be paid to the Town clerk and a copy of a receipt for the same shall accompany the application.

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

#### **ARTICLE V – REVIEW 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, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the “Flood Insurance Study – Town of Harrison, Maine”, as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Planning board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other resources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance.
- C. Make interpretations of the locations of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from these federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- E. Notify adjacent municipalities, the Department of Environmental Protection,

and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notification to the Federal Emergency Management Agency.

- F. Issue one of the following Flood Hazard Development Permits based on the type of development:
1. Issue a part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second 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. Issue a Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a.b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
  3. Issue 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 developments also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- 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:**

- 1. Zones A1 –30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.**
- 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article VIII.D.**

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

- 1. Zones A1 – 30 shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:**
  - a. be floodproofed to at least one foot above the flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of the water;**
  - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and**
  - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the evaluation above mean sea level to which the structure is floodproofed.**
- 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B.; or Article VIII.D., or**
  - a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.**

**H. Manufactured Homes – New or substantially improved manufactured homes located within:**

- 1. Zones A1 – 30 shall:**
  - a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;**
  - b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,**
  - c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:**

- (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,**
- (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).**
- (3) all components of the anchoring system described in Article VI.H.1.c. (1) & (2) shall be capable of carrying a force of 4800 pounds.**

**2. Zone A shall:**

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b, such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and**
- b. meet the anchoring requirements of Article VI.H.1.c.**

**I. Recreational Vehicles – Recreational Vehicles located within:**

**1. Zones A1 – 30 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.I.**

**J. Accessory Structures – Accessory Structures, as defined in Article XIII, located within Zones A1-30 and 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 \$3,000;**
- 2. have unfinished interiors and not be used for human habitation;**
- 3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;**

4. be located outside the floodway;
5. when possible be constructed and place 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 –**

1. In Zones A1- 30, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's Flood Boundary and Floodway Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A1 – 30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development.
  - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
  - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study – Guidelines and Specifications for Study Contractors*, (FEMA 37/January 1995, as amended).
3. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

**L. Enclosed Areas Below the Lowest Floor – New construction or substantial improvement of any structure in zones A1-30 and A that meets the development standards of Article VI, including the elevation requirements of**

**Article IV, paragraph F, G, or H and is elevated on posts, columns, piers, piles, “stilts”, or crawlspaces may be enclosed below the base flood evaluation 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 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 storing of articles and equipment used for maintenance of the building.**

**M. Bridges – New construction or substantial improvement of any bridge in Zones A1-30 and 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; and**
- 2. a registered professional engineer shall certify that:**
  - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K; and**
  - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components.**



**Water loading values used shall be those associated with the base flood.**

**N. Containment Walls – New construction or substantial improvement of any containment wall located within:**

**1. Zones Ai-30 and A shall:**

- a. have the containment wall elevated to at least one foot above the base flood elevation;**
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and**
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.**

**O. Wharves, Piers and Docks – New construction or substantial improvements of wharves, piers, and docks are permitted in zones A1-30 and A, in 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 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 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 evaluations, 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 1X – APPEALS AND VARIANCES**

The Board of Appeals of the town of Harrison may, upon written application of an aggrieved party, hear and decide appeals from determinations of the Planning Board or Code Enforcement Officer in the administration of the provisions of this Ordinance. The Board of appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

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

**B. Variances shall be granted only upon:**

- 1. a showing of good and sufficient cause; and,**
- 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict 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.**

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

**E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:**

1. the development meets the criteria of Article 1X, 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. The Board of Appeals shall submit to the Planning Board and Code Enforcement Officer a report of all variance actions, including justification for granting of the variance and an authorization for the Planning Board to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

#### **ARTICLE X – ENFORCEMENT AND PENALTIES**

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4453.
- 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 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 be 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 Study 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 – any person or board responsible for performing the inspection, licensing, and enforcement duties required by a particular statute or ordinance.**

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

**Elevated Building – means a non-basement building**

- a. built, in the case of a building in Zones A1-30 or 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 cases of Zones A1-30 or 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.**

**Elevation Certificate – An official form (FEMA Form 81-31, 03/97), as amended) that:**

- a. is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,**
- b. is requires 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.

**Flood Insurance Study** – see Flood Elevation Study.

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

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

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

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

**Floodway** – see Regulatory Floodway.

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

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

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

**Historic Structure** – means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminary 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) or any other established datum and is not 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,, useable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements described in Article VI of this ordinance.

**Manufactured Home** – means a structure, transportable in one or more sections, which is 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 the 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 it is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, 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 floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

**100-year flood** – see Base Flood.

**Recreational Vehicle** – means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, 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 a 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. when not designated on the community's Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.**

**Riverine – 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 the first placement construction of a structure on a site, such as the pouring the slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.**

**Structure – means, for floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above the 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 and 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 alterations 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 (d)

# TOWN OF HARRISON

## LOITERING ORDINANCE

**It shall be unlawful for any person to loiter, loaf wander, stand, or remain idle either alone or/an in consort with others in a public place at any time in such manner so as to:**

- (a) Obstruct any public street, public highway, public sidewalk, or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.**
- (b) Commit in or upon any public street, public highway, public sidewalk, or any other place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any busyness lawfully conducted by anyone in or upon a facing or fronting on any such public street, public highway, public sidewalk, or any there public place or building, all of which prevent the free and uninterrupted ingress, egress, and regress, therein, thereon, and thereto.**
- (c) Any person who violates any of the provisions of this section shall be subject to a fine not to exceed one hundred dollars (\$100.00) Any such violation shall constitute a separate offense on each successive day continued.**

**Harrison Board of  
this copy of the  
Ordinance for the  
be a true and correct  
knowledge.**

**We the undersigned,  
Selectmen, do attest to  
Purposed Loitering  
Town of Harrison to  
One to the best of our**

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**Selectmen**

**Board of**

**MASS GATHERING ORDINANCE**

**TOWN OF HARRISON TOWN MEETING**

**ADOPTED WITHOUT CHANGE JUNE 13, 2002  
ANNUAL HARRISON TOWN MEETING**

**THE TOWN OF HARRISON HEREBY ORDAINS: An ordinance be established for Mass Gatherings.**

**Section I: Title - Mass Gathering Ordinance**

**Section II: Purpose and Authority**

**WHEREAS, the inhabitants of the Town of Harrison are concerned about serious public health and safety problems that may result when crowds assemble for any organized event. Such assemblies may lead to serious problems involving public health and safety.**

**WHEREAS, matters relating to waste disposal, potable water, first aid, obstruction and damage to roads and highways, violation of alcohol and controlled substance laws, and destruction of both public and private property.**

**THEREFORE, the following ordinance is hereby adopted in the interest of promoting the general welfare, public health, and providing for public safety, and hereby repeal and replace any and all other ordinances of the Town of Harrison which are inconsistent herewith.**

**This ordinance is adopted pursuant to the “Home Rule” powers under the Maine Constitution and 30A – MRSA, Sec. 3001.**

**Section III: License Required**

**No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct any pageant, amusement show, theatrical performance, or other mass outdoor gathering where there is an excess of 1,000 people for three (3) or more hours without procuring a license therefore from the Harrison Board of Selectmen.**

**Section IV: License Request Deadline**

**Any person seeking issuance of an assembly license must make an application therefore to the Board of Selectmen no later than twenty one (21) days prior to the event.**

**Section V: Issuance or Denial**

**The Board of Selectmen shall issue a permit for a mass gathering unless it finds the standards in this ordinance are not met. When considering the issuance of a permit the Board of Selectmen may seek advice from the Cumberland County Sheriff Department, Fire Chief, Code Enforcement Officer, Health Officer, and such other officials or persons it deems necessary.**

**The Board of Selectmen in denying a permit shall find that one or more of the standards set forth in this ordinance have not been met.**

#### **Section VI: Permit Procedures**

**A. Within seven (7) days after consideration of the Permit Application the Board of Selectmen shall either:**

- (1) Issue a permit to the operator;**
- (2) Deny a permit to the operator, which denial shall be in writing and shall set forth the reasons for such denial; or**
- (3) If the Board of Selectmen fails to either issue the permit or send notice of denial, a permit shall be deemed to have been denied.**

**B. Appeal. A party aggrieved by the decision of the Board of Selectmen may appeal under Rule 80B of the Maine Rules of Civil Procedure to Superior Court.**

#### **Section VII: License Fees**

**There shall be paid at the time of processing the application for an assembly license a fee of \$100.00. The fee may be waived at the discretion of the Board of Selectmen.**

#### **Section VIII: Contents of Request**

**No license shall be granted by the Board of Selectmen unless the applicant satisfies the Board that proper facilities will be available for the proposed event in the area to be used and that adequate precautions have been taken to ensure the public health and safety of attendees and the general public.**

#### **Section IX: Standards for Issuance**

**The Board shall issue a license to the applicant in the event that the board determines that the applicant has the ability to comply with and complies with the following standards, considering the size, duration and nature of the proposed event:**

- A. The applicant, shall furnish to the Board a plan showing the size of the area to be used with designated locations for drinking water, toilet and washing facilities, waste containers, first aid facilities and available parking;**
- B. Determine to the Board's satisfaction that adequate supplies of potable water**

shall be available and reasonably spaced throughout the area;

- C. Determine that adequate toilet facilities shall be available;
- D. Determine that the area to be used is adequately equipped with containers for disposal of solid waste and garbage and that provisions are made for the removal and disposal of such wastes and garbage;
- E. Determine that adequate first aid facilities shall be provided;
- F. Determine that adequate parking facilities are available in the area in which the event is to be held;
- G. Determine that the event will not impair the safety and orderly flow of traffic on public ways;
- H. Determine that adequate police protection be provided;
- I. Determine that adequate fire protection is provided; and
- J. Make any additional determination reasonably necessary for the Board to find that the applicant shall continue to comply with the standards set forth above for issuance of the license as of the date of the event.

#### **Section X: Liability Insurance**

Prior to receiving a valid permit from the Board of Selectmen the applicant shall furnish to the Town a Certificate of Insurance, issued by a company licensed by the State of Maine, with the Town of Harrison named a co-insured providing coverage of at least \$1,000,000.00 with respect to the death or injury of one or more persons in connection with the event. Such insurance policy shall also provide coverage for property damage in the amount of at least \$100,000.00. The insurance policy in question shall contain a provision requiring at least ten (10) days notice to be given the Town prior to cancellation of all or part of the policy. If such cancellation occurs prior to the event , the permit issued by the Town is void.

#### **Section XI: Private Landowner Authority**

In the event that private property is to be used in connection with such event, the applicant shall file with the Board adequate proof that the applicant has the authority from any landowner upon which the event is to be held to use his property.

#### **Section XII: Duties of License**

- A. The Licensee shall comply with all conditions of any license hereunder and with all applicable local, state and federal laws and ordinances.



**B. The License or its designated agent, shall make available to any municipal officer or the Code Enforcement Officer any license issued hereunder during the entire course of the event.**

**Section XIII: Violation and Penalties**

**Any person or persons found guilty of violating this Ordinance or who fails to comply with any stated permit condition or restriction commits a civil offense. Upon conviction, guilty party or parties shall be punished pursuant to 30A MRSA, Subsection 4452. Monetary penalties may be assessed on a per day basis and are civil penalties. The minimum penalty for a specific violation is \$100.00 and the maximum penalty is \$2,500.00.**

**Section XIV: Revocation**

**The Board shall have the authority to revoke any license issued hereunder in consequence of a violation of any conditions of the license or any noncompliance with the standards for issuance of a license.**

**Section XV: Savings Clause**

**If any Section or part thereof, sentence clause or phrase of this Ordinance shall be held to be unconstitutional or invalid the remaining provisions thereof shall, never the less remain in full force and effect.**

**Section XVI: Enforcement**

**The Code Enforcement Officer or any law enforcement officer shall be responsible for the enforcement of this Ordinance.**

**A True Copy \_\_\_\_\_ Date June 3, 2002**

**\_\_\_\_\_  
Deputy Town Clerk**

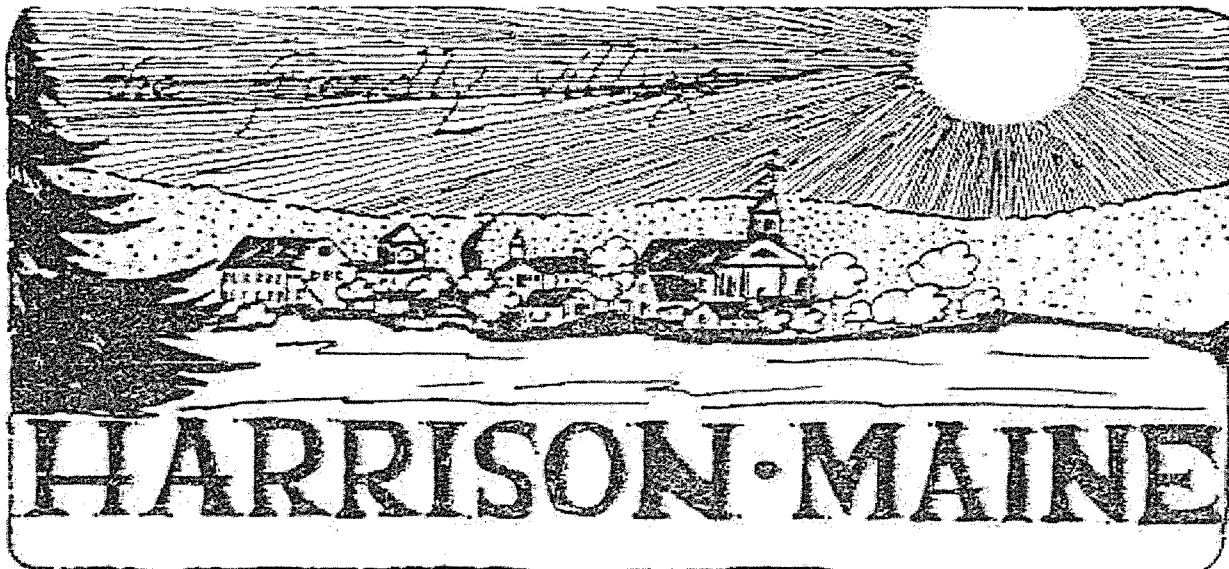
**Attested**

**This Ordinance was adopted in it's entirety on June 12, 2002 at Harrison's Annual Town Meeting.**

**Attested:**

**\_\_\_\_\_  
Judith E. Colburn, Town Clerk**

# TOWN OF HARRISON MOORING REGULATIONS ORDINANCE



ADOPTED FEBRUARY 17, 2004  
(At A Special Town Meeting)

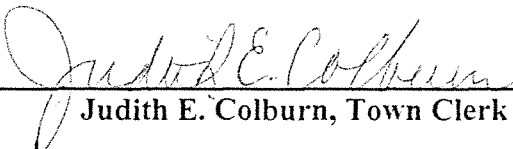
AMENDED ON JUNE 15, 2005  
(At The Annual Town Meeting)

AMENDED ON JUNE 13, 2007  
(At The Annual Town Meeting)

A True Attested Copy: Date: June 13, 2007

AMENDED ON JUNE 10, 2009  
(At The Annual Town Meeting)

A True Attested Copy: Date: June 11, 2009

  
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Judith E. Colburn, Town Clerk

**Town of Harrison**

***Mooring Regulations Ordinance***

**AMENDED JUNE 10, 2009  
At The Annual Town Meeting**

**SECTION 1: TITLE**

This Ordinance shall be known and cited as the “Town of Harrison Mooring Regulations Ordinance”.

**SECTION 2: AUTHORITY**

The Town of Harrison Mooring Regulations Ordinance is adopted pursuant to the enabling provisions of Article 8, Part 2, Section 1 of the Maine Constitution; the provisions of Title 30-A M.R.S.A. Section 3001 (Home Rule), and the provisions of the Planning and Land Use Regulations Act, Title 30-A M.R.S.A. Section 4312 et seq. and the provisions set in Title 38 M.R.S.A. Sections 1-13.

Definitions in Section 17 of the Harrison Shoreland Zoning Ordinance shall also apply to this Ordinance. Any term not defined in this Ordinance, or in Section 17, shall be deemed to have its commonly accepted meaning. The mooring of watercraft is considered an accommodation for a watercraft, float, float plane or Swim Area Floats and is regulated by this ordinance and the Harrison Shoreland Zoning Ordinance.

**SECTION 3: PURPOSE**

The standards are designed to insure that mooring installation does not impair the health, safety, and welfare or result in lower water quality, loss of aquatic habitat, interference with navigation, interference with a fairway, or infringe on the interest of property owners.

**SECTION 4: APPLICABILITY**

This rule allows the installation of moorings for the purpose of securing a watercraft, float, float plane or Swim Area Floats in a great pond.

**SECTION 5: CONFLICT AND SEVERABILITY**

A. Conflict with Other Ordinances

When a provision of this regulation conflicts with or is inconsistent with any other ordinances, regulations or statute, the more restrictive provision shall apply.

**B. Severability**

The invalidity of any part of this regulation shall not invalidate any other part of this regulation.

**SECTION 6: DEFINITIONS**

1. **Great Pond:** Any inland body of water which in a natural state has a surface area in excess of 10 acres.
2. **Mooring:** Any device designed to float, and is attached to the anchoring device that secures a watercraft, float, or float plane to the bottom of a water body.
3. **Mooring Location:** A rectilinear area on a body of water in which the master or owner of a boat or vessel has been permitted to place a mooring.
4. **Common Access Area:** An area where multiple inland landowners share deeded rights to a great pond with a common access easement.
5. **Fairway:** Shall mean a navigable channel in a water body, which may, but need not, be marked with channel markers.
6. **Watercraft:** Shall mean any craft meeting the Federal or State definition of a watercraft.
7. **Shorefront Mooring Zone:** The area of water within one hundred (100) feet of the normal high-water line, or one third (1/3) the distance to the opposite normal high-water line, whichever is less.
8. **Designated Mooring Zone:** The area of water from 100' to 200' of the normal high-water line.
9. **Right-of-Way:** As used in this ordinance, refers to a deeded right-of-way of non-shorefront landowners over a designated portion of a shorefront property.
10. **Float:** A floating platform moored or anchored for use by swimmers or boats, that is not integrated and connected with a dock.

**SECTION 7: MOORING STANDARDS**

**A. Shorefront Mooring Zone**

**Mooring Placement shall be the responsibility of the property owner subject to the following conditions:**

- 1. A mooring may be placed by a shorefront property owner or another individual with the shorefront property owner's written permission.**
- 2. A mooring shall be placed in the Shorefront Mooring Zone directly adjacent to the owner's property.**
- 3. The mooring shall be restricted to water within 100 feet of the normal high-water line, or one third (1/3) the distance to the opposite normal high-water line, whichever is less. If a mooring is deemed to create a navigation hazard, it shall be removed or moved to a safe location specified by the Harbor Master.**
- 4. If the property owner can prove he cannot establish a mooring area within 100 feet from the normal high-water line, the Harbor Master may allow one established as near to the 100 foot mark as possible provided that it does not create a hazard to navigation.**
- 5. There shall be no more than one mooring for every 50 feet of shoreline of each lot. In cases where the lot has less than 50 feet of shoreline, the Harbor Master shall determine where a safe mooring can be installed.**
- 6. A mooring shall not be allowed if watercraft attached to it will interfere with the watercraft attached to other lawful moorings and/or Swim Area Floats.**
- 7. All moorings in the Shorefront Mooring Zone shall be permitted by the Town of Harrison without fee.**
- 8. The number of moorings for existing campgrounds, summer children's camps, motels and marinas shall be one per 25' of shoreline frontage.**
- 9. No mooring may be rented, sold, or transferred by the party receiving the permit.**
- 10. The mooring of a watercraft, float, float plane or Swim Area is considered an accommodation for a watercraft, float, float plane or Swim Area and is regulated by this ordinance and the Harrison Shoreland Zoning Ordinance.**

## **B. Designated Mooring Zone**

**Moorings in the Designated Mooring Zone will be made available for Harrison residents and non-resident taxpayers according to the following rules:**

- 1. Availability:**

- a. **Mooring privileges shall be granted upon an application to the Harbor Master on a first come-first serve basis. The Board of Selectmen will select the annual application date for mooring applications and advertise that date at least two weeks in advance.**
  - b. **Waiting List: When the number of applications exceeds the number of available mooring spaces as determined by the Harbor Master, the Harbor Master shall maintain a waiting list of all applicants who have not been issued a mooring permit, which shall be available at the town office. The list shall be used by the Harbor Master in issuing mooring permits as mooring spaces become available, as the first person on the list will get the next available mooring space, except as set forth in © below.**
  - c. **Nonresidents: If a nonresident wishes to moor a watercraft, the principal use of which is noncommercial, and less than 10% of the moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list.**
  - d. **Renewals: Permits issued during a previous year may be renewed by the owner for the same location. Any mooring permit not renewed by the annual date set by the Selectmen will be canceled and the owner's name added to the waiting list. Notice of the loss of the permit shall be sent to the owner by certified mail.**
  - e. **Abandonment: Any mooring which has not been occupied with a watercraft for one boating season will lose its permit, and the owners name added to the waiting list. Notice of the loss of the permit shall be sent to the owner by certified mail. If the mooring is not removed within 2 weeks (14 days), the Harbor Master may cause the mooring ball to be removed and a fee of \$50.00 will be assessed to the owner as well as any incidental expenses.**
  - f. **Common Access Areas: One mooring per 50' of shoreline frontage may be placed in the Shoreland Mooring Zone in front of the deeded access area. Additional moorings may be placed in the Designated Mooring Zone. All moorings will be placed in a location specified by the Harbor Master and shall be permitted by the Town of Harrison without fee.**
2. **Requirements: any applicant must meet the following requirements:**
- a. **Lake Access: Access over private property must be documented with written permission of the property owner or by the deed. Deeded lake access entitles the owner to apply for one mooring permit without fee.**
  - b. **Parking: Parking a vehicle or a watercraft enabling access to a mooring on private property must be documented with written permission of the property owner. Parking in the public road at Zakelo Beach shall not be**

allowed for permitted mooring owners, as it shall continue to be preserved for Harrison resident swimmers.

3. **Permits:** Moorings in this zone shall be allowed with an annual permit from the Harrison Harbor Master.
4. **Fee:** Annual moorings fees shall be paid at the time of obtaining a mooring permit. Mooring fees will be set each year by the Board of Selectmen.
5. **No Transfer:** No mooring may be rented, sold, or transferred by the party receiving the permit.
6. **Forfeit: by Trespass:** Any owner of a mooring permit who trespasses on private property to reach the mooring will automatically forfeit the mooring permit, and that owner may not reapply for a new mooring permit for the following two boating seasons.
7. **Location Standards:** In issuing mooring permits in the Designated Mooring Zone, the Harbor Master shall follow the following standards:
  - a. There shall be no more than one mooring for every 80 feet of shoreline.
  - b. The mooring location shall not materially adversely affect great pond vegetation, lake wildlife, or any natural aquatic habitat.
  - c. The mooring location shall not interfere with other moorings, navigation, or a fairway.

### **C. Mooring Specifications**

Moorings must conform to all the specifications and permits required by this Ordinance as well as all applicable Federal and State regulations and laws. This Ordinance shall not preclude those individuals who wish to “anchor” a boat temporarily for a period of time not to exceed twenty-four (24) hours within the 200 foot water safety zone. All anchored boats shall be anchored in the Designated Mooring Zone and maintain a dusk to dawn quiet. Those failing to do so will be in violation of M.R.S.A. Title 17-A sections 501 and 502, disturbing the peace, and will be asked to cease and desist by the Harbor Master. Any further complaint will result in a summons and be asked to leave the area.

#### **Specifications**

1. All anchors shall be of stone, granite or cured reinforced concrete or mushroom anchor without dangerous protrusions or others as approved by the Harbor Master.

2. The anchor line between the anchor and the buoy shall be chain of a size to fit boat exposure and water depth as approved by the Harbor Master. The summer buoy, as set by the Maine Department of conservation, shall be colored white with a single BLUE horizontal band clearly visible above the water line. The buoy must be removed by December 1<sup>st</sup>.
3. A winter buoy may be made of polyball, plastic bottles or plastic material. The buoy must be white, have the owner's name and permit number affixed to it.
4. The mooring permit holder must affix the assigned mooring permit number in at least three-inch letters on contrasting color. If the mooring does not display this and cannot be otherwise identified, it shall be considered in violation of this ordinance. If the number is not displayed within 10 days of a written warning by the Harbor Master, the mooring will be removed by the Harbor Master and a \$50.00 penalty will be assessed before the mooring can be recovered.
5. Metal devices, engine blocks and other materials which may release contaminants shall not be used in construction of anchoring structures.

## **MARINAS**

To enhance the safety of the residents and visitors to the Town of Harrison and its surrounding waters, the mooring of watercraft in marinas is regulated by this Ordinance and the Harrison Shoreland Zoning Ordinance. All moorings in the Shorefront Mooring Zone and in the Designated Mooring Zone adjacent to a marina will be placed in a location designated by the Harbor Master.

## **SECTION 8: ENFORCEMENT AND VIOLATION**

### **A. Harbor Master**

The Board of Selectmen of Harrison shall appoint a Harbor Master to carry out and enforce provisions of the Harrison Mooring Regulations Ordinance. The Harbor Master shall be appointed for a term of no less than one (1) year by State law and shall be subject to all the duties and liabilities of that office as prescribed by municipal ordinances and regulations adopted by the Board of Selectmen. The Board of Selectmen may establish the Harbor Master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the Harbor Master and appoint a replacement.



Given approval by the Harrison Board of Selectmen, the Harbor Master may appoint deputies who, under his direction, shall aid in enforcing and carrying out the rules and regulations of this Ordinance.

The Harbor Master may refuse to assign mooring privileges to any applicant who has not paid any fee, charge for services, forfeiture, or penalty levied.

## **B. VIOLATIONS**

The Harbor Master shall determine whether provisions of the Harrison Mooring Regulations Ordinance have been violated. The Harrison Board of Selectmen, together with the Harbor Master, shall assess the nature and severity of the violation and shall take the necessary course of corrective action, which may include assessment of a penalty or loss of mooring privileges. If an illegally placed mooring is not removed within 10 days of a warning by the Harbor Master by certified mail, the Harbor Master may remove the mooring and the owner will be responsible for all Expenses incurred.

Any person who violates any provision of this Ordinance shall be subject to a civil penalty of not less than \$100.00 and not more than \$2,500.00 for a first violation. The violator may be ordered to correct or abate the violation unless the court finds that such action will create a threat or hazard to public health or safety, substantial environmental damage, or substantial injustice. Each day that such a violation continues to exist shall be considered a separate violation. This Ordinance shall be enforced pursuant to Title 30-A, M.R.S.A. Section 4452 and the municipality shall be entitled to recover its costs, including attorney fees and expert witness fees if it prevails. The failure to obey the lawful order of a Harbor Master shall be punished as a Class E crime pursuant to Title 38 M.R.S.A. Section 13.

## **C. APPEALS PROCESS AND PROCEDURES**

Appeals by any person aggrieved by a decision, act, or failure to act by the Harbor Master as it relates to the implementation and enforcement of the Ordinance shall be made to the Board of Appeals. In all cases, a person aggrieved by an order or decision made or failure to act by the Harbor Master shall file his appeal within fourteen (14) days of receipt of notice of the decision or order appealed. The appeal shall specifically describe the grounds for such action. The Administrative Assistant shall notify the Board of Selectmen, Town Manager, the Harbor Master and the Board of Appeals of the appeal.

\$3.00

# Town of Harrison



## NEW ROAD CONSTRUCTION ORDINANCE

**ADOPTED: JUNE 20, 1992**

Harrison Road Specifications adopted June 16, 1989, Repealed June 20, 1992.

**TOWN OF HARRISON, MAINE**

**NEW ROAD CONSTRUCTION ORDINANCE**

**SECTION 1: Statement of Purpose**

The purpose of this ordinance is to promote the health, safety, and public welfare of the residents of Harrison through establishing minimum construction standards for new roads, streets, and other public and private ways.

**SECTION 11: Authority, Administration, and Effective Date**

- A. **AUTHORITY:** This ordinance is enacted pursuant to and consistent with Article V111-A of the State of Maine Constitution, and with Title 30, M.R.S.A., Section 2151-A.
- B. **ADMINISTRATION:** This ordinance shall be administered by the Planning Board with the assistance from the road commissioner or an engineer employed by the Town and the code enforcement Officer.
- C. **EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ROAD SPECIFICATIONS:**  
The effective date of this ordinance is June 20, 1992. Upon approval of this ordinance, the Harrison Road Specifications previously adopted June 16, 1989 are hereby repealed.

**SECTION 111: Applicability**

- A. **NEW CONSTRUCTION:** This ordinance shall apply to the construction of all new roads or streets within the town whenever such roads or streets are proposed to be accepted by the town. New and/or existing private ways which service lots in a subdivision approved after the effective date of this ordinance, shall also meet the standards of this ordinance. All new roads and/or driveways to be constructed within Shoreland zones must comply with Section 15 (H) of Shoreland Zoning Ordinance adopted June 20, 1994.
- B. **HIGHER DESIGN AND CONSTRUCTION STANDARD:** Nothing in this ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods or higher quality materials.
- C. All existing roads of record as shown on the Town of Harrison's Assessors map (dated April 1, 1992) will be allowed to conform to the Town of Harrison's Road Specifications as adopted at the June 17, 1989 Town Meeting.

These roads of record shall have five (5) years, from the date of the adoption of this ordinance, in which to comply with the 1989 Town Road Specifications, and to apply for acceptance by the Town of Harrison as a Town road. After June 1997, all private roads requesting to gain acceptance as a Town road must conform to the New Road Construction Ordinance dated June 1992.

**SECTION IV. Application Procedures**

Prior to the construction of any new road or street an application shall be submitted to the Board with the following information.

**A. SUBMISSION REQUIREMENTS:**

- 1. The name(s) of the applicant(s);**
- 2. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;**
- 3. A statement of any legal encumbrances on the land upon which the proposed street is to be located;**
- 4. The anticipated starting and completion dates of each major phase of street construction; and**
- 5. A statement indicating the nature and volume of traffic expresses in average daily traffic (ADT) expected to use the proposed street.**

**B. PLANS**

The plans and illustrations submitted as part of the application shall be prepared by a professional land surveyor and/or professional engineer to include the following information.

- 1. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale not to exceed 1" = 50' horizontal and 1" = 10' vertical.);**
- 2. True or magnetic north meridian arrow;**
- 3. A plan, profile, and typical cross section views of all proposed streets;**
- 4. The starting and ending point with relation to established roads, streets or ways and any planned or anticipated future extensions of the streets. (all terminal points and the center line alignment shall be identified by survey stationing.);**
- 5. The roadway and roadway limits with relation to existing buildings and established landmarks;**
- 6. Dimensions, both lineal and angular, necessary for locating boundaries, and necessary for locating subdivisions, lots, easements, and building lines;**
- 7. The lots, if any, as laid out and numbers on said street, showing the names of all owners of abutting property;**
- 8. All natural waterways and watercourses in or on land contiguous to said streets or ways.**
- 9. The kind, size, location, profile and cross section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;**
- 10. The soil erosion and sedimentation control plan showing interim and final control provisions;**
- 11. Curve data for all horizontal and vertical curves shall be the central angle, center line radius, arc length, beginning of curve and end of curve points;**
- 12. All center line gradients shall be shown and expressed as a percent;**
- 13. All curve and property line radii of intersections;**
- 14. The limits and location of any proposed sidewalks and curbing;**
- 15. The location of all existing and proposed overhead and underground utilities, to include, but not limited to, the following: (NOTE – When a location, in the case of any underground utility, is an approximate location, it shall be noted on the plan as such.)**
  - a. storm drains;**
  - b. telephone line poles or underground vaults;**
  - c. electrical power line poles or underground vaults;**
  - d. street lights;**
  - e. public water supply lines;**
  - f. sanitary sewer lines;**
  - g. street lights;**
  - h. gas mains.**

16. The name(s) of each proposed new road or street. (NOTE: See VIII C)

17. Monuments. (NOTE: See VIII D)

**C. REVIEW AND COMMENT**

Upon receipt of plans for a proposed public street, the Planning Board shall forward one copy to the municipal officers, fire chief, and road commissioner for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall also be sent to the municipal officers and road commissioner for review and comment.

**D. STREETS WITHIN PROPOSED SUBDIVISION**

Streets proposed as part of a subdivision as defined in the Subdivision Ordinance of the Town of Harrison shall be submitted to the Planning Board as an integral part of the subdivision application. Plans shall conform to the provisions of the ordinance as well as those required by the Subdivision Ordinance of the Town of Harrison.

**E. APPLICATION FEE**

An application fee of \$35.00 shall be paid to the Town of Harrison upon submission of an application. The selectmen shall have the authority to review and revise the application fee. The application fee shall be waived if the street is being reviewed as an element of a subdivision application.

**F. APPLICATION REVIEW**

1. **Complete Application** – Within thirty (30) days from the date of receipt, the Board shall notify the applicant in writing either that the application is complete, or if incomplete, the specific additional material needed to make them complete. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.
2. **Application Approval:** The Board shall, within thirty (30) days of a public hearing, or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.
3. **Public Hearing:** The Board may hold such public hearing within thirty (30) days of having notified the applicant in writing that a complete application has been received and shall cause notice of the date, time and place of such hearing to be given to the applicant, all owner's property abutting the proposed street and published in a newspaper of general circulation in Harrison as least one (1) time; the date of the first publication shall be at least seven (7) days prior to the hearing. Public hearings shall be conducted in accordance with the procedures in Title 30, M.R.S.A., Section 2411, Subsection 3 a, b, c, d, and e.

**SECTION V. Public Acceptance of Streets**

The approval by the Planning Board of a proposed public road or street shall not be deemed to constitute or be evidence of any acceptance by the municipality of the road or street. Final acceptance of a proposed public way shall be by an affirmative vote at a town meeting. (See Section III, paragraph D for existing roads).

**SECTION VI. Street Design Standards**

- A. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Streets shall be designed to discourage through traffic within a residential subdivision.
- C. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.
- D. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.
- E. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the Comprehensive Plan indicated plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements.
- F. **Privately-Owned Roads.** Where streets are to remain privately owned roads, the following words shall appear in the record plan:  
  

“All roads shall remain private roads to be maintained by the developer or the lot owner and shall not be accepted or maintained by the town.”
- G. The following design standards apply according to street classification:

**ROAD DESIGN STANDARDS**

<b>ROAD TYPE</b>	<b>MINOR</b>	<b>MAJOR</b>	<b>PRIVATE MINOR</b>	<b>PRIVATE MAJOR</b>
<b>Ave. Daily Traffic</b>	<b>0 – 250</b>	<b>250 +</b>	<b>0 – 100</b>	<b>100 +</b>
<b>Right-of-Way</b>	<b>50 feet</b>	<b>60 feet</b>	<b>50 feet</b>	<b>60 feet</b>
<b>Pavement Width</b>	<b>18 feet</b>	<b>20 feet</b>	<b>18 feet</b>	<b>20 feet</b>
<b>Shoulder Width</b>	<b>2 feet</b>	<b>4 feet</b>	<b>2 feet</b>	<b>2 feet</b>
<b>Aggregate Subbase Required (Compacted)</b>	<b>18 inches</b>	<b>24 inches</b>	<b>18 inches</b>	<b>24 inches</b>

<b>Crushed Gravel (processed)</b>	<b>6 inches</b>	<b>6 inches</b>	<b>6 inches</b>	<b>6 inches</b>
<b>Hot Bituminous Pavement</b>	<b>2" base 1" surface</b>	<b>2" base 1" surface</b>	<b>N/A</b>	<b>N/A</b>
<b>Roadway Crown</b>	<b>¼" / ft</b>	<b>¼" / ft</b>	<b>1/2" / ft</b>	<b>1/2" / ft</b>
<b>Maximum Grade 14%</b>	<b>14%</b>	<b>14%</b>	<b>14%</b>	<b>14%</b>
<b>Minimum Angles at Intersection</b>	<b>75</b>	<b>90</b>	<b>75</b>	<b>90</b>
<b>Minimum Center Line Radius for Curves</b>	<b>200 ft.</b>	<b>250 ft.</b>	<b>200 ft.</b>	<b>250 ft.</b>
<b>Minimum Tangent Length between Curves</b>	<b>100 ft.</b>	<b>100 ft.</b>	<b>100 ft.</b>	<b>100 ft.</b>
<b>Utility Poles Minimum</b>	<b>16' from CL</b>	<b>18' from CL</b>	<b>16 ft.</b>	<b>18 ft.</b>

**Ditching SEE DIAGRAMS ON PAGES 12, 13, 14 & 15**

\* Slopes of 10 – 14% will require paving

\*\* Will be ¼" /ft. on paved sections

**H. TRIP GENERATION RATES**

The following chart shall be used to determine the anticipated average daily traffic (ADT) levels of proposed residential development.

<u>Housing Types</u>	<u>Average Weekday Trip Generation</u>
Single-Family Detached .....	10 trips per dwelling unit
Duplex (twin) Multiplex Townhouses, etc .....	8 trips per dwelling unit
Apartment .....	8 trips per dwelling unit
Mobile Home .....	8 trips per dwelling unit
Retirement Village .....	3.5 trips per dwelling unit

**I. The centerline of the roadway shall be the centerline of the right-of-way.**

**J. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: 65 feet to property lines and 50 feet**

to the edge of pavement. Dead-end streets may provide a permanent “T” turn-around in lieu of a cul-de-sac. Such turn-arounds shall be a minimum of 35 feet in length and 20 feet in width. The right-of-way dimensions shall be 50 feet in length and 30 feet in width.

**K. GRADES, INTERSECTIONS, AND SIGHT DISTANCES**

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.
3. Where new street intersections of driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

<u>Posted Speed Limit</u>	<u>Sight Distance</u>
25 mph	250 feet
30 mph	300 feet
35 mph	350 feet
40 mph	400 feet
45 mph	450 feet
50 mph	500 feet
55 mph	550 feet

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

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 250 feet shall be maintained between centerlines of side streets.

**L. Sidewalks, installed where required by the Planning board, shall meet these minimum requirements:**

**1. Bituminous Sidewalks**

- a. The gravel aggregate sub-base course shall be no less than twelve (12) inches thick.
- b. The crushed aggregate base course shall be no less than two (2) inches thick. The hot bituminous surface course shall be no less than two (2) inches after compaction.

**2. Portland Cement Concrete Sidewalks**

- a. The sand base shall be not less than six (6) inches thick.
- b. The Portland Cement concrete shall be reinforced with six-inch square, number 10 wire



mesh and shall be no less than four (4) inches thick.

## **SECTION VII. Street Construction Standards**

### **A. PREPARATION**

1. Before any clearing has started on the traveled way, the centerline and sidelines of the new road shall be staked or flagged at 50-foot intervals.
2. Before grading is started, the entire traveled way shall be cleared of all stumps, roots, brush, and other objectional material. All ledge, large boulders, and tree stumps shall be removed from the traveled way.
3. All organic materials shall be removed to a depth of two (2) feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two (2) feet below the subgrade of the roadway. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the subgrade and replaced with material meeting the specifications for gravel aggregate subbase below. In lieu of removal of all organic material, engineering fabric (geotextile) may be used to stabilize the road base.

Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.

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

### **B. BASES AND PAVEMENT SPECIFICATIONS**

#### **1. Base Material**

All aggregate subbase material shall be free of rocks or rock particles which exceed four (4) inches in diameter and provide good drainage. Depth of fill material will be as measured after compaction. For 18" of material, compaction is required after each 9" lift. For 24" of material, compaction is required after each 12" lift.

#### **2. Pavements**

- a. **Base Mix:** A 2" depth of Grade b base mix is required with an aggregate size no more than ¾ inch maximum, and a liquid asphalt content between 5.2% and 6.0% by weight.
- b. **Surface Mix:** A 1" layer of mix is required for grade C or grade D with an aggregate size no greater than ½ inch and a liquid asphalt content between 6.0% and 7% by weight.

## **SECTION VIII. Additional Improvements and Requirements**

- A. **EROSION CONTROL:** The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- B. **CLEANUP:** Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be

suitably covered with fill and topsoil, limed fertilized, and seeded.

- C. **STREET NAMES, SIGNS, AND LIGHTING:** Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the names of existing streets within the municipality and they shall be subject to the approval of the Board. The developer shall reimburse the municipality for the costs of installing street-name, traffic safety and control signs. Street lighting shall be installed as approved by the Board.
- D. **MONUMENTS:** At least one sideline of any proposed roadway will be monumented with either iron pins, concrete or granite monuments at all angle points and points of curvature.

#### **SECTION IX: Certification of Construction**

Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to the legislative body, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. "As built" plans shall be submitted to the municipal officers.

#### **SECTION X. Performance Guarantees**

Performance guarantees shall be as specified in the Subdivision Ordinance.

#### **SECTION XI. Inspection**

- A. **NOTIFICATION OF CONSTRUCTION:** At least ten (10) days prior to commencing street construction or alteration of roads, the applicant shall notify the road commissioner or his appointed inspector, in writing, of the time when he proposes to commence construction. The municipal officers can cause inspection to be made, to assure that all municipal specifications and requirements be met during the construction.
- B. **NONCOMPLIANCE WITH PLAN:** If it is found, upon inspection of the improvements, that the street or road is not being or has not been constructed in accordance with the approved plans and specifications, the inspector shall so report to the municipal officers and Planning Board. The municipal officers shall then notify the applicant and, if necessary the bonding company, and shall take all necessary steps to preserve the rights of the municipality under the guarantee, security, or bond.
- C. **MODIFICATION DURING CONSTRUCTION:** If at any time before or during the construction of the street, it is demonstrated to the satisfaction of the appointed inspector that unforeseen conditions make it necessary or preferable to modify the location or design of the street, the appointed inspector may, upon approval of the Board, authorize modifications provided these modifications are within the spirit and intent of the Board's approval. The appointed inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Board at its next regular meeting.
- D. **INSPECTION FEE:** The municipal officers shall assess the applicant a fee to cover the costs of construction inspection.

#### **SECTION XII. Modification of road Specifications**

- A. Where the Planning Board finds extraordinary and unnecessary hardships may result from the strict compliance with these standards, it may vary these standards so that substantial justice may be done and the public interest served.
- B. In granting modifications, the Planning board shall require such conditions as will, in its judgement, secure substantially the objectives of the requirements modified.

**SECTION XIII. Separability**

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

**SECTION XIV. Appeals**

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

**SECTION XV. Amendments**

This ordinance may be amended by a majority vote of the town meeting. Amendments may be initiated by a majority vote of the Board of Selectmen or by request of the Planning Board to the Selectmen or on petition of 10% of the votes cast in the last gubernatorial election in the town. The Planning Board shall conduct a public hearing on any proposed amendment.

**SECTION XVI. Definitions**

In this ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms not defined shall have their customary dictionary meaning.

- A. **Average daily traffic:** A traffic count of vehicles anticipated for weekdays based on the number of dwelling units in residential developments. (See chart, page 5.)
- B. **Major street:** A street which has an average daily traffic count exceeding 250 vehicles.
- C. **Minor street:** A street which has an average daily traffic count of 250 vehicles or fewer.
- D. **Privately owned street:** A vehicular access way which is not intended to be dedicated as a town way.
- E. **Street:** Public and Private ways such as alleys, avenues, boulevards, highways and roads.

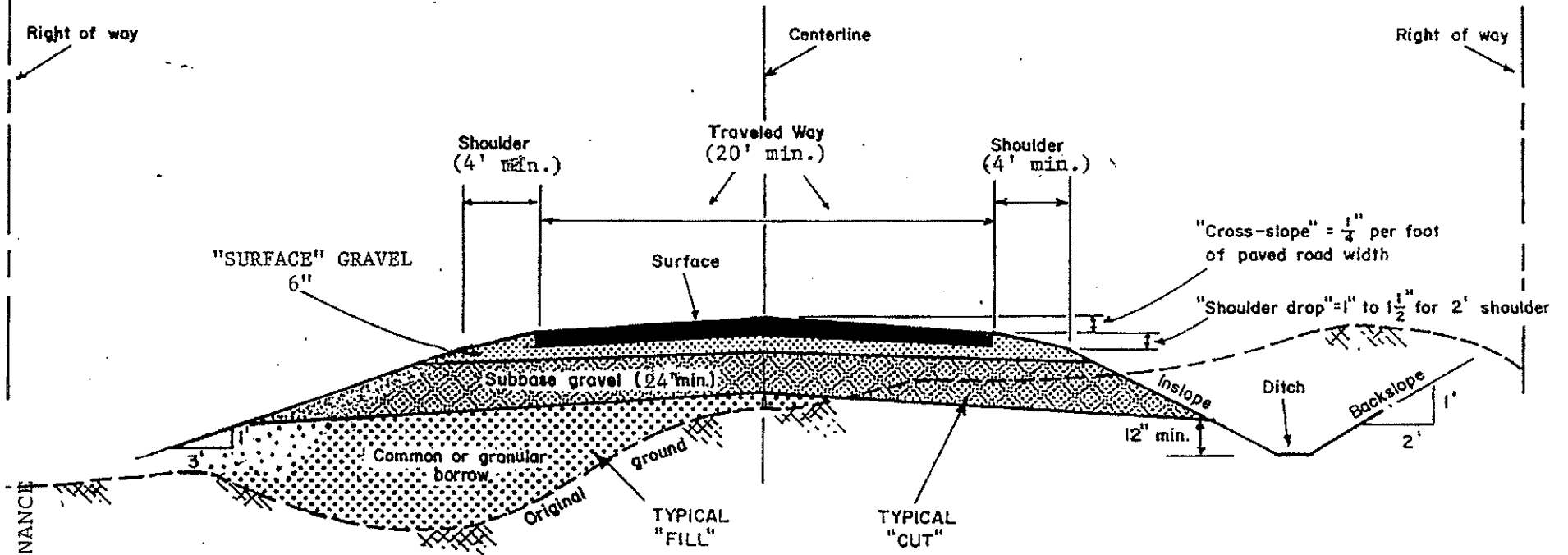
**ATTACHED IS A PHOTO OF THE FOUR ROAD TYPES**

# MAJOR

TYPICAL ROAD CROSS SECTION

## PAVED

MAJOR ROADS



ROAD CONSTRUCTION ORDINANCE

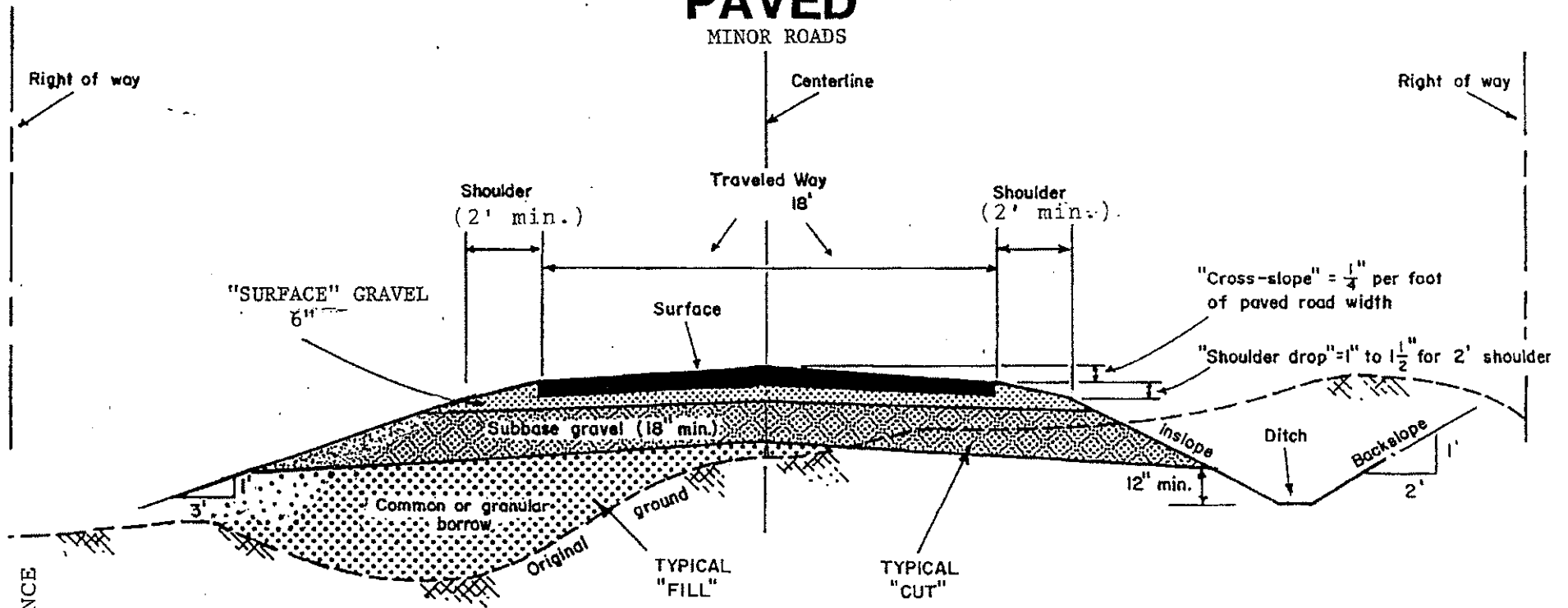
MINIMUM DIMENSIONS

# MINOR

TYPICAL ROAD CROSS SECTION

## PAVED

MINOR ROADS



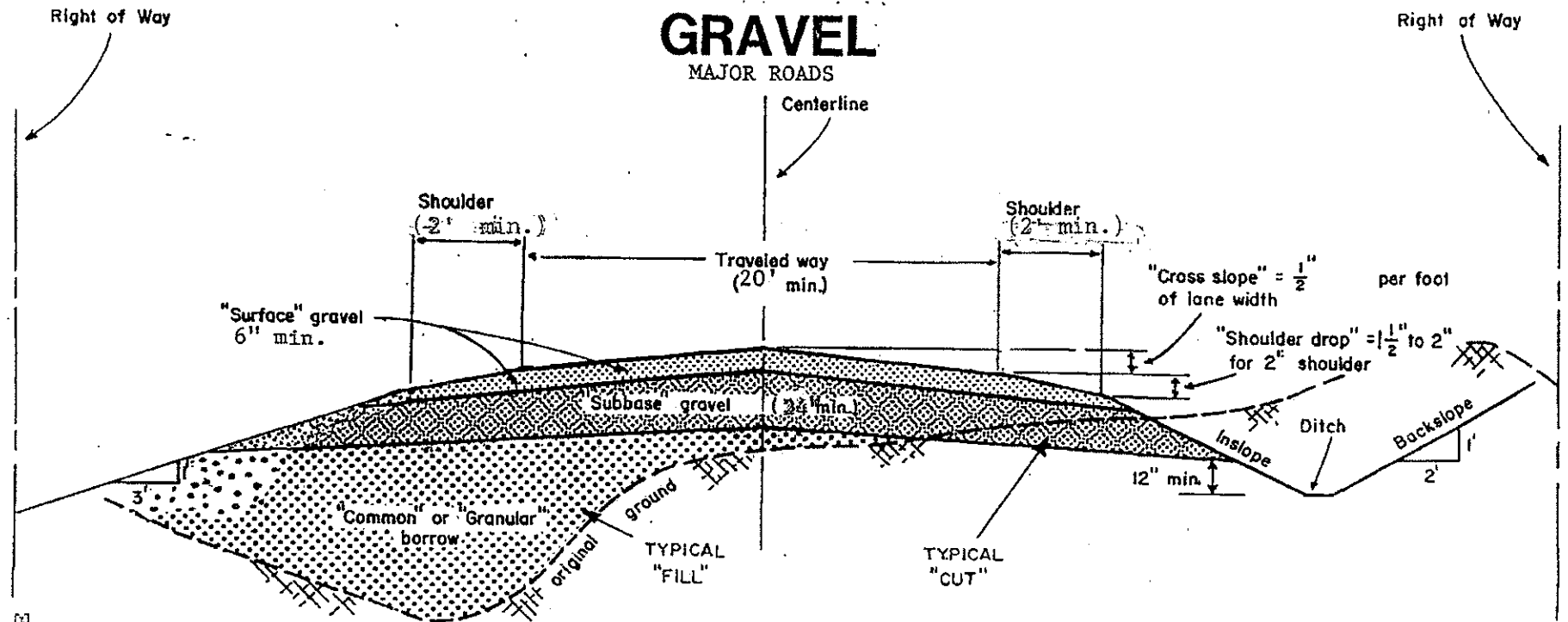
MINIMUM DIMENSIONS

ROAD CONSTRUCTION ORDINANCE

# PRIVATE MAJOR

TYPICAL ROAD CROSS SECTION

## GRAVEL MAJOR ROADS



MINIMUM DIMENSIONS

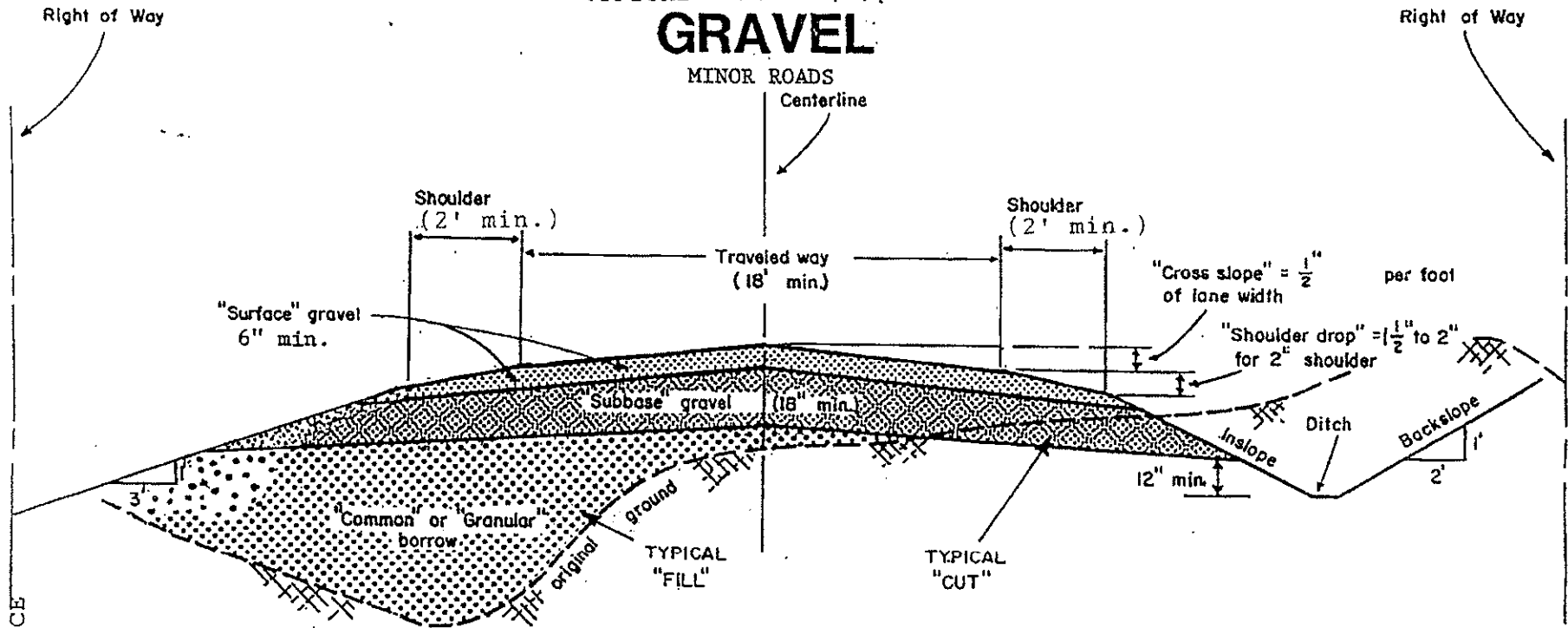
ROAD CONSTRUCTION ORDINANCE

# PRIVATE MINOR

TYPICAL ROAD CROSS SECTION

## GRAVEL

MINOR ROADS



MINIMUM DIMENSIONS

# Town of Harrison Ordinance



## Safe Zone Ordinance

Adopted :   6  /  14  /  2016  

A true copy attest:



## 1 PURPOSE

1.1 The purpose of this Ordinance is to designate safe zones i.e., athletic fields, parks, playgrounds, beaches, recreational facilities or community rooms within the Town of Harrison which are frequented by minors for the purpose of protecting said minors against individuals trafficking, furnishing or cultivating drugs.

## 2 AUTHORITY

2.1 This Ordinance is enacted pursuant to 30-A M.R.S.A. §3253 and 17-A M.R.S.A. 1101 sub-§23.

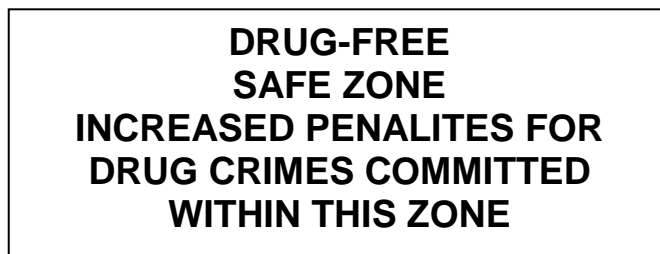
## 3 APPLICABILITY

3.1 This Ordinance shall apply to the athletic fields, parks, playgrounds, beaches, recreational facilities or community rooms set forth below which the Town finds are frequented by minors and which are hereby designated as safe zones with the Town of Harrison.

Safe Zone Area	Tax Map	Lot #
Crystal Lake Park	45	169
Crystal Lake Beach	45	169
Community Room – Fire Station	45	29
Long Lake Park	45	76
Long Lake Beach	45	82
Mill Park	22	151-A, 165, 166
RADR Sports Complex	49	19-A
Town Office	45	6
Zakelo Beach/Boat Launch	22	

## 4 SIGNAGE

4.1 Each safe zone designated under Section 3 shall be conspicuously marked with informational sign using uniform wording as established by the Commissioner of Public Safety pursuant to 30-A M.R.S. A. §3253.



## 5 DESIGNATED AREAS & SAFE ZONE MAP

5.1 Areas designated as safe zones and areas within 1,000 feet of real property comprising safe zones are shown on an official Town of Harrison Safe Zone Map which is made part of this Ordinance.

## **6 ENFORCEMENT AMENDMENTS**

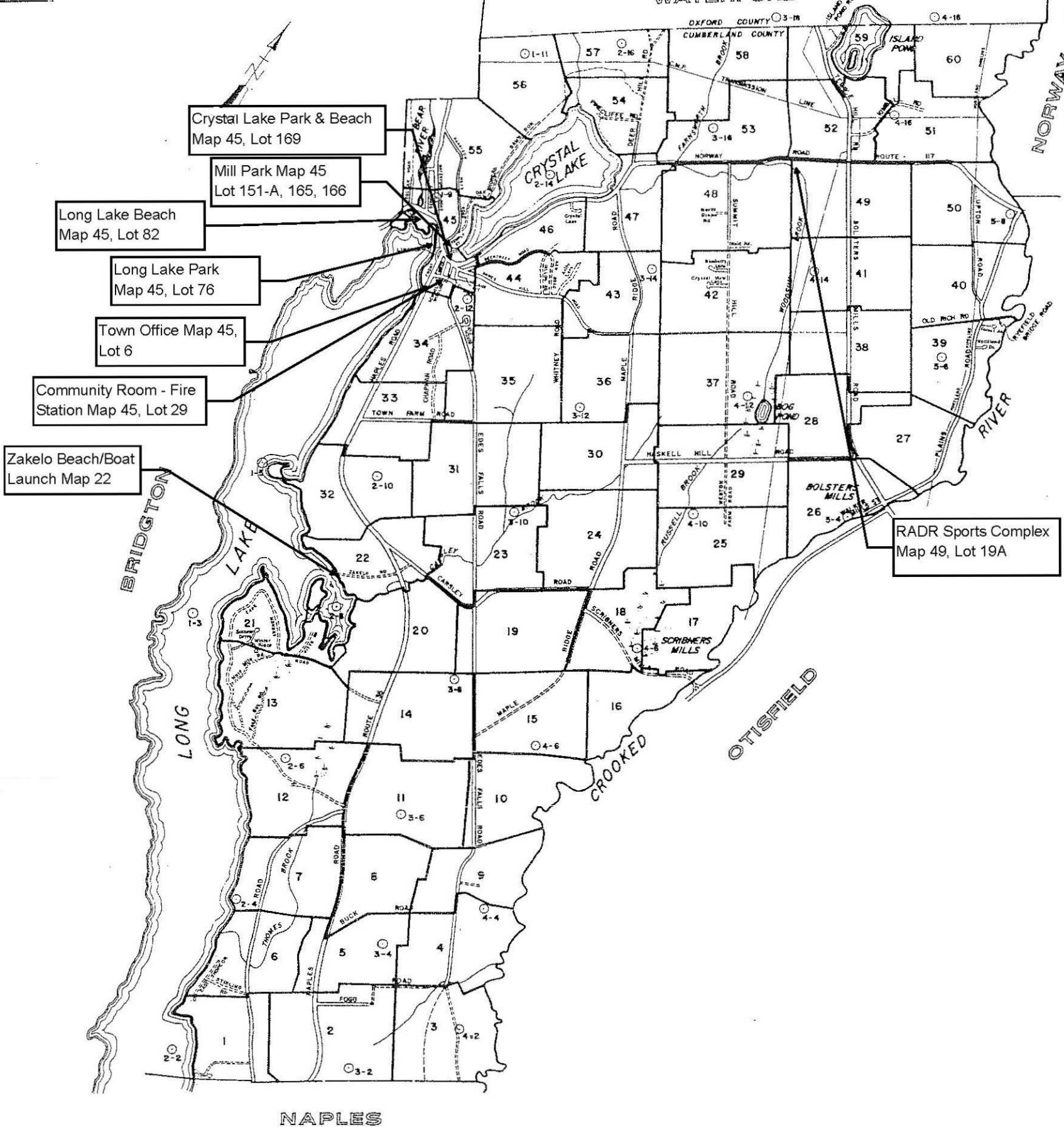
6.1 Under 17-A M.R.S.A. §1105-A, sub-§1,E, 1105-C, sub-1,E, and 1105-D, sub-§1,D, a person who is found trafficking, furnishing or cultivating drugs within a designated safe zone or within 1,000 feet of the real property comprising a designated safe zone may be found guilty of an aggravated offense and subjected to increased penalties.

## **7 AMENDMENTS**

7.1 This ordinance may be amended by a majority vote of any Town Meeting, (annual or special) when such amendment is published in the warrant calling for such meeting.

## **8 EFFECTIVE DATE**

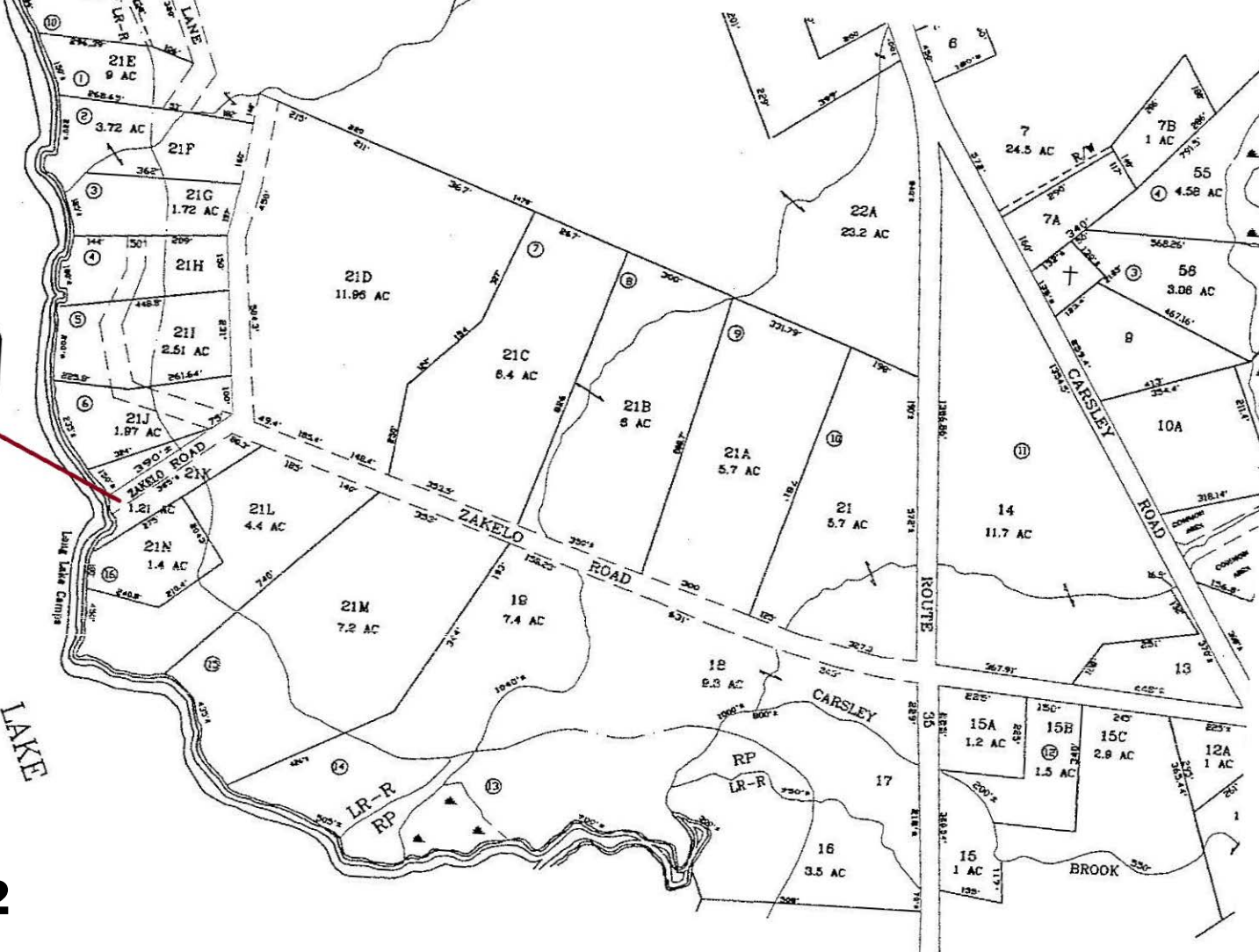
8.1 This ordinance shall be in full force and effect upon passage by the legislative body.



Zakelo Beach/Boat Launch  
Map 22

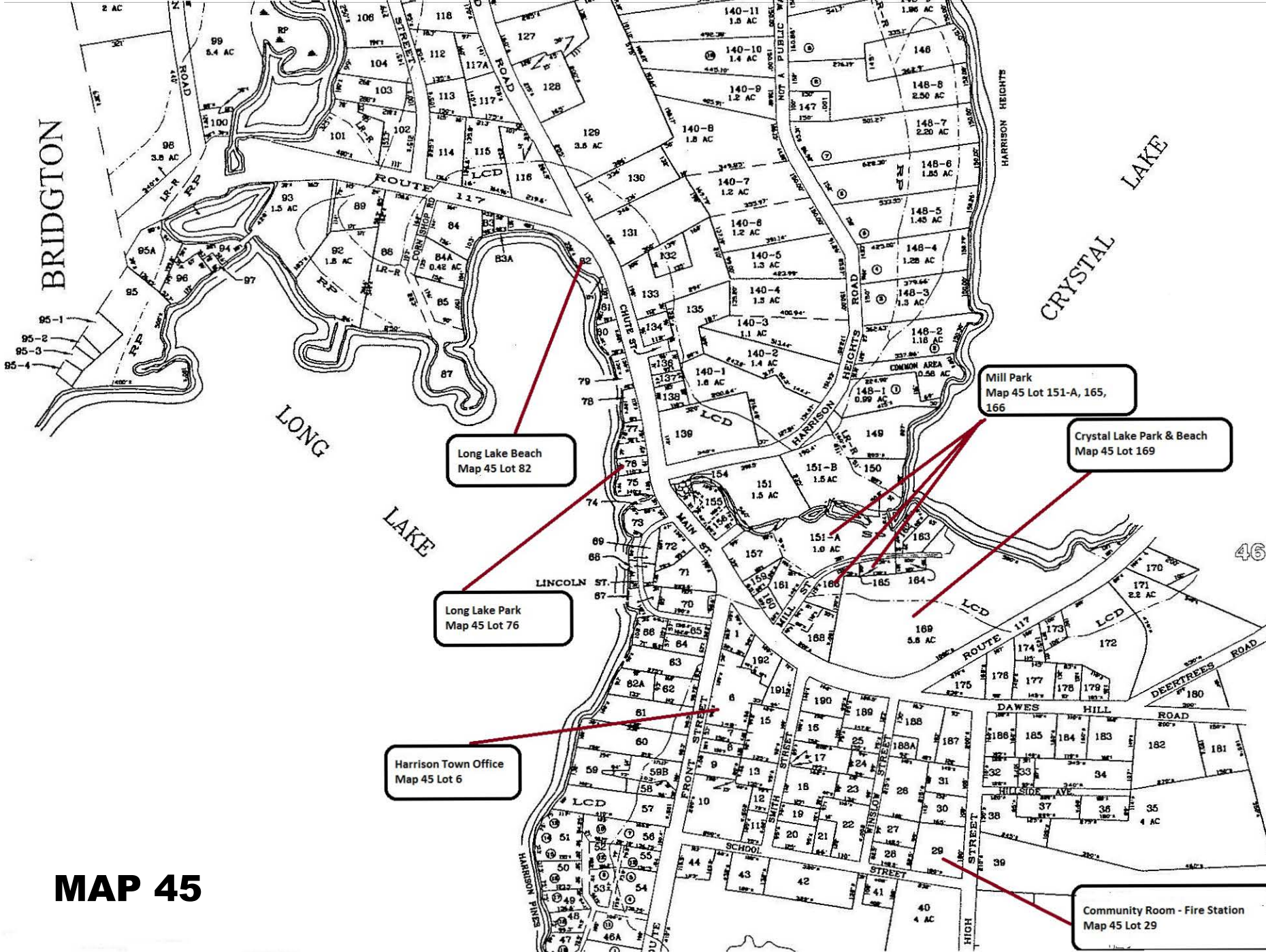
LONG  
LAKE

# MAP 22





# MAP 45



Long Lake Beach  
Map 45 Lot 82

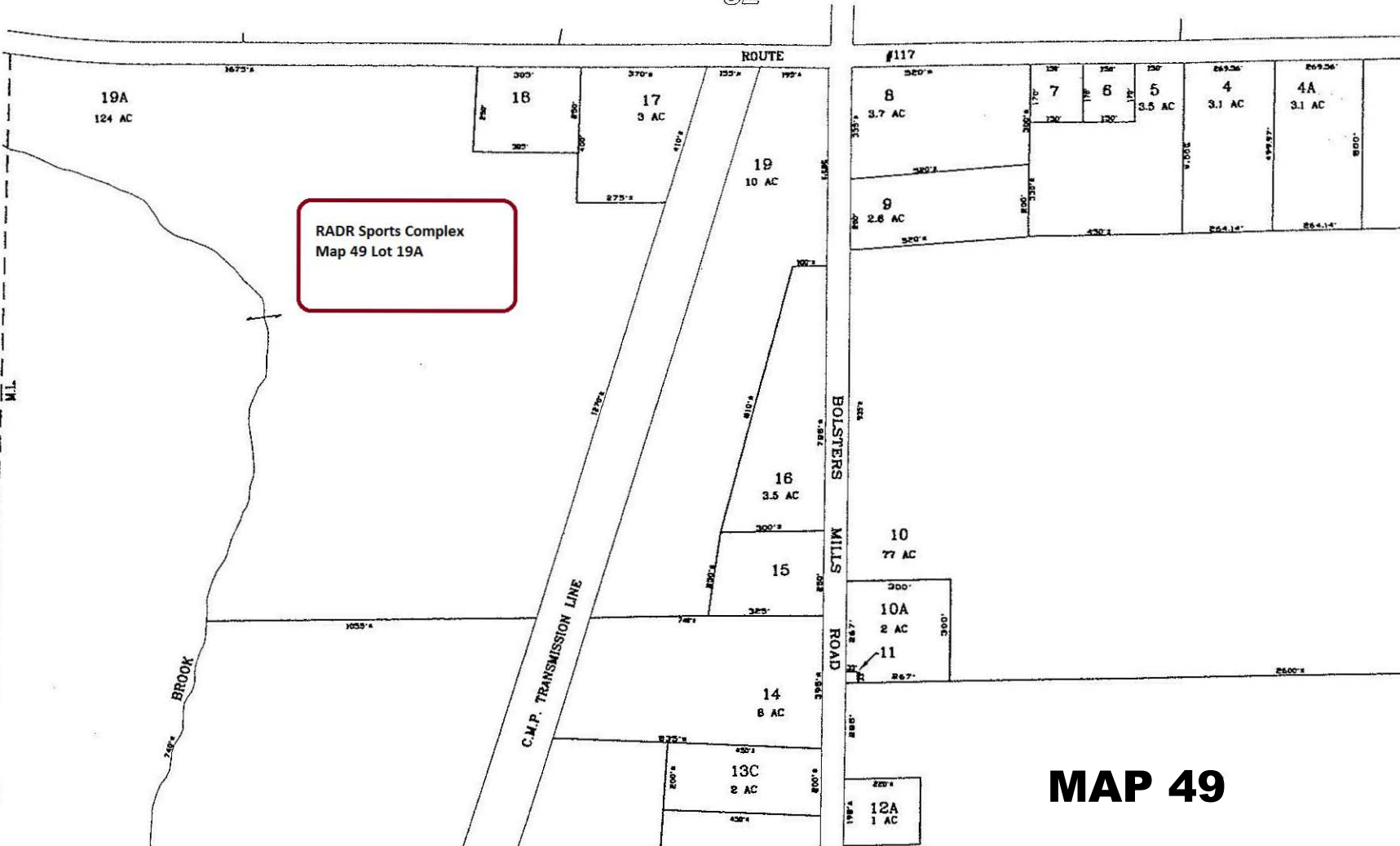
Long Lake Park  
Map 45 Lot 76

Harrison Town Office  
Map 45 Lot 6

Mill Park  
Map 45 Lot 151-A, 165,  
166

Crystal Lake Park & Beach  
Map 45 Lot 169

Community Room - Fire Station  
Map 45 Lot 29



RADR Sports Complex  
Map 49 Lot 19A

**MAP 49**

# TOWN OF HARRISON

## SHORELAND ZONING ORDINANCE

\$3.00



Adopted June 30, 1992

Amended June 19, 1993

Amended June 12, 1996

Amended June 9, 1999

Amended June 13, 2002

Amended September 21, 2004

Amended June 15, 2005

Amended June 11, 2008

Amended June 10, 2009

Amended June 13, 2012

Amended June 13, 2017

<b>SECTION 1. PURPOSES</b>	<b>1</b>
<b>SECTION 2. AUTHORITY</b>	<b>1</b>
<b>SECTION 3. APPLICABILITY</b>	<b>1</b>
<b>SECTION 4. EFFECTIVE DATE OF ORDINANCE AND ORDINANCE AMENDMENTS</b>	<b>1</b>
<b>SECTION 5. AVAILABILITY</b>	<b>1</b>
<b>SECTION 6. SEVERABILITY</b>	<b>1</b>
<b>SECTION 7. CONFLICTS WITH OTHER ORDINANCES</b>	<b>2</b>
<b>SECTION 8. AMENDMENTS</b>	<b>2</b>
<b>SECTION 9. DISTRICTS AND ZONING MAP</b>	<b>2</b>
A. Official Shoreland Zoning Map	2
B. Scale of Map	2
C. Certification of Official Shoreland Zoning Map	2
D. Changes to the Official Shoreland Zoning Map	2
<b>SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES</b>	<b>3</b>
<b>SECTION 11. LAND USE REQUIREMENTS</b>	<b>3</b>
<b>SECTION 12. NON-CONFORMANCE</b>	<b>3</b>
A. Purpose	3
B. General	3
1. Transfer of Ownership	3
2. Repair and Maintenance	3
C. Non-conforming Structures	3
1. Expansions	3
2. Foundations	5
3. Relocation	5
4. Reconstruction or Replacement	6
5. Change of Use of a Non-Conforming Structure	6
D. Non-conforming Uses	6
1. Expansions	6
2. Resumption Prohibited	7
3. Change of Use	7
E. Non-conforming Lots	7
1. Non-conforming Lots	7
2. Contiguous Built Lots	7
3. Contiguous Lots - Vacant or Partially Built	7
<b>SECTION 13. ESTABLISHMENT OF DISTRICTS</b>	<b>8</b>
A. Resource Protection District	8
B. Limited Residential District	8
C. Limited Commercial District	8
<b>THE FOLLOWING USES ARE PERMITTED IN THE LIMITED COMMERCIAL DISTRICT</b>	<b>9</b>
D. Stream Protection District	9
<b>SECTION 14. TABLE OF LAND USES</b>	<b>9</b>
<b>SECTION 15: LAND USE STANDARDS</b>	<b>10</b>
A. Minimum Lot Standards	10
1. Residential Lot Standards;	10
2. Non-Residential Lot Standards:	11
B. Principal and Accessory Structures	11
C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and shoreline	



	stabilization.	12	
	D. Campgrounds	14	
	E. Individual-Private Campsites	14	
	F. Commercial and Industrial Uses	15	
	G. Parking Areas	15	
	H. Roads and Driveways	16	
	I. Signs	17	
	J. Storm Water Runoff	19	
	K. Septic Waste Disposal	19	
	L. Essential Services	19	
	M. Mineral Exploration and Extraction	20	
	N. Agriculture	20	
	O. Timber Harvesting	21	
	P. Clearing of Vegetation for Development	22	
	Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal	24	
	R. Exemptions to Clearing and Vegetation Removal Requirements	25	
	S. Revegetation Requirements	26	
	T. Erosion and Sedimentation Control	28	
	U. Soils	28	
	V. Water Quality	29	
	W. Archaeological Site	29	
<b>SECTION 16.</b>	<b>ADMINISTRATION</b>	<b>29</b>	
	A. Administering Bodies and Agents	29	
	B. Permits Required	30	
	C. Permit application	30	
	D. Procedure for Administering Permits	31	
	E. Special Exceptions	32	
	F. Expiration of Permit	32	
	G. Installation of Public Service	33	
	H. Appeals	33	
	1. Administrative Appeals:	33	
	2. Variance Appeals:	33	
	3. Administration Appeals	34	
	4. Appeal Procedure	35	
	A. Making an Appeal	35	
	B. Decision by Board of Appeals	35	
	5. Appeal to Superior Court	36	
	6. Reconsideration	36	
	I. Enforcement	36	
	1. Nuisances	36	
	2. Code Enforcement Officer	36	
	3. Legal Actions	36	
	4. Fines	37	
<b>SECTION 17.</b>	<b>DEFINITIONS</b>	<b>37</b>	

# SHORELAND ZONING ORDINANCE

## Section 1. Purposes

The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in Shoreland areas.

## Section 2. Authority

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

## Section 3. Applicability

This Ordinance applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond, or river;
- upland edge of a freshwater wetland;
- and within 100 feet, horizontal distance, of the normal high-water line of a stream.

This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located beyond the normal high-water line of a water body or within a wetland.

## Section 4. Effective Date of Ordinance and Ordinance Amendments

This Ordinance, which was adopted by the municipal legislative body on June 30, 1992 and Amended on June 13, 2017, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance or Ordinance Amendment, it shall be automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance or Ordinance Amendment.

## Section 5. Availability

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

## Section 6. Severability

A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the

expense of the person making the request. Notice of availability of this Ordinance shall be posted.

## **Section 7. Conflicts with Other Ordinances**

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

## **Section 8. Amendments**

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

## **Section 9. Districts and Zoning Map**

### **A. Official Shoreland Zoning Map**

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

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. Stream Protection

### **B. Scale of Map**

The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

### **C. Certification of Official Shoreland Zoning Map**

The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office; the Municipal Clerk shall be the custodian of the map.

### **D. Changes to the Official Shoreland Zoning Map**

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

## **Section 10. Interpretation of District Boundaries**

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

## **Section 11. Land Use Requirements**

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

## **Section 12. Non-conformance**

### **A. Purpose**

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or Amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

### **B. General**

#### **1. Transfer of Ownership**

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

#### **2. Repair and Maintenance**

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

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

### **C. Non-conforming Structures**

#### **1. Expansions**

All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

- a. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
- b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
  - i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
  - i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
  - ii. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
  - iii. In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

- d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the Shoreland zone boundary and evidence of approval by the municipal review authority.

## **2. Foundations**

Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(3).

## **3. Relocation**

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(S). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and /or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.

- b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

#### **4. Reconstruction or Replacement**

Any non-conforming structure which is located less than the required water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for the new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value, or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C) (3) above, the physical condition and type of foundation present, if any.

#### **5. Change of Use of a Non-Conforming Structure**

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

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and functionally water-dependent uses.

### **D. Non-conforming Uses**

#### **1. Expansions**

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

## **2. Resumption Prohibited**

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

## **3. Change of Use**

An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C)(5) above.

## **E. Non-conforming Lots**

### **1. Non-conforming Lots**

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

### **2. Contiguous Built Lots**

If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with.

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

### **3. Contiguous Lots - Vacant or Partially Built**

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

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



- a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area, or
- b. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

## **Section 13. Establishment of Districts**

### **A. Resource Protection District**

The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the stream Protection district, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial District need not be included within the Resource Protection District.

1. Flood plains along rivers defined by the 100-year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
2. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
3. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
4. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

### **B. Limited Residential District**

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

### **C. Limited Commercial District**

The Limited Commercial District is established to provide locations for the traditional retail and service needs of the local community. The scale of development in these areas is intended to be in keeping with the existing residential rural development in these areas. The Limited Commercial District is comprised and shown on the Tax Map #45, Lots: 57; 59; 59A; 59B; 60; 61; 62, 62A; 63; 64; 65; 66; 67; 68; 69; 70; 71; 72; 73; 74; 75; 76, 77; 78; 79; 80; 81; 82; 83; 84; 89; 93; 95; 95A; 98; 99; 100; 101; 102; 114; 115, 116; 129; 130; 131; 132; 133; 134; 135; 136; 137; 138; 139; 151; 154; 155; 156; 157; 159; 160; 161; 166; 169; 170; 171; 172; 173; and Tax Map #46, Lots 33A; 35A; 35-1; 35-2; 35-3; 35-4; 35-5;

Tax Map #45 and #46 should be referenced when making a determination of the appropriate zone.

## The following uses are permitted in the Limited Commercial District

1. Single Family residence (Existing single family residential structures) within the LCD are permitted to have one apartment within the structure, provided the structure is served by a subsurface wastewater disposal system which meets the application requirements in effect on or after July 1, 1974);
2. grocery and general store;
3. restaurants, excluding drive-in restaurants
4. inns; bed and breakfast establishments;
5. retail service business conducted wholly within structure except for incidental outdoor display limited to 1% of the structures 1<sup>st</sup> floor;
6. professional or business offices;
7. churches, schools, clinics, municipal facilities and public utilities;
8. low intensity commercial uses conducted wholly within structure (including disposal of waste materials) and employing less than 12 employees. See Section 15, Subsection, F Commercial Uses.

### D. Stream Protection District

The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet horizontal distance, of the normal high-water line of a great pond, river, or within two hundred and fifty (250) feet horizontal distance, of the upland edge of a wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

## Section 14. Table of Land Uses

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

### Key to Table 1: (Located at the end of this Ordinance)

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

NO – Prohibited

PB – Allowed with permit issued by the Planning Board's

CEO – Allowed with permit issued by the Code Enforcement Officer

LPI – Allowed with permit issued by the Local Plumbing Inspector

### Abbreviations:

RP – Resource Protection

LR – Limited Residential

LC – Limited Commercial

SP – Stream Protection

## Section 15: Land Use Standards

All land use activities within the Shoreland zone shall conform to the following provisions, if applicable.

### A. Minimum Lot Standards

#### 1. Residential Lot Standards;

All residential development within, the shoreland zone shall conform to, the following provisions, if applicable.

A lot abutting a lake, pond, river or stream (as designated on the shoreland zoning map), shall have a minimum-shore frontage of 200 feet measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.

- a. All residential lots shall contain a minimum of 50,000 square feet except for residential lots in the LCD which shall contain a minimum of 40,000 square feet.
- b. Shorefront common areas shall meet the following criteria:
  - i. The shorefront common area shall contain a minimum of two acres to provide access for up to 20 residential units. Increased access rights beyond 20 residential units shall require an additional 4,000 square feet of common area per unit.
  - ii. The shorefront common area shall have a minimum of 25 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to the common area.
  - iii. Use of common area within a subdivision shall be limited to residential dwelling units contained within contiguous properties which may be separated from the shorefront area by a public roadway.
  - iv. Accommodations for motor boats shall be limited to one boat for each 25 feet of shoreline frontage. This shall not apply to motor boats of transient visitors which remain at the common area for less than 24 hours, and boats with motors of less than 10 horsepower.
- c. Except as provided in Section 13(C)(1), if more than one residential dwelling unit is constructed on a single parcel, all dimensional requirements shall be met for each dwelling unit. Residential dwelling units in a new subdivision (not zoned as Resource Protection District) may be constructed on lots of a minimum of 40,000 sq. ft. (which is the present State minimum requirement) provided a shorefront common area is included in the subdivision plan meeting the density requirements of Section 15(A)(l)(b).
- d. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- e. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

- f. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- g. If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

## **2. Non-Residential Lot Standards:**

- a. Non-residential lots in the Limited Commercial Districts shall contain a minimum of 40,000 square feet.
- b. Non-residential lots abutting a lake, pond, river or stream shall have minimum shoreline frontage of 200 feet, measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.
- c. Section 15(A)(d) thru 15(A)(g) shall apply.

## **B. Principal and Accessory Structures**

- 1. All new principal and accessory structures shall be set back at least one hundred (100) feet horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and one hundred (100) feet horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply. Structures in the Limited Commercial District shall setback at least twenty-five (25) feet from the normal high-water line.

In addition:

- a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- 2. Principal or accessory structures and expansions of existing structures, which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision, shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- 3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version or later of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.

4. Non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located.

For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990 and in continuous existence since that date.

5. All structures shall be set back at least twenty (20) feet from all lots-lines with the exception of the LCD where the setback will be ten (10) feet. No building or structure shall be erected or located on a lot for more than thirty (30) days per year, unless it shall be setback at least fifty (50) feet from the right of way line of any public road.
6. New stairways for the sole purpose of gaining access to or egress from a residential structure need not be considered when determining a structures setback provided that the stairway and landing, if any, is no wider than 5' and extends no closer to the water than is necessary to accomplish their purpose. If the elevation at the top of the stairway or landing is greater than 4' above ground level the stairway shall be constructed such that it parallels the wall of the structure rather than extending toward the shoreline.
7. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

**C. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and shoreline stabilization.**

1. No more than one pier, dock, wharf or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
3. The location shall not interfere with existing developed or natural beach areas.
4. The facility shall be located so as to minimize adverse effects on fisheries.
5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
6. There shall be no more than 1 dock, slip or accommodation for motorized watercraft (in excess of 5 hp) per 25 feet of shoreline frontage.

7. New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resource Protection Act.
8. No pier, dock, or slips will extend more than 48 feet from the normal high water mark.
9. No slips, docks, or accommodations for watercraft shall be located within 20 feet of the property line as projected into the water normal to the shoreline.
10. There shall be no commercial docking facilities in Limited Residential District (LRR) and Resource Protection District (RP).
11. Commercial docking facilities shall mean, but not limited to: any areas which give easements, rights-of-way, or other use rights which are sold, or leased for accommodation of watercraft. Deeded rights for residential developments in a subdivision are not to be considered as commercial docking.
12. In the Limited Commercial District, there shall be one private parking vehicle space for every watercraft accommodation.
13. No new structure shall be built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
14. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water body or within a wetland shall be converted to residential dwelling units in any district.
15. Structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.
16. A structure constructed on a float or floats is prohibited unless it is designed to function as, and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.
17. Vegetation may be removed in excess of the standards in Section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.
  - a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When the stabilization project is complete the construction equipment access way must be restored.
  - b. Revegetation must occur in accordance with Section 15(S).

**NOTE:** A permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection for Shoreline Stabilization activities.

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

#### **D. Campgrounds**

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

#### **E. Individual-Private Campsites**

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

**NOTE:** For items 1, 2, and 3 below, Individual Private Campsites in existence prior to June 13, 2001 shall be grandfathered.

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. When an individual private campsite is proposed on a lot that contains another principal use and/or structure, the lot must contain the minimum lot dimensional requirements for the principal structure and/or use, and the individual private campsite separately.
3. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and one hundred (100) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
4. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreation vehicle.
5. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- 6.. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

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

## **F. Commercial and Industrial Uses**

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

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

## **G. Parking Areas**

1. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that for parking areas serving public boat launching facilities the setback shall be to the greatest practical extent.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
  - a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
  - b. Internal travel aisles: Approximately twenty (20) feet wide.



## H. Roads and Driveways

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

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirement of Section 15(H) (1) except for that portion of the road or driveway necessary for direct access to the structure.

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body tributary stream or wetland.
3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15 (T).
5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
6. In order to prevent road and driveway surface drainage from directly entering water bodies tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-

water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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

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

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

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

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

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

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

## I. Signs

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

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number, provided that, no such sign shall exceed two (2) square feet in area.
5. Signs relating to public safety shall be allowed without restriction.
6. No sign shall extend higher than twenty (20) feet above the ground.
7. Signs may be illuminated only by shielded, non-flashing lights.
8. The following provisions shall govern the use of signs in the Limited Commercial District.
  - a. All signs located in the Limited Commercial District shall be constructed of wood or metal. Illumination is permitted only by steady, uncolored, shielded external lighting during normal business hours of operation or 10 P.M. whichever is later. Illumination shall not cause glare or reflection beyond its lot lines onto neighboring properties. Free standing signs may not swivel, rotate or have animated parts and may be a maximum of twenty (20) feet above the original grade. Roof signs, strings of pennants and strings of bulbs are not permitted (This restriction does not apply to holiday observances.)
  - b. Measurements of free standing signs, shall include the area of all boards, panels or sheets of materials, but do not include the supporting posts or structural element outside the limits of such perimeter, which does not form an integral part of the display. In determining the area of wall signs, the entire area within a continuous perimeter enclosing the extreme limits of the actual letters and characters shall be measured. The area of background color will also be included if it differs from the color of the building itself.
  - c. Temporary commercial signs may be used by a business while awaiting arrival of permanent signs, however, may not be displayed for more than sixty (60) days.
  - d. No commercial sign shall be allowed or placed in the Town of Harrison until a permit has been issued.
  - e. Signs located in the Limited Commercial District may total in aggregate no more than forty (40) square feet per use. No single sign shall exceed 24 square feet.
  - f. One (1) flag, per use, which indicates a business is open may be displayed and is exempt from the above regulations.
  - g. Any sign or part thereof, legally existing at the time of the adoption of the 1992 Shoreland Zoning Ordinance, which does not conform to the requirements of this ordinance may continue, but may not be extended, reconstructed, enlarged, or altered. Any sign replacing a non-conforming sign shall conform to the provisions of this article, and thereafter the non-conforming sign shall not be displayed.

## **J. Storm Water Runoff**

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

**NOTE:** The Stormwater Management Law (38M.R.S.A. section 420-D) requires a full permit to be obtained from DEP prior to Construction of a project consisting of 20,000 square feet or more of impervious area or 5 acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with 1 acre or more of a developed area in any other stream, coastal or wetland watershed. A permit-by-rule is necessary for a project with one acre or more of disturbed area but less than 1 acre impervious area (20,000 square feet for most-at-risk lakes and urban impaired streams) and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

## **K. Septic Waste Disposal**

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface "Wastewater Disposal Rules (Rules),
2. The Rules, among other requirements, include:
  - a. The minimum setback for new subsurface sewage disposal systems, shall be no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.
  - b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.
3. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of the water body or the upland edge of a wetland. In addition, a holding tank is not allowed for a first-time residential use in the Shoreland zone."

## **L. Essential Services**

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
2. The installation of essential services is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
3. Damaged or destroyed public utility transmission and distribution lines, towers and related

equipment may be replaced or reconstructed without a permit.

### **M. Mineral Exploration and Extraction**

Effective June 13, 2001, no new mineral exploration or extraction is permitted within the Shoreland-Zone.

1. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
  - a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
  - b. The final graded slope shall be two to one (2:1) slope or flatter.
  - c. Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
2. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

### **N. Agriculture**

1. Effective June 13, 2001, there shall be no new agricultural activities involving the tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Agricultural activities legally in existence prior to June 13, 2001 may remain, but shall meet the requirements set forth below:
2. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001 and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
3. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within one hundred (100) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision.
4. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, or the spreading, disposal or storage of manure, or livestock grazing associated with ongoing farm activities within the shoreland zone shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet,

horizontal distance, of the normal high-water line of a great pond classified GPA; with seventy-five (75) feet, horizontal distance, of other water bodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

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

## **O. Timber Harvesting**

1. Timber harvesting shall only be allowed within the Stream Protection District. In all other areas, the cutting of trees and other vegetation shall conform to the standards contained in Section 15(P).
2. Timber harvesting shall conform with the following provisions:
  - a. Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 ½ feet above ground level on any lot in any ten (10) year period is permitted. In addition;
  - b. No accumulation of slash shall be left within fifty (50) feet of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body shall be removed.
  - c. Timber harvesting equipment shall not use stream channels as travel routes except when:
    - i. Surface waters are frozen; and
    - ii. The activity will not result in any ground disturbance.
  - d. All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged,
  - e. Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil re-vegetated.
  - f. Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a stream. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the stream, provided, however, that no portion of such exposed mineral soil on a back face shall

be closer than twenty-five (25) feet from the normal high-water line of a stream.

**P. Clearing of Vegetation for Development**

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 100 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in section Q.

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

2. Except in areas as described in Section P(1) above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending one hundred (100) feet horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland a buffer strip of vegetation, shall be preserved as follows:

- a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created.
- b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a “well-distributed stand of trees” adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in any 25-foot by 25-foot square (625 square feet) area as determined by the following rating system.

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

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

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

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ points}$$

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

For the purposes of Section 15(P) (2) (b) “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4 1/2) feet above ground level for each 25-foot by 25-foot square area. If three (3) saplings do not exist, no woody

stems less than two (2) inches in diameter can be removed until 3 saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 30% of the total volume of trees four (4) inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten (10) year period from Long Lake, Crystal Lake, and Island Pond. All other water bodies, tributary stream, or the upland edge of a wetland have this same requirement, except the allowable removal volume is 40% in any ten (10) year period, in lieu of 30%.

- c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or their permitted uses as described in paragraphs 3(a), above and paragraph 6 below, both of this section.”
- d. Pruning of tree branches, on the bottom 1/3 of the tree is permitted.
- e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section Q below, unless existing new tree growth is present.
- f. In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.P(2).

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

- 3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, and one hundred (100) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 ½ feet above ground level Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

- 4. Cleared openings legally in existence on the effective date of this Ordinance may be maintained but shall not be enlarged, except as permitted by this Ordinance.
- 5. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions this section.



6. Within 100 feet of the normal high water mark no alterations to the existing topography. Soils or vegetation shall be allowed unless the disturbance is made from approved construction (building permit approval) and a site plan showing original features and proposed vegetative cutting, re-vegetation, earthmoving, roadways, drainage and structures (proposed and existing) shall be submitted for review and approval by the Code Enforcement Officer to assure compliance with the provisions of the Shoreland Zoning Ordinance. Vegetation may be removed as needed for one access footpath of no more than 6 feet in width for each 200 feet of shoreline frontage. The footpath shall be constructed so as to minimize erosion and retain runoff and shall not be constructed so as to create a clear line of sight through the buffer area to the water. Stairways and walkways may be used in place of the footpath provided that they are not more than 4 feet in width.

#### **Q. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal**

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
  - a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
  - b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
  - c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season.
  - d. The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.
  - e. The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter

measured at four and one half (4.5) feet above the ground level.

2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:

- a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:
  - i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
  - ii. Stumps from the storm-damaged trees may not be removed;
  - iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
  - iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.
- b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40% of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

## **R. Exemptions to Clearing and Vegetation Removal Requirements**

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(P), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(P) apply;
2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;

5. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
  - a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;
  - b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
  - c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

**NOTE:** An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program:  
[http://www.maine.gov/dacf/mnap/features/invasive\\_plants/invasives.htm](http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm)

6. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

### **S. Revegetation Requirements**

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(P), to address the removal of non-native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
4. Revegetation activities must meet the following requirements for trees and saplings:
  - a. All trees and saplings removed must be replaced with native noninvasive species;

- b. Replacement vegetation must at a minimum consist of saplings;
  - c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
  - d. No one species shall make up 50% or more of the number of trees and saplings planted;
  - e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
  - f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
- a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
  - b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
  - d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
  - e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.
6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
  - b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
  - c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

## **T. Erosion and Sedimentation Control**

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
  - a. Mulching and revegetation of disturbed soil.
  - b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
  - c. Permanent stabilization structures such as retaining walls or rip-rap.
2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
3. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases, permanent stabilization shall occur within nine (9) months of the initial date of exposure, In addition:
  - a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
  - b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
  - c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.

## **U. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil

Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

## **V. Water Quality**

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body.
2. Where the CEO determines that no other option exists, wells may be located within the high-water setback limit of a great pond, a river flowing to a great pond, other water bodies, tributary streams, or wetlands if all of the following provisions are met:
  - a. The access corridor for equipment does not exceed 20 feet in width and must follow any existing or proposed footpath. The CEO may expand this 20-foot limit to the minimum extent needed, where access is difficult;
  - b. All slag shall be removed, from the ground, and no erosion or sedimentation shall enter any adjacent water body as a result of well construction;
  - c. All areas not covered by the footpath, shall be stabilized immediately and fully vegetated within 9 months.

## **W. Archaeological Site**

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

## **Section 16. Administration**

### **A. Administering Bodies and Agents**

1. Code Enforcement Officer.  
A Code Enforcement Officer shall be appointed or re-appointed annually by July 1.
2. Board of Appeals.  
A Board of Appeals shall be created in accordance with the provisions of Title 30-AM.R.S.A. section 2691.
3. Planning Board.  
A Planning Board shall be created in accordance with the provisions of State law.

## **B. Permits Required**

After the effective date of this Ordinance no person shall construct, alter, relocate, repair or replace any building or part thereof, or place any mobile home or other form of pre-constructed building, until obtaining from the Code Enforcement Officer or his/her deputy a permit covering such proposed work.

However, no fee shall be required for repairs or improvements when the reasonable cost is less than \$2,500.00. Nor shall any person, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use.

1. A permit is not required for the replacement of an existing road culvert as long as the replacement culvert is:
  - a. Not more than one standard culvert size wider in diameter than the culvert being replaced;
  - b. Not more than 25 % longer than the culvert being replaced; and
  - c. No longer than 75 feet AND:
  - d. Adequate erosion control measures are taken to prevent sedimentation of water, and the crossing does not block fish passage in the water course.
2. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
3. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

## **C. Permit application**

1. Every applicant for a permit shall submit a written application (appendix 2), including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface wastewater disposal system.

5. All landowners shall be required to read, sign, and date the Acknowledgment of Shoreland Zoning Buffer Standards form (Appendix 1), to ensure the landowner has prior knowledge of the rules necessary to preserve the shoreland buffer area. This form shall be attached to the application.
6. When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

#### **D. Procedure for Administering Permits**

1. Within 35 days of the date of receiving written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.
2. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.
3. After the submission, of a complete application to the Planning Board or CEO, the permitting authority shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:
  - a. Will maintain safe and healthful conditions;
  - b. Will not result in water pollution, erosion, or sedimentation to surface waters;
  - c. Will adequately provide for the disposal of all wastewater;
  - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
  - e. Will conserve shore cover and visual, as well as actual, points of access to inland water;
  - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
  - g. Will avoid problems associated with the flood plain development and use; and
  - h. Is in conformance with the provisions of Section 15, Land Use Standards.



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

### **E. Special Exceptions**

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

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
3. All proposed buildings, sewage disposal systems and other improvements are:
  - a. Located on natural ground slopes of less than 20%.
  - b. Located outside the floodway of the 100-year flood-plain along rivers based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's flood Boundary and Floodway Maps and flood Insurance Rate Maps: all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.
  - c. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be  $\frac{1}{2}$  the width of the 100-year flood-plain.
4. The total footprint including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
5. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

### **F. Expiration of Permit**

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

## **G. Installation of Public Service**

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal official, indicating that installation has been completed.

## **H. Appeals**

Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

### **1. Administrative Appeals:**

To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, Requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

### **2. Variance Appeals:**

Variances may be granted only under the following conditions:

- a. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- c. The Board shall not grant a variance unless it finds that:
  - i. The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
  - ii. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- (a) That the land in question cannot yield a reasonable return unless a variance is granted
- (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;
- (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.
- d. Notwithstanding Section 16(H)(2)(c)(ii) above, The Board of Appeals may grant a variance to a property owner for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling 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 in the dwelling. The “term structures necessary for access to or egress from the dwelling” shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.
- e. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- f. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.
- g. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection with seven (7) days of the Board’s decision.”

### **3. Administration Appeals**

- a. When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of appeals shall hold a “de novo” hearing. At this time, the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.
- b. When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record so the Planning Board proceedings are inadequate, the Board of appeals may remand the matter to the Planning Board for additional fact finding.

## **4. Appeal Procedure**

### **A. Making an Appeal**

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
2. Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
  - a. A concise written statement indicating what relief is requested and why it should be granted. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
3. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board as appropriate shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
4. The Board of appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

### **B. Decision by Board of Appeals**

1. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
2. The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
  - a. The person filing the appeal shall have the burden of proof.
  - b. The Board shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
  - c. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and top the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the Municipal Officers.

## **5. Appeal to Superior Court**

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

## **6. Reconsideration**

The Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

## **I. Enforcement**

### **1. Nuisances**

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

### **2. Code Enforcement Officer**

- a. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
- c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

### **3. Legal Actions**

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this

Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

#### 4. Fines

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

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

### Section 17. Definitions

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

**Aggrieved party** - an owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance. The term "aggrieved party" shall also include but not limited to the Code Enforcement Officer, the Planning Board and/or the Municipal Officers.

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

**Aquaculture** – the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** – the area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

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

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

**Bureau of Forestry** – State of Maine Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

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

**Canopy** – the more or less continuous cover formed by tree crowns in a wooded area.

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

**Cross-sectional area** – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water line of the stream or tributary stream channel to the bottom of the channel.

**DBH** – the diameter of a standing tree measured 4.5 feet from ground level.

**Development** – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

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

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

**Disruption of shoreline integrity** – the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing water, a profile and character altered from natural conditions.

**Driveway** - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling or less.

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

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

**Excavation Contractor** – means an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

**Expansion of a structure** - an increase in the footprint or height of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

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

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

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

**Footprint**- The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

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

**Forest Stand** – a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

**Forested Wetland** – a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

**Foundation** the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick or similar material.”

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

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

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

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in inland waters and that cannot be located away from these waters. The uses include, but are not limited to, recreational fishing and boating facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, and uses that primarily provide general public access to marine inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.



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

**Great pond classified GPA** – any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundment of rivers that are defined as great ponds.

**Ground Cover** – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

**Harvest Area** – the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

**Hazard tree**- a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site, exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to; hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

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

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

**Increase in nonconformity of a structure** - any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as but not limited to, reduction in water body, tributary stream or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. [Amended June 9, 1999] For example, there is no increase in non-conformity with the setback requirement for water bodies, wetlands, or tributary streams if the expansion extends no further into the required setback area than does any portion of the existing non-conforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body or wetland than the closest portion of the existing structure from that water body or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

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

**Industrial** - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**Institutional** – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Land Management Road** – a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Institutional** – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

**Land Management Road** – a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for , or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

**Licensed Forester** – a forester licensed under 32 M.R.S.A. Chapter 76.

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

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

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

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

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

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

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

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

**Native** – indigenous to the local forests.

**Non-conforming condition** – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

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

**Non-native invasive species of vegetation**- species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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

**Outlet Stream** – any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

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

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

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

**Principal structure** – A structure other than one which is used for purposes wholly incidental or accessory to the use of another or use on the same lot.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same lot.

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

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

Fryeburg	Hadley	Limerick
Lovell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

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

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

**Replacement system** - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

**Residential dwelling unit** - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**Residual Basal area** - the sum of the basal area of trees remaining on a harvested site.

**Residual Stand** – a stand of trees remaining in the forest following timber harvesting and related activities

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

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

**Road** - a route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles excluding a driveway as defined.

**Sapling** – a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

**Seedling** – a young tree species that is less than four and one half (4.5) feet in height above ground level.

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

1. In the case of electric service
  - a. the placement of wires and/or the installation of utility poles are located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
  - b. the total length of the extension is less than one thousand (1,000) feet.
2. In case of telephone service
  - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
  - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

**Shore frontage** – the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shorefront Common Area** – any land area having shoreline frontage on any water body regulated by this Ordinance and intended for use by more than one residential dwelling unit or family unit or other legal entity, excluding visitors and guests. This definition shall also include areas for which easements, right-of way, or other use rights are granted or sold.

**Shoreland Zone** – the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, river, within 250 feet of the upland edge of a freshwater wetland; or within one hundred(100) feet, horizontal distance, of the normal high-water line of a stream.

**Shoreline** – the normal high-water line, or upland edge of a wetland.

**Sign - [Added by Amendment June 12, 1996]** Any structure or part of the structure attached thereto or painted or represented thereon, which will display or include any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement and which is intended for or effectively achieves the result of announcing, directly and/or advertising to the out of door public. The word sign does not include the flag pennant or insignia of any nation, state, city or other political unit nor does it include inside window type display or paraphernalia incidental and necessary to the business, such as jewelry cases, antiques, mannequins, clothing layouts, real estate boards, menus, and the like. Temporary display of any political, educational, charitable, civic, religious, professional or like campaign drive, monument or event is not considered a sign.

**Skid Road or Skid Trail** – a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash** – the residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Storm-damaged tree**- a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event

**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, highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

**Structure** – anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

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

**Subsurface sewage disposal system** - Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

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

**Timber harvesting** - the cutting and removal of timber from their growing site, for the primary purpose of selling or processing forest products, and the attendant operation of cutting and skidding machinery, including the creation and use of skid trails, skid roads, and winter haul roads, but not the construction or creation of roads. "Timber harvesting" does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing of Vegetation for Development*.

**Timber Harvesting and related activities** – timber harvesting, the construction and maintenance of the roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

**Tree** – a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

**Tributary stream** - a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of top soil, containing waterborne deposits or exposed soil, parent material or bedrock, and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Upland edge of a wetland** - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) feet) tall or taller.

**Variance** - The grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

**Vegetation** - all live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under 4 inches in diameter measured at 4 ½ above ground level.

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

**Water body** - any great pond, river, stream.

**Water crossing** - any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

**Wetland** - a freshwater wetland. (See Freshwater Wetland)

**Wind firm** – the ability of a forest stand to withstand strong winds and resist wind throw, wind rocking, and major breakage.

**Woody Vegetation** – live trees or woody, non-herbaceous shrubs.

**TABLE 1 LAND USES IN THE SHORELAND ZONE**

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



<sup>6</sup>See further restrictions in Section 15( L)(2).

<sup>7</sup>Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

<sup>8</sup>Except as provided in Section 15(H)(4).

<sup>9</sup>Non-commercial signs only. Commercial signs would fall under Site Plan Review with PB.

<sup>10</sup>Site Plan Review is required with the PB.

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

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;
- B. Draining or otherwise dewatering;
- C. Filling, including adding sand or other material to a sand dune; or
- D. Any construction or alteration of any permanent structure.

# TOWN OF HARRISON

SITE PLAN REVIEW ORDINANCE      \$3.00

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Adopted June 17, 1989

Amended June 10, 2009 (At Annual Town Meeting)

A True Attested Copy      Date: June 11, 2009

Amended June 13, 2012 (Annual Town Meeting)

A True Attested Copy      Date: June 19, 2012

A handwritten signature in cursive script that reads "Judith E. Colburn".

Judith E. Colburn, Town Clerk

## Site Plan Review Table of Contents

	Page	
<b>Section A. Purpose</b>		1
<b>Section B. Authority</b>	2	
<b>Section C. Administration</b>		2
Final Site Plan Review Acceptance	2	
Site Plan Review Process	3	
Public Hearing	3	
Pre-Application Meeting	3	
Recordkeeping	3	
Third Party Review and Escrow Account	3	
Waiver Provisions	4	
<b>Section D. Submission Requirements</b>	4	
Application	4	
Map Requirements	4-5-6	
Supporting Documents	6	
<b>Section E. Design &amp; Performance Standards</b>		7
Parking Area Design Standards	7-8-9	
Entrance Location and Design Provisions	9-10-11	
Road Standards	11	
Lighting	11	
Buffers	12	
Site Conditions During Construction	13	
Performance Guarantees	13-14	
Hazardous Matter	15	
Odors	15	
Noise	15	
Vibrations	15	
Unique Features	15	
Storm Water Management, Ground Water, Pollution and Erosion and Sedimentation Control	15	
Storm Water Management Plan	16	
Groundwater Pollution	17	
Erosion and Sedimentation Plan	17	
Landscape and Site Plan Assessment	17	
<b>Section F. Appeal</b>	18	
<b>Section G. Enforcement</b>	18	

## TOWN OF HARRISON

### SITE PLAN REVIEW ORDINANCE

#### SECTION A. PURPOSE

1. **The purpose of site plan review is to ensure that the design and layout of commercial, retail, industrial or institutional uses or multi-family residential development will constitute suitable development and will not result in a detriment to the Town of Harrison or to the environment.**
2. **The purpose and objectives of site development requirements and the site plan review procedure for uses other than single-family and duplex dwellings are to:**
  - a. **Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of the development;**
  - b. **Discourage monotonous, drab, unsightly, dreary and inharmonious developments;**
  - c. **Conserve the Town's natural beauty and visual character and charm by ensuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic quality of the natural terrain and landscaping, and that proper attention is given to exterior appearance of structures, signs, and other improvements;**
  - d. **Protect and enhance the Town's appeal to its residents and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties;**
  - e. **Stabilize and improve property values and prevent blighted areas and, thus, increase tax revenues.**
  - f. **Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and, thus, decrease the cost of governmental services;**
  - g. **Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.**
  - h. **Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the town's favorable environment;**

**And, thus, to promote and protect the health, welfare and safety of the Town.**

## **SECTION B. APPLICABILITY**

- 1. Except for single-family and duplex dwellings and “their” accessory uses, no building permit shall be issued for a new building, a new facility such as a golf course or public utility, or the major remodeling of an existing building or facility, and no sign permit shall be issued for the erection or construction of a sign relating to such new building or facility, or major remodeling, until the plans, drawings, sketches and other documents required under this section have been reviewed and approved by the Planning Board. For purposes of this Section, the term “major remodeling” shall mean any remodeling that substantially changes the use of the building or its exterior appearance. Any revision to or addition of paved areas, parking lots or drives shall constitute a “major remodeling”.**
- 2. Construction, site development and landscaping shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved by the Board, unless altered with Board approval. Nothing in this Subsection shall be construed to prevent ordinary repair, maintenance and replacement of any part of the building or landscaping which does not involve a substantial change from the purpose and objectives of this ordinance.**

## **SECTION C. AUTHORITY AND ADMINISTRATION**

### **A. AUTHORITY**

- 1. This Ordinance is adopted pursuant to Municipal Home Rule Authority as provided for in Article VIII. Part Second, Section 1 of the Maine Constitution and Title 30A M.R.S.A, Section 3001**
- 2. This Ordinance shall be known as the “Site Plan Review Ordinance” of the Town of Harrison, Maine adopted and effective by vote of the Town Meeting.**

### **B. ADMINISTRATION**

**The Planning Board of the Town of Harrison shall administer this Ordinance.**

- 1. All applications for site plan review shall be made in writing to the Code Enforcement Officer on forms provided for this purpose. The application shall be made by the owner of the property or by his agent, as designated in writing by the owner. The application for site plan review shall be accompanied by a fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee schedule.**

**Six (6) copies of the completed application for site plan review, together with the documentation required in these regulations, shall be submitted at least seven (7) days prior to a scheduled Planning Board meeting.**

- 2. Final Site Plan Review Acceptance**

**The Planning Board shall review the final site plan review application to determine whether the application is complete and in accordance with this Ordinance. The Board shall:**

- a. Accept the application and begin the final plan review process;**
- b. Accept the application with conditions, each of which must be satisfied prior to final site plan review approval; or**
- c. Reject the application because it fails to meet the requirements of this Ordinance.**

**In the case of rejection, the Board shall notify the applicant in writing of the reasons for rejection.**

### **3. Site Plan Review Process**

**The Planning Board shall, within 30 days of a public hearing or within 60 days of having received a completed application, if no hearing is held, or within such other time limit as may mutually be agreed to, issue an order denying or granting approval of the final site plan review application subject to any conditions as it may deem advisable to satisfy the criteria contained in this Ordinance. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Planning Board shall make findings of fact establishing that the proposed site in the application does or does not meet the provisions of this Ordinance.**

### **4. Public Hearing**

**In the event that the Planning Board determines to hold a public hearing on the proposed, application it shall hold such public hearing within 30 days of having accepted a site plan review application, and shall cause notice of the date, time, and place of such hearing to be given to the applicant and to be published in a newspaper of general circulation in Harrison at least 7 days prior to the hearing. The decision to hold a public hearing is discretionary, and in making its decision, the Planning Board may consider the size and type of use, community impact, and whether any written requests for such hearing have been received.**

### **5. Pre-Application Meeting**

**Prior to formal application, an owner or his authorized agent may request an informal review of the site plan by the Planning Board to determine its compliance with town regulations.**

### **6. Recordkeeping**

**One copy of an approved site plan application shall be included in the application for a building permit.**

**The Site Plan Review Ordinance shall be accompanied by a fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee Schedule**

### **7. Waiver Provisions**

The Planning Board may waive individual requirements of site plan review, provided that the waiver does not result in:

- a. Undue water or air pollution;
- b. An inadequate water supply;
- c. Unreasonable soil erosion;
- d. Unreasonable traffic congestion or safety risk;
- e. Inadequate sewage disposal capacity;
- f. Inadequate solid waste disposal capacity;
- g. An adverse impact on scenic or natural beauty, aesthetics, historic sites, or rare or irreplaceable natural areas;
- h. Substantial non-conformance with this Ordinance or the Comprehensive Plan.

Factors appropriate for waivers include, but are not limited to: final plan submission requirements; design standards for streets; storm water management requirements; erosion and sedimentation requirements; performance guarantees; public open space; appearance assessment; development impact fees; design for solar access and for the provision of affordable housing.

#### **SECTION D. SUBMISSION REQUIREMENTS**

When the owner of the property or his authorized agent makes formal application for site plan review, his application shall contain at least the following exhibits and information:

1. **Application.** An application for site plan review shall include six copies of the following:
  - a. A fully executed and signed application for site plan review.
  - b. Name of owner, developer and agent; and interest of the applicant if other than the owner or developer.
  - c. Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.
  - d. Names and addresses of all owners of record of all adjacent property, within 200 feet, as they appear on Assessor's records.
  - e. Names and addresses of designer, engineer, planner or landscape architect.
2. **Map Requirements.** Six (6) copies of a site plan drawn at a scale of not more than 50 feet to the inch for that portion of the total tract of land being proposed for development, and showing the following:
  - a. Current zoning boundaries and 100-year floodplain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.
  - b. Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.

- c. A surveyed topographic map of the site showing existing and proposed contours at no more than five-foot intervals.**
- d. Location of watercourses, aquifers and aquifer recharge areas, wetlands, marshes, surface water, rock outcroppings, wooded areas and areas of significant tree growth.**
- e. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.**
- f. Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow existing within 200 feet of the subject property, whether public or private.**
- g. Existing soil conditions and soil suitability test results for septic waste disposal, with all test pit locations shown on the plan. The Planning board also may require submission of a high intensity soils map.**
- h. Location of proposed buildings and uses thereof.**
- i. Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curb lines, sidewalk lines, and existing streets including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.**
- j. Location of existing and proposed public utility lines indicating whether proposed lines will be placed underground.**
- k. Location and design of proposed off-street parking and loading areas indicating number and size of stalls.**
- l. Proposed location, direction, type and time of use of outdoor lighting.**
- m. Existing and proposed planting, fences and walls, including all landscaping and screening, and indicating existing trees to be retained and areas to be left undisturbed including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assests and to screen objectionable features from neighbors.**
- n. Location, size, design and manner of illumination of signs.**
- o. Disposal of sewage, trash, solid waste, oily waste, hazardous waste or radioactive waste showing disposal facilities, receptacles or areas.**
- p. Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances, and radii of curves including the name and seal of the registered land surveyor who prepared the plan.**



- q. A statement on the map of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed, the number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by Section E. 1. d. for the uses proposed, the number of employees expected per shift, and the total floor area of proposed commercial or industrial uses.
- r. Description and plan of a “phased development concept” detailing the areas and sequence of phasing.
- s. Any other information the Planning Board deems necessary.

3. **Supporting Documents.** The following additional documents may also be required.

- a. A storm drainage study certified by a professional engineer and a proposed drainage system plan, both surface and subsurface, showing measures proposed to prevent pollution of surface or ground water, soil erosion, increased runoff, changes in ground water level and flooding.
- b. Description and plan of capacity and location of means of sewage disposal and evidence of soil suitability for such disposal approved by a registered engineer, a soils scientist or site evaluator.
- c. A notarized financial statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the Planning Board. Such statement shall be prepared by a certified public accountant.
- d. A traffic impact analysis prepared by a recognized engineer in the field of transportation planning.
- e. Review and comment, when required by the Planning Board, by appropriate Town boards or officials.
- f. Any other information deemed necessary by the Planning Board.

**SECTION E. DESIGN AND PERFORMANCE STANDARDS**

The following criteria and standards shall be utilized by the Planning Board in reviewing application 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 or review for the Board. These standards are not intended to discourage creativity, invention and innovation.

**1. Parking Area Design Standards**

- a. **Access.** There shall be adequate provisions for ingress and egress to all parking spaces. The width of access drives or driveways shall be determined as part of the site plan review, depending on use, topography and similar consideration, and they shall meet the requirements of this Article.
- b. **Size of aisles.** The width of all aisles providing direct access to individual parking stalls shall be in accordance with the requirements set forth below. Only one-way traffic shall be permitted in aisles serving single-row parking spaces placed at an angle other than ninety degrees.

<b>PARKING ANGLE (degrees)</b>	<b>AISLE WIDTH (feet)</b>
0 parallel parking	12
30	12
45	13
60	18
90 (perpendicular parking)	25

- c. **Off-Street Parking.** In any district where permitted, no use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged, unless there is provided for such extension, construction or enlargement, off-street automobile parking space within 300 feet of the principal building structure, or use of the premises, in accordance with the following schedule of parking requirements. No off-street parking facility shall have more than two (2) entrances and exits on the same street, and no entrance or exit shall exceed thirty (30) feet in width. Non-residential parking areas with more than two (2) parking spaces shall be so arranged that vehicles can maneuver within such areas and exit onto the street in a forward motion. No parking lot shall be constructed closer than five feet from any property line unless a common parking area is planned between adjacent lots.
- d. **Parking requirements shall be calculated utilizing one of the following formulas:**
  - (1) Two (2) spaces per dwelling unit.
  - (2) One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
  - (3) One (1) space for each tent or recreational vehicle site in a campground.
  - (4) One (1) space for each two (2) beds in a hospital or sanatorium.
  - (5) One (1) space for each four (4) beds for other institutions devoted to the board, care, or treatment of person.

- (6) One (1) space for each 180 square feet of fraction thereof, of gross floor area of any retail, wholesale or service establishment or office or professional building. Except that the ratio may be changed to one space for each 225 square feet or fraction thereof if an amount of land area equivalent to the difference between the 180 square feet requirements and the 225 square feet requirement is developed in landscaped green area as defined herein.
- (7) One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverage and for theaters, auditoriums, and other places of amusement or assembly.
- (8) One (1) space for each person employed or anticipated to be employed on the largest shift for all types of commercial, industrial, or other permitted uses.
- (9) Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open-air retail business and amusements and other permitted uses not specifically enumerated.

e. **Parking Space Dimensions.** Each parking shall be designed as follows:

Parking Angle	StallWidth	SkewWidth	Stall Depth	AisleWidth
90°	9'0"	0"	18'5"	26'0"
60°	8'6"	10'5"	19'0"	16'0" (1 Way)
45°	8'6"	12'9"	17'5"	12'0" (1Way)
30°	8'6"	17'0"	17'5"	12'0"
Parallel spaces	10'0"	-----	20'0"	-----

- f. **Multiple Purpose.** No required parking space shall, for the purpose of this Ordinance, serve more than one use.
- g. **General Location.** No off-street parking or loading area shall be located in a minimum required front yard.
- h. **Sidewalk and Curbing.** Sidewalks between parking areas and principal structures along aisles and driveways and wherever pedestrian traffic shall occur, shall be provided with a minimum width of four (4) feet of passable area and shall be raised six (6) inches or more above the parking area except when crossing streets or driveways. Guardrails and wheel stops permanently anchored to the ground shall be provided in appropriate locations.
- i. **Parked vehicles shall not overhang or extend over sidewalk areas unless an additional sidewalk width of two and one-half (2 ½) feet is provided to accommodate such overhang.**
- j. **Marking and Delineation of Parking and Emergency Access Areas.** Parking stalls, driveways, and aisles shall be clearly marked and delineated. The Planning Board may

require that certain areas are maintained for fire fighting or other emergency purposes, such areas shall be appropriately designated.

**k. General Circulation and Parking Design Principles.**

- (1) Parking space allocations should be oriented to specific buildings.
- (2) Parking areas should be designed to focus on major walkways, which should be fenced or marked.
- (3) Where pedestrians must cross service roads or access roads to reach parking areas, crosswalks should be clearly designated by pavement markings or signs and lighted. Crosswalk surfaces should be raised slightly to designate them to drivers, unless drainage problems would result. A one-way car movement (to the left or counterclockwise) should be encouraged. A major loop road should be developed around the parking areas, and parking bays should run perpendicular off the road.
- (4) Driveways should approach from the right to permit passengers to alight to or from the sidewalk.
- (5) Whenever possible, one-way traffic should be established at building entrances.
- (6) Where buses are a factor, bus shelters and indentation slots off the roadway should be provided.

**2. Entrance Location and Design Provisions. The following provisions apply to the entrance or exit of a proposed site.**

- a. All entrances and exits 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.
- b. Any entrance or exits shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the driver's seat of a vehicle standing on that portion of the entrance/exit driveway with the front of the vehicle a minimum of ten (10) feet behind the curblineline or edge of shoulder with the height of the eye three and seventy-five hundredths (3.75) feet to the top of an object four and five-tenths (4.5) feet above the pavement.

<b>ALLOWABLE SPEED (miles per hour)</b>	<b>REQUIRED SIGHT Distance</b>
25	250
40	400
45	450
50	500
55	550

Where appropriate, the applicant shall also apply ITE standards related to safe stopping distance.

- c. Where a site occupies a corner of two (2) intersecting roads, no entrance or exit shall be located within fifty (50) feet of the point of tangency of the existing or proposed curb radius of that site.
- d. No part of any entrance or exit shall be located within a minimum of ten (10) feet of a side property line. However, the Planning Board may permit an entrance or exit serving two (2) or more adjacent sites to be located on or within ten (10) feet of a side property line between the adjacent sites.
- e. Where two (2) or more two-way entrance/exits connect a single site to any one (1) road, a minimum clear distance of 1000 feet measured along the right-of-way line shall separate the closest edges of any two (2) such entrances/exits onto a road. The Planning Board may reduce that width down to 400 feet, provided the road in question is not a major arterial serving significant through traffic.
- f. **Driveway Angles.** Entrances or exits used for two-way operation shall intersect the road at an angle of as near ninety (90) degrees as site conditions will permit and in no case less than sixty (60) degrees. Entrances or exits used by vehicles in one (1) direction of travel (right turn only) shall not form an angle smaller than forty-five (45) degrees with a road unless acceleration and deceleration lanes are provided.
- g. **Entrance/Exit Profile.** Any vertical curve on an entrance or exit shall be low enough to prevent the dragging of any vehicle undercarriage. Should the sidewalk be so close to the curb at a depressed curb entrance/exit as to cause the slope to be too steep and to be likely to cause undercarriage drag, the sidewalk shall be appropriately lowered to provide a suitable ramp gradient.
- h. **Entrance/Exit Grades.** Entrances or exits shall not have a grade in excess of ten (10) percent over their entire length. At intersections with roads, the grade shall not be more than three (3) percent for the first twenty-five (25) feet from the center of the intersection for the road or driveway unless otherwise approved by the Planning Board.
- i. **Entrance/Exit Dimensions.** The dimensions of entrances or exits shall be designed to accommodate adequately the volume and character of vehicles anticipated to be attracted daily onto the land development for which a site plan is prepared. The required maximum and minimum dimension for entrance/exits are indicated below. Entrance/exits serving large volumes of daily traffic or traffic of over fifteen (15) percent truck traffic shall be required to utilize high-to-maximum dimensions.

	<b>One-Way Operation Entrance/Exits* Width</b>	<b>Two-Way Operation Entrance/Exits* Width</b>
3 to 10 dwelling units	10 - 15	15 - 25
10 dwelling units or over	15 - 25	20 - 35

All entrance/exits shall be five (5) feet or wider, depending upon conditions, at the curblineline and this additional width shall be maintained for a distance of twenty (20) feet into the site.

- j. **Surfacing.** Any driveway or parking area shall be constructed with the surface approved by the Planning Board in accordance with the specifications of the Code Enforcement Officer. Such surface shall extend to the paved portion of the road and shall extend throughout the area defined by the required entrance/exit dimensions specified above.

### 3. Road Standards

When a project entails the construction of public or private ways, these ways shall conform to Town standards.

### 4. Lighting

In connection with every site plan, the applicant shall submit plans for all proposed exterior lighting. These plans shall include the location, type of light, radius of light, manufacturer's specifications sheet and the intensity in footcandles. The following design standards shall be followed:

- a. The style of the light and light standards shall be consistent with the architectural style of the principal building.
- b. The maximum height of freestanding lights shall be the same as the principal building but not exceeding twenty-five (25) feet.
- c. All lights shall be shielded to restrict the maximum apex angle of the cone of illumination to 150 degrees.
- d. Lighting shall be shielded so as not to cross property lines and be directly visible to adjacent residents.
- e. Spotlight-type fixtures attached to buildings are prohibited.
- f. Freestanding lights shall be so located and protected as to avoid being easily damaged by vehicles.
- g. Lighting should be located along streets, parking areas, at intersections and crosswalks, and where various types of circulation systems merge, intersect or split.
- h. Pathways, sidewalks and trails should be lighted with low or mushroom-type standards.
- i. Stairways and sloping or rising paths, building entrances and exits require illumination.
- j. Lighting should be provided where buildings are set back or offset.

- k. **The following intensity in footcandles should be provided:**
  - (1) **Parking lots: an average of one and five-tenths (1.5) footcandles throughout.**
  - (2) **Intersections: three (3) footcandles.**
  - (3) **Maximum at property lines: 0.10 footcandles**
  - (4) **In residential areas: average of six-tenths (0.6) footcandles.**
- l. **Display lighting shall be shielded and shall be located and maintained as not to constitute a hazard or nuisance to the traveling public or to neighbors. In particular, so-called “string lights” shall not be permitted.**

## **5. Buffers**

**Buffers are fences, landscaping, berms and mounds used to minimize any adverse impacts or nuisance on the site or form adjacent areas. The following guidelines apply:**

- a. **Evergreens can be used as buffers, provided they are planted properly. An evergreen buffer requires two (2) or three (3) rows of staggered plantings. The rows can be five (5) feet apart and the evergreens planted four (4) feet on center.**
- b. **Buffers shall be considered in or for the following areas and purposes:**
  - (1) **Along property lines, to shield various uses from each other.**
  - (2) **Along interior roads running parallel to roads exterior to the site, to prevent confusion, particularly at night.**
  - (3) **Parking areas, garbage collection areas, and loading and unloading areas.**
  - (4) **To block parallel wind patterns and to stop wind-borne debris from leaving the site.**
- c. **Natural features shall be maintained wherever possible to provide a buffer between the proposed development and non-compatible abutting properties and public roadways. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers shall be considered.**
- d. **Buffers shall be sufficient to shield structures and uses from the view of non-compatible abutting properties and public roadways, and to otherwise prevent any nuisances including but not limited to all loading and unloading operations, storage areas, commercial vehicle parking, waste disposal and collection areas.**
- e. **Fencing and screening shall be durable and properly maintained at all times by the owner.**
- f. **Fencing and screening shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties.**

- g. All buffer areas shall be maintained in a neat and sanitary condition by the owner.**

**1. Site Conditions During Construction**

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner, and any condition which could lead to personal injury or property damage shall be immediately corrected by the developer upon an order by the Building Inspector or other authorized personnel. The developer shall make provision for disposal of oil and grease from equipment and the site area should be regularly sprayed to control dust from construction activity.**
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately following applicable local laws and upon request of and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.**
- c. No change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved site plan. Minimal changes in elevations or contours necessitated by field conditions may be made only after approval of the Code Enforcement Officer. All the changes necessitated by field conditions shall be shown on the final plan and indicated as a change from the preliminary, or if final approval has been granted, the changes shall be shown on the as-built plans.**
- d. Temporary improvements. Prior to or during construction, the Code Enforcement Officer may require the installation or construction of improvements to prevent or correct temporary conditions on the site which could cause personal injury, damage to property or erosion and landslide, flooding, heavy construction traffic, creation of steep grades and pollution. Improvement may include berms, mulching, sediment traps, detention and retention basins, grading, planting, retaining walls, culverts, pipes, guardrails, temporary roads and others appropriate to the condition. All temporary improvements shall remain in place and in operation until otherwise directed by the Code Enforcement Officer.**

**2. Performance Guarantees**

- a. Establishing the Level and Type of Guarantee. The developer shall, in an amount set by the Planning Board, file with the Town, prior to the issuance of a building permit, a performance guarantee in the form of a certified check payable to the Town of Harrison, a performance bond running to the Town of Harrison, an irrevocable letter of credit to cover the full cost of required improvements or some other form of surety that is acceptable to the Planning Board. For the purposes of this section, required improvement shall mean all public and private roads, all drainage structures and ditches, all erosion control measures, all utilities, all landscaping and all recreation facilities. Any such bond shall be satisfactory to the Planning Board and the municipal attorney as to form, sufficiency, manner of execution and surety.**
  - (1) At the discretion of the Planning Board, the developer may be allowed to submit individual bonds for each phase of a project's development. If this option is chosen,**



**prior to submission of each individual bond, the developer shall submit to the Town a written statement detailing completion dates for all roads and other public improvements planned for that phase.**

- (2) A period on one (1) year (or such period as the Planning Board may determine appropriate, not to exceed three (3) years shall be set forth in the bond time within which required improvements must be completed.**
- b. Inspection of Required Improvements. At least fifteen (15) days prior to commencing construction of required improvements, the developer shall notify in writing the Code Enforcement Officer of the time when he proposes to commence construction of such improvements so that the Code Enforcement Officer can cause inspection to be made to assure that all specifications and requirements shall be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board. Inspection shall be made of all required public improvements as defined above.**
- (1) At least five (5) days prior to commencing construction of required improvements, the developer shall pay an inspection fee equal to the estimated cost of inspection by an engineer appointed by the Town, payable by check to the Town of Harrison, stating the purpose of the fee. No building permits shall be issued on the project and no work begun until the inspection fee has been paid.**
  - (2) If the inspector shall find, upon inspection of the improvement performed before the expiration date of the performance bond, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the developer, he shall so report to the Town Manager, Road Commissioner and Building Inspector. The Town Manager shall then notify the developer and, if necessary, the bonding company or bank, and take the necessary steps to preserve the municipality's rights under the bond or letter of credit. No plan shall be approved by the Board as long as the developer is in default on a previous approved Plan.**
  - (3) Upon completion and final inspection of all required improvements, any funds remaining in a project's inspection fee account, after all inspection fees have been paid, shall be returned to the developer.**
  - (4) The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.**
- c. Release of the Performance Guarantee. The performance guarantee shall not be released by the Town Manager until:**
- (1) The inspecting engineer has completed his final inspection of the project and has submitted a written report stating that all require public improvements as defined above have been completed in accordance with approved plans and specifications.**

- (2) **The Town Manager and Code Enforcement Officer have examined the site, have reviewed the inspecting engineer's report and concur with these findings.**
- (3) **Performance guarantees collected on phased work segments shall be released in the same manner as outlined above, upon the completion of each phase.**
3. **Hazardous Matter. For any toxic or hazardous matter storage as defined in 38 M.R.S.A. Section 13, the Planning Board may require:**
- a. **an environment evaluation of the geologic, hydrologic, and soils conditions of the site;**
  - b. **a description of wastes to be stored, the storage method, and the disposal method;**
  - c. **information as to the existing ground water quality around the site and a system to monitor any changes should contamination occur;**
  - d. **findings and use of hazardous matter must be shown to be consistent with other local and State regulations.**
4. **Odors. Adequate provisions must be made to control the emission of odors from the site. The Planning Board may require the applicant to establish pre and post construction odor levels.**
5. **Noise. Adequate provisions must be made to control unnecessary noise from and at the site such that pre and post-construction levels remain the same at the property lines. The Planning Board may require the applicant to establish pre and post-construction decibel levels.**
6. **Vibrations. Adequate provisions must be made to control vibrations such that vibrations for pre and post-construction remain the same at the property line. The Planning Board may require the applicant to establish pre and post-construction vibration levels.**
7. **Unique Features. Adequate provision must be made to mitigate adverse impact on existing scenic or natural beauty, rare or irreplaceable historic sites, or other features of importance to the Town, as identified in the Comprehensive Plan.**
8. **Storm Water Management, Groundwater, Pollution and Erosion and Sedimentation Control.**  
**The Storm Water Management, Groundwater Pollution and Erosion/Sedimentation Requirements are as follows:**
- a. **Storm Water Management Plan. The storm water management plan must be included in the final plan application. The primary objective of the program is to limit peak discharge, after development, to equivalent levels before development. In the development of the plan, the following practices are required: (1) Peak Discharge Measurement. Peak discharge must be measured for the 2 and 25-year storm period. Estimation of the peak discharge and volume must be completed, using Urban Hydrology for Small Watersheds. TR-55. Soil Conservation Service as revised. The engineering design must include**

provisions for surface and subsurface runoff, especially where the displacement of surface and subsurface water is involved. Pre-construction and post-construction water flow estimates, and estimates of surrounding watershed impact and displacement of subsurface water are required.

- (1) **Reduction of Peak Discharge.** In reducing peak storm water runoff so as to maintain pre-construction water flow levels, the management plan must include techniques to detain water on the proposed site by:
    - i. **Minimizing slope length through trenching and maintaining flat slopes where possible.**
    - ii. **Infiltrating precipitation at the source prior to the runoff, which may be accomplished by delaying runoff from flat roofs, utilizing french drains for low water table soils, or precast concrete lattice blocks and bricks.**
    - iii. **Increasing the flow length by using diversion ditches and level lip spreaders.**
    - iv. **Infiltrating runoff after concentration in dry wells or trenches, natural swales or dugout basins, seepage beds or ditches, where there are low water swales.**
    - v. **Using detention ponds for a short-term storage of runoff, or permanent retention ponds for long-term storage. Embankments for such ponds must have a slope ratio of no less than four units horizontal to one unit vertical.**
  - (2) **Construction Standards.** In developing storm drainage plans, the following construction standards apply:
    - i. **Shoulders beyond the pavement must be compacted and stabilized, and storm water runoff from adjoining properties and from the roadway must be conducted so that road shoulder embankments and pavement edges will not be undermined or raveled away.**
    - ii. **Headwalls, catch basins and manholes must be constructed according to specifications approved by the Town Planner. Catch basins must be located to accept drainage from all low points and sags in the roadway, and to prevent storm water from flowing along the gutters for more than 400 feet.**
  - (3) **Soil Conservation Service.** The Planning Board may require the applicant to submit the storm water management plan to the Cumberland County Soil and Water Conservation District.
  - (4) **Improvement Costs.** If the development depends upon storm water control, which affects the existing system, whether natural or man-made, all costs of improvements must be paid by the applicant.
- b. **Groundwater Pollution.** The Planning Board may require the applicant to demonstrate that there will be no adverse effect on subsurface water quality. The applicant may have to

establish present water quality conditions and install a monitoring system. Special precautions must be taken where records indicate the existence of a sand and gravel aquifer or an aquifer recharge area.

c. **Erosion and Sedimentation Plan.** A site plan must include a plan for erosion and sedimentation control during and after the construction period. The range of erosion and sedimentation control options to be incorporated in the plan should be dependent upon the guidance of the Environmental Quality Handbook of Maine and on the additional standards stated below. Any individual option or combination is acceptable, as long as it is considered in relation to the overall site stormwater management plan.

- (1) Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
- (2) Development shall preserve salient 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) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (4) The disturbed area and the duration of exposure shall be kept to a practical minimum.
- (5) Disturbed soils shall be stabilized as quickly as practicable.
- (6) Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
- (7) The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
- (8) 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.

9. **Landscape and Site Plan Assessment.** The following requirements related to site plan layout shall be incorporated into the site plan:

- a. **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 viewed from surrounding properties.
- b. **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.

If a site includes a ridge or ridges which are elevated above the surrounding areas and provide scenic vistas for the natural environment of the skyline of the ridge, buildings shall be located so that they are not clearly visible from surrounding areas. Siting away from the skyline, plantings and buffering landscaping are potential methods of preserving the scenic vista.

- c. **Relation of Proposed Buildings to the Environment.** Proposed structures shall be related harmoniously to the terrain and to the existing buildings in the vicinity which 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.
- d. **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, and to minimize the encroachment of the proposed use of neighboring land uses. Particular attention should be paid to the use of planning to break up parking areas.

#### **SECTION F. APPEAL**

The applicant, abutting landowner, or aggrieved party may appeal a site plan review decision of the Planning Board to the Zoning Board of Appeals within 30 days of the Planning Board decision. If it is shown after public hearing that the Planning Board erred in the interpretation of these regulations in making its final decision, the Zoning Board of Appeals may affirm, amend or reverse the decision of the Planning Board. The appeals process shall be consistent with the process described in Section: 16. H. 3-4 of the Harrison Shoreland Zoning Ordinance.

#### **SECTION G. ENFORCEMENT**

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this site plan review ordinance and any final site plan action taken by the Planning Board. Any enforcement action shall be carried out in accordance with Section 16. I. 1-4 of the Harrison Shoreland Zoning Ordinance.

# Town of Harrison, Maine

## Skateboarding Ordinance

**Section 1. Title and Authority:** This ordinance shall be known as the Harrison Skateboarding Ordinance. This ordinance is enacted

pursuant to the Home Rule powers granted by the Maine Constitution, and 30-A M.R.S.A. § 3001 et seq.

**Section 2. Purpose:** Skateboarding is a dangerous activity when conducted on public ways and places. The purpose of this ordinance is to protect the public health and welfare by prohibiting skateboarding activities in public areas within the municipality; but allowing skateboarding in designates areas.

**Section 3. Definitions:**

- (a) **Skateboard** – a single platform which is mounted on wheels, having no mechanism or other device with which to power, steer or control the direction of movement thereof while being used, operated or ridden.
- (b) **Public Area** – for purposes of this ordinance, includes all roads, streets, avenues, lanes, alleys, municipally-owned parking lots, public easements, paths and sidewalks. “Public area” also included privately owned parking lots which are open to the public (whether free or for-charge) for parking. This term does not include privately-owned roads, driveways and areas not open to the general public.
- (c) **Designated Skateboarding Facility** – means any public area which is designated and operated for skateboarding, and has been approved and designated as such by the Recreation Director/Recreation Committee/Board of Selectmen present and future areas.
- (d) **In Line Skates (Roller Blades)** – will be allowed on designated skateboarding facilities and must follow all rules and regulations that govern skateboarding. They must also follow rules and regulations of the State of Maine that govern their use on the road ways.

**Section 4. Use in Public Areas Prohibited:** No person shall operate or cause to be operated a skateboard on any public area in the municipality, except as follows:

- (a) it is not a violation of this ordinance to operate a skateboard in a designated skateboarding facility/area.
- (b) it is not a violation of this ordinance to operate a skateboard in a privately-owned parking lot open to the public if the owner of said lot has given express written permission for that activity.

**Section 5. Enforcement** – This ordinance may be enforced by any constable duly authorized by the municipality or any law enforcement officer.

**Section 6. Penalties** – Upon conviction of a violation of this ordinance, the penalties shall be as follows:

First offense:	Written Warning
Second offense: offender and must be accompanied	Surrender of skateboard for three (3) days. Must be picked up by parent/guardian at Harrison Town Office.
Third offense: when skateboard is picked up by Town Office.	\$10 fine and surrender of skateboard for ten (10) days. Fine payable offender and must be accompanied by parent/guardian at Harrison

**Fourth offense:** \$25 fine and surrender of skateboard for thirty (30) days. Fine payable when skateboard is picked up by offender and must be accompanied by parent/guardian at Harrison Town Office.

**Fifth offense:** \$50 fine and surrender of skateboard for sixty (60) days. Fine payable when skateboard is picked up by offender and must be accompanied by parent/guardian at Harrison Town Office.

**Sixth or more offenses:** \$100 fine and surrender of skateboard for ninety (90) days. Fine payable when skateboard is picked up by offender and must be accompanied by parent/guardian at Harrison Town Office.

All fines collected under this ordinance shall accrue to the municipality and be applied to the Parks and Recreation Department for the maintenance and operation of designated skateboarding facilities.

**Section 7. Severability:** In the event that a Court of competent jurisdiction determines that any portion of this ordinance is invalid, the remaining provisions shall continue in full force and effect.

**Section 8. Effective Date:** This ordinance shall become effective when adopted by the legislative body of municipality.

**ADOPTED AT THE JUNE 19 & 20, 1992 ANNUAL TOWN MEETING – ARTICLE #10**

# **STREET NAMING AND NUMBERING ORDINANCE**

## **SECTION 1 – PURPOSE**

The purpose of this ordinance is to enhance the easy and rapid location of properties for the delivery of public safety, emergency services, postal delivery, and business delivery.

## **SECTION 2 – AUTHORITY**

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

## **SECTION 3 – ADMINISTRATION**

This ordinance shall be administered by the E911 Officer or their designee who shall assign road names and numbers to all properties, both on existing and proposed roads and enter them into the current assessing and tax system and the official E911 database.

## **SECTION 4 – NAMING SYSTEM**

All roads in the Town of Harrison that serve two or more addresses shall be named regardless of whether the ownership is public or private. A road name assigned by the town of Harrison shall not constitute or imply acceptance of the road as a public way. The following criteria shall govern the naming system:

- A. Similar names – no two roads shall be given the same or similar-sounding names. (Beech/Peach)
- B. Each road shall have the same name throughout its entire length.

## **SECTION 5 – NUMBERING SYSTEM**

Numbers shall be assigned every 50 feet or less when deemed necessary along both sides of the road, with even numbers appearing on the left side of the street and odd numbers appearing on the right side of the street, determined by the number origin. The following criteria shall govern the numbering system.

- A. All number origins shall begin from the designated center of The Town of Harrison or that end of the road closest to the designated center. For dead end roads, numbering shall originate at the intersection of the adjacent road and terminate at the dead end.
- B. The number assigned to each structure shall be that of the numbered interval falling closest to the front door or driveway of said structure.



- C. Every structure with more than one principle use or occupancy shall have a separate number. (Duplexes may have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Ridge Street, Apt 2).

## **SECTION 6- COMPLIANCE**

In order for road naming and property numbering to be effective and Enhanced 911 to work, all owners of structures shall display and maintain in a conspicuous place on their structure the assigned numbers in the following manner:

- A. Number on the Structure or Residence – When the residence or structure is within 50 feet of the edge of the road, the assigned number shall be displayed on the front of the residence in the vicinity of the front door or entry.
- B. Number at the Street/Road – if the residence/structure is over 50 feet from the road, the number shall be displayed on a post, fence, wall, or mailbox adjacent to the walk or driveway of the residence.
- C. Numbers shall be 4” to be clearly visible from the road/street and should contrast with the background colors.
- D. All previous numbers must be removed from the house or structure.
- E. It is suggested that all residents post their road name and number adjacent to the telephone for emergency reference.

## **SECTION 7 – NEW DEVELOPMENTS AND SUBDIVISIONS**

- A. NEW DEVELOPMENTS: Whenever any residence or other structure is constructed or developed, the new owner should procure an assigned number from the E911 Officer or their designees. This should be done when the building permit is issued.
- B. NEW SUBDIVISIONS: Any prospective sub-divider shall show a proposed road name and lot numbering system at the pre-application meeting with the Planning Board. Before approval of the subdivision the Planning Board shall get approval from the E911 Officer or their Designees that the name of the street and the numbering of the lots complies with the Street Naming and Numbering Ordinance for the Town of Harrison.

## **SECTION 8 – SEVERABILITY**

In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, this finding shall not affect the remainder of this Ordinance.

## **SECTION 9 – EFFECTIVE DATE**

This Ordinance shall be in full force and effect upon passage by a majority vote of the Legislative Body. It shall be the duty of the E911 Officer or designee to notify by mail each owner and the Post Office of the new addresses. Property owners shall comply with this Ordinance within 30 days of notification of their new address. On new homes numbers shall be installed before occupancy.

## **SECTION 10 – ENFORCEMENT**

Enforcement of this Ordinance shall be the responsibility of the Code Enforcement Officer or their designee.

## **SECTION 11 – PENALTIES**

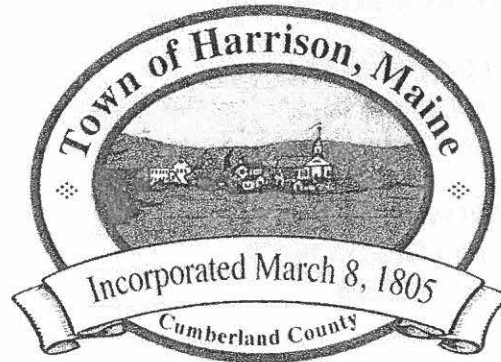
Any person who, after being notified by the E911 Officer or designee, shall fail to comply with any of the provisions of this Ordinance within thirty (30) days specified in such notice, shall pay a fine of \$5 per day of violation. This penalty shall not be deemed to be exclusive of any other appropriate legal or equitable action.

## **SECTION 12 – APPEALS**

Any person who shall deem himself/herself aggrieved by the administration of this Ordinance or by the failure or refusal of the person authorized to enforce this Ordinance may appeal the decision in writing to the board of Selectmen of the Town of Harrison at any time within thirty (30) days of the date on the written notice of address change letter. Decision of the Board shall be final and binding.

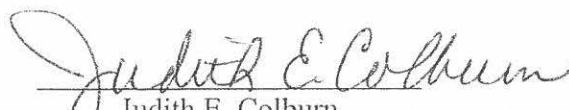
\$3.00

# TOWN OF HARRISON



## SUBDIVISION ORDINANCE

Presented at Town Meeting June 1996  
Adopted June 12, 1996  
Amended January 21, 1997  
Amended June 14, 2006  
Amended June 13, 2012 (Annual Town Meeting)  
A True Attested Copy Date: June 19, 2012

  
Judith E. Colburn  
TOWN CLERK

**TOWN OF HARRISON SUBDIVISION ORDINANCE**

**TABLE OF CONTENTS**

**ARTICLE 1 – PURPOSE** \_\_\_\_\_

**ARTICLE 2 – AUTHORITY AND ADMINISTRATION** \_\_\_\_\_

**ARTICLE 3 – DEFINITIONS** \_\_\_\_\_

**ARTICLE 4 – ADMINISTRATIVE PROCEDURE** \_\_\_\_\_

**ARTICLE 5 – PREAPPLICATION, SKETCH PLAN INSPECTION** \_\_\_\_\_

**ARTICLE 6 – PRELIMINARY PLAN** \_\_\_\_\_

**ARTICLE 7 – FINAL PLAN** \_\_\_\_\_

**ARTICLE 8 – REVISIONS TO APPROVED PLANS** \_\_\_\_\_

**ARTICLE 9 – INSPECTIONS AND ENFORCEMENT** \_\_\_\_\_

**ARTICLE 10 – PERFORMANCE STANDARDS** \_\_\_\_\_

**10.1 – POLLUTION** \_\_\_\_\_

**10.2 – WATER SUPPLY** \_\_\_\_\_

**10.3 – IMPACT ON EXISTING WATER SUPPLIES** \_\_\_\_\_

**10.4 – SOIL EROSION** \_\_\_\_\_

**10.5 – TRAFFIC CONDITIONS** \_\_\_\_\_

**10.6 – SEWAGE DISPOSAL** \_\_\_\_\_

**10.7 – SOLID WASTE IMPACT** \_\_\_\_\_

**10.8 – IMPACTS WILDLIFE HABITAT, HISTORIC SITES** \_\_\_\_\_

**10.9 – FINANCIAL & TECHNICAL CAPACITY** \_\_\_\_\_

**10.10 – IMPACT ON WATER QUALITY OR SHORELINE** \_\_\_\_\_

**10.11 – IMPACT ON GROUND WATER QUALITY** \_\_\_\_\_

**10.12 – FLOODPLAIN MANAGEMENT** \_\_\_\_\_

**10.13 – WETLANDS IDENTIFICATION OF,** \_\_\_\_\_

**10.14 – STORM WATER MANAGEMENT** \_\_\_\_\_

**10.15 – OPENSACE** \_\_\_\_\_

**ARTICLE 11 – DESIGN GUIDELINES** \_\_\_\_\_

**ARTICLE 12 – PERFORMANCE GUARANTEES** \_\_\_\_\_

**ARTICLE 13 – WAIVERS AUTHORIZED** \_\_\_\_\_

**ARTICLE 14 – APPEALS** \_\_\_\_\_

**PRESENTED AT TOWN MEETING JUNE 2006**

**ARTICLE 11.7 MONUMENTS**

**AMENDED JUNE 14, 2006**

**ARTICLE 1 – PURPOSES**

The purpose of these regulations are:

- 1.1 To provide for an expeditious and efficient process for the review of proposed subdivisions;
- 1.2 To clarify the approval criteria of the State Subdivision Law, found in Title 30-A.M.R.S.A., 4404
- 1.3 To assure new development in the Town of Harrison meets the goals and conforms to the policies of the Town of Harrison’s most current Comprehensive Plan;
- 1.4 To assure the comfort, convenience, safety, health and welfare of the people of the Town of Harrison;
- 1.5 To protect the environment and conserve the natural and cultural resources identified in the 1990 comprehensive Plan as important to the community;
- 1.6 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;
- 1.7 To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- 1.8 To promote the development of an economically sound and stable community.

**ARTICLE 2 – AUTHORITY AND ADMINISTRATION**

**2.1 Authority**

A. These standards have been prepared in accordance with the provisions of Title 30- A.M.S.A. 4403

B. These standards shall be known and may be cited as “Subdivision Ordinance of the Town of Harrison, Maine”.

**2.2 Administration**

A. The Planning Board of the Town of Harrison, hereinafter called the Board, shall administer these regulations.

**B. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Harrison.**

### **2.3 Amendments**

**A. These regulations may be amended by:**

**1. The Legislative Body of the Town of Harrison.**

## **ARTICLE 3 – DEFINITIONS**

**In general, words and terms used in these regulations shall have their customary dictionary meanings, More specifically, any word or term defined in the Shoreland Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:**

### **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 these regulations.**

### **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 municipality'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.**

**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 these regulations, or by a vote of the board to waive the submission of required information. 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 30% 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 the building construction shall be included in the total costs of proposed improvements.**

**Comprehensive Plan:**

**A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.**

**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 building, landscaping, parking areas and streets.

**Direct Watershed of a Great Pond:**

That portion of the watershed, which drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and applicant can't agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a registered land surveyor showing where the drainage divide lies.

**Driveway:**

A vehicular accessway serving two dwelling units or less.

**Dwelling Units:**

A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

**Engineered Subsurface Waste Water Disposal System:**

A subsurface waste water disposal system designed, installed, and operated as a single unit to treat 2000 gallons per day or more; or any system designed to treat waste water with characteristics significantly different from domestic waste water.

**Final Plan:**

The final drawings on which the applicant's plan of subdivision is present to the Board for approval and which, if approved, shall 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 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.

**Great Pond:**



Any inland body of water which in a natural state has a surface area in excess of ten acres, and any Inland body of water artificially formed or increased which has surface area in excess of thirty acres, except for the purposes of these regulations, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**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 seasonal high water table or bedrock at that location. Single soil test pits and their evaluation for suitability for subsurface waste water disposal system 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.

**Coastal Waters:**

The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrowgrass, seaside lavender, silverweed, salt marsh bullrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.

**Inland Waters:**

That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominately terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or pond, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

**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, 1991 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 municipality, either as staff or on a consulting basis.**

**Net Residential Acreage:**

**The total acreage available for the subdivision, as, on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development.**

**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:**

**Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.**

**Planning Board:**

**The Planning Board of the Town of Harrison.**

**Preliminary Plan:**

**The preliminary drawing indicating the proposed layout of the subdivision to be submitted to the Planning 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 reference, on a roadway. Used in these regulations 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:**

**1) Arterial Street: A major thoroughfare, which serves as a major traffic way for travel between and through the municipality.**

**The following roadways shall be considered arterial streets**

**Collector Street:**

**2) 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.**

**Cul-de-sac:**

**3) A street with only one outlet and having the other end for reversal of traffic movement.**

**Industrial or Commercial Street:**

**4) Streets servicing industrial or commercial use.**

**Minor Residential Street:**

5) A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

**Private Right -of- Way:**

6) A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

**Subdivision:**

The division of a tract or parcel of land into 3 or more lots within any 5-year period, that begins 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 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 structures previously used for commercial or industrial use 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 structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period. In determining whether a tract of land or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel shall be considered to create the first 2 lots and the next dividing of either of the first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless:

A) Both dividings are accomplished by a subdivider who has retained one of the lots for the subdivider's own use as a single- family residence or for open space land as defined in Title 36 M.R.S.A., 1102 for a period of at least 5 years before the second dividing occurs; or

B) The division of the tract or parcel is otherwise exempt under this definition.

A lot of 40 or more acres shall not be counted as a lot except where the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38 M.R.S.A., 435, or the municipality's shoreland zoning. A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of these regulations, unless the intent of the transferor in any transfer or gift is to avoid the objectives of these regulations. If real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5-years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this definition. The grant of bona fide security interest in an entire lot that has been exempted from the definition under this paragraph, or subsequent transfer of that entire lot

by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of these regulations. In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land. The division of a tract or parcel of land into 3 or more lots and upon each of which lots permanent dwelling structures legally existed before September 23, 1971 is not a subdivision.

**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 out croppings, or areas with slopes exceeding 10%.

**ARTICLE 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 Boards agenda at least ten days in advance of a regularly scheduled meeting by contacting the CEO. Applicants who attend a meeting but who are not on the Boards 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.

**ARTICLE 5-PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION**

**5.1 Purpose**

The purpose of the preapplication 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 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 and make suggestions to be incorporated by the applicant into the application.**
- C) The date of the on-site inspection is selected.**

## **5.3 Submission**

**The Preapplication 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 free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetation cover to be identified in a general manner. 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 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 ten acres in size.**
- B) A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.**

## **5.4 Contour Interval and On-Site Inspection**

**Within thirty days of the preapplication 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, or Final Plan in the case of a Subdivision. 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. The board shall not conduct on-site inspections when there is more than one foot of snow on the ground.**

## **5.5 Rights Not Vested**

**The preapplication 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 preapplication meeting the Board shall establish a file for the proposed subdivision. All correspondence and submissions regarding the preapplication meeting and application shall be maintained in the file.**

**ARTICLE 6 – PRELIMINARY PLAN**

**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 ten days prior to a scheduled meeting of the board. Applications shall be submitted by mail to the board in care of the CEO or delivered by hand to the CEO. 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 approval for a Subdivision shall be accompanied by a fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee Schedule. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.**

**C) The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's receipt of the plan until the next meeting that the applicant attends.**

**D) At the meeting at which an application for preliminary plan approval of a subdivision is initially presented, the Board shall:**

- 1. Issue a dated receipt to the applicant.**
- 2. Notify in writing all owners of abutting property that the 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, the Board shall notify the applicant in writing of its determination. 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 municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.

H) Within thirty days from the public meeting 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 finding of fact on the application, and approve approve with conditions or deny the preliminary plan application. The Board shall specify in writing its finding 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 requires as prerequisite to the approval of the final plan.

J) Approval of the 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 these regulations and the conditions of preliminary approval. 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 Submissions**

The preliminary plan application shall consist of the following items:

A) Application Form.

### **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 shall be submitted in three copies of one or more maps or drawings, which 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 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. In addition, one copy of the plan(s) reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be submitted, to the CEO no less than seven days prior to the meeting.

**D) Application Requirements**

The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A.M.R.S.,4404 are met.

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.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a registered land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
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 dwelling in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pits 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 or systems 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.
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. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be indentified on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.
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. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
14. The shoreland zoning district in which the proposed subdivision is located and the location of any aquifer district boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
17. 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.
18. The proposed lot lines with approximate dimensions and lot areas.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
20. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
21. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover any proposed restrictions to be placed on clearing existing vegetation.
22. 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.
23. A hydrogeologic 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 a subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, or

b) The subdivision has an average density of more than one dwelling unit per 100,000 square feet. The Board may require a hydrogeologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water 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 per 80,000square feet; or the proposed use of shared or common subsurface waste water disposal systems. The hydrogeologic assessment shall be conducted in accordance with the provisions of section 10.12.A.1.

24. 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 Trip Generation Manual, 1991 edition, 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.

25. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife 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 the plan shall indicate appropriate measures for the preservation of the values which qualify the site for such designation.

26. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and immersions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

## ARTICLE 7 – FINAL PLAN

### 7.1 Procedure

A.) Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least ten days prior to a scheduled meeting of the Board Applications shall be submitted by mail to the CEO in care of the municipal offices or delivered by hand to the municipal offices. 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 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 expansion 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 that municipal 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 fee as established and revised from time to time, by the Board of Selectmen and listed in the Town Fee Schedule. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.**

**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, Natural Resources Protection Act, or if a wastewater discharge license is needed.**

**2. Maine Department of Human services, if the applicant proposes to provide a public water system.**

**3. Maine Department of Human Services, if an engineered subsurface waste water disposal system or systems is to be utilized.**

**D.) The applicant, or his duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the board's receipt of the plan until the next meeting which the applicant attends.**

**E.) At the meeting at which the an application for final plan approval of a subdivision is initially presented, the Board shall issue a dated receipt to the applicant.**

**F.) 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.**

**G.) Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the final plan application.**

**H.) 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 to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing.**

**I.) The Board shall notify the road commissioner and fire chief of the proposed subdivision, the**

number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.

J.) Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 12.

K.) 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 these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations 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 these regulations 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 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 by 36 inches in size, and shall have a margin of two inches outside of the borderline 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 Mylar to be recorded at the registry of Deeds, and three paper copies of the plan and one digital file e.g. (PDF), (TIF) etc. shall be submitted. In addition, one copy of the final plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to the CEO no less than ten days prior to the meeting. The final plan shall include or be accompanied by the following information.

A.) Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.

B.) The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.

C.) An indication of the type of sewage disposal to be used in the subdivision.

D.) 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 servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.

**2.) 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.**

**E. The date the plan was prepared, north point, graphic map scale.**

**F. The names and addresses of the record owner, applicant and individual or company who prepared the plan.**

**G. The location of any zoning boundaries affecting the subdivision.**

**H. 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.**

**I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.**

**J. The location names, and present widths of existing and proposed streets, highways, easement 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 registered land surveyor. The original reproducible plan shall be embossed with the seal of the registered land surveyor and be signed by that individual.**

**K. A storm water management plan, prepared by a registered professional engineer in accordance with the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection (1995).**

**L. An erosion and sedimentation control plan prepared in accordance with the Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns.**

**M. The widths and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.**

**N. All parcels of land proposed to be dedicated to be public use and the conditions of such dedication. Written offers to convey title to the municipality 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 maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the municipal officers 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. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control, the following shall be submitted or indicated on the plan at the Board's discretion.**

**1.) A phosphorus impact analysis and control plan conducted using the procedures set forth in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992. 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 phosphorous 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.**

**Q. A list of construction items with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.**

**R. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to: Schools, including busing, Street maintenance and snow removal, Police and fire protection, Solid waste disposal, Recreation facilities, Storm water drainage, Waste water treatment Water supply. The applicant shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.**

**S. The location and method of disposal for land clearing and construction debris.**

## **7.2 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 municipality.**

**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 CEO. 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.

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 the revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 9 The Board shall make finding that the revised plan meets the criteria of Title 30 M.R.S.A., 4404, and the standards of these regulations. 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. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered 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 design and construction requirements of the Town. 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 municipal officers.

## **ARTICLE 8 – REVISIONS TO APPROVED PLANS**

### **8.1 Procedure**

An applicant for a revision to a previously approved plan shall, at least ten 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 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 these regulations 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.

## **ARTICLE 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 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 municipal 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.

B.) If the inspecting officials 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, he shall so report in writing to the 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.

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 Registered Land Surveyor, stating that all information 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 design and construction requirements of the Town. 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 municipal officers.

G. The subdivider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks where required until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

### **10.2 Violations and Enforcement**

A) No plan of a division of land within the municipality 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 these regulations.

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 the 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 these regulations 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 these regulations up to and including the 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 these regulations.

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.

### **ARTICLE 10 -PERFORMANCE STANDARDS**

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30- A M.R.S.A., 4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 11 shall be considered as evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with

**the design guidelines of Article 11 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.**

### **10.1 Pollution**

**A) The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.**

**B) Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface waterbodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.**

### **10.2 Sufficient Water**

#### **A. Water Supply**

**1. Any subdivision within the area designed by the Harrison Water District for future public water supply service shall make provisions for connection to the public system. When public water supply service will not be available at the time of construction of the subdivision, a "capped system" shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.**

**2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief.**

**3. When a proposed subdivision is not within the area designed 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.**

**b.) Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.**

**c.) If a central water supply system is 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).**

**d.) In areas where the Harrison Fire Chief has identified the need for additional water storage**

capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants underground storage reservoirs or other methods acceptable to the Fire Chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary.

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 note on the plan to be recorded in the Registry of Deeds.

### **10.3 Impact on Existing Water Supplies**

In meeting the standards of section 10.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

### **10.4 Soil Erosion**

A. The proposed subdivision shall prevent soil erosion 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. 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.

### **10.5 Traffic Conditions**

A. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:

1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision.
2. Avoid traffic congestion on any street; and
3. Provide safe and convenient circulation on public streets and within the subdivision.

**B. More specifically, access and circulation shall also conform to the following standards.**

**1. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets which the comprehensive plan has classified as residential access streets.**

**2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion.**

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

**4. Where topographic and other site conditions allow provisions shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivision when such access shall be provided if it will:**

**a.) Facilitate fire protection services as approved by the fire chief; or**

**b.) Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.**

**5. Street Names, Signs and Lighting**

**Streets, which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Fire Chief and the Road Commissioner. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.**

**6. Clean-up**

**Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.**

**10.6 Sewage Disposal**

**C. Private Systems**

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 represents an area large enough to install 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 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.

#### **10.7 Impact on the Municipality's Ability to Dispose of Solid Waste**

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non- municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be a disposal facility, which is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

#### **10.8 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 the trees to those areas designated on the plan.
2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.
4. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees beyond the road limits.

##### **B. Retention of Open Space 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 or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.

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 municipality 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.

5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.

6. Reserved open space land may be dedicated to the municipality.

7. Where land within the subdivision is not suitable or is insufficient in amount, where the applicant prefers or 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 municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

**D. 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 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;

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; the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess 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 appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.**

**D. 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.**

#### **10.09 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.**

**10.10 Impact on Water Quality or Shoreland Cutting or removal of vegetation along waterbodies shall not increase water temperature , result in shoreline erosion or sedimentation of waterbodies**

#### **10.11 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 type.**

**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 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.

#### C. Ground Water Quality

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. 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.

#### 10.12 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 limited to a time share interest. The statement shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in any deed or any other document previous described. The construction requirement shall also be clearly stated on the plan.

#### **10.13 Identification of Freshwater Wetlands**

A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, underdrains, storm drains and best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995 in conformance with the policies of the comprehensive plan. The stormwater management system shall be designed to meet the following standards:

##### **1. Quantity**

Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean.

##### **2. Quality**

Storm water run-off must be treated by the use of best management practices equivalent to those described in the Stormwater Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 15% reduction in total suspended solids.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

#### **10.15 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services**

A. All open space common land, facilities and property shall be owned by:

1. The owners of the lots or dwelling units by means of a lot owners' association;
2. An association which has its principal purpose the conservation or preservation of land in the Town of Harrison.

**B. 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 municipality prohibiting future development.**

**C. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate :**

- 1. It shall not be used for future building lots; and**
- 2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.**

**D. The final plan application shall include the following:**

- 1. 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.**
- 2. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and**
- 3. 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.**

**E. In combination, the documents referenced in paragraph D above shall provide for the following.**

- 1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.**
- 2. 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.**
- 3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.**
- 4. 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.**

## ARTICLE 11 DESIGN GUIDELINES

### 11.1 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. Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer trip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
2. Unless located in the 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 building when viewed from existing public streets.
3. 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.
4. 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 beyond the road limits.

#### B. Retention of Open Spaces and Natural or Historic Features

1. The subdivision shall reserve between 5% and 10% of the area of the subdivision as open space in order to provide for the recreation needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision and policies of the plan for meeting those needs; the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.
2. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent 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 playground or a ball 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.

3. 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. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

4. Proposed subdivisions which included or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of the new structures in the subdivision shall be similar to the historic structures.

The Board shall seek the advice of the Maine Historic Preservation Commission and Harrison Historical Society in reviewing such plans.

### **C. Protection of Significant Wildlife Habitat and Important Habitat Areas**

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with Maine Department of Inland Fisheries and Wildlife or comments to the Board. The guidelines of this section shall apply to only those subdivisions, which include significant wildlife habitat or resources, identified in section 10.8.C.

#### **1. Protection of Habitat of Endangered or Threatened Species**

a.) Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.

b.) Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.

#### **2. Protection of Deer Wintering Areas**

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

#### **3. Protection of Important Shoreland Areas**

1. 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.

2. Harvesting operations shall not create single clear cut openings greater than 10,000 square feet

in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of the guidelines volume may be considered to be equivalent to basal area.

3. 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.

a.) These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.

4. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

#### **11.2 Storm Water Management Design Guidelines**

A. Design of best management practices shall be substantially equivalent to those described in the Storm Water Management for Maine: Best Management Practices, published by the Maine Department of Environmental Protection, 1995.

B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.

C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a maximum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.

D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.

#### **11.3 Impact on Water Quality or Shoreline**

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 deeds to any lots, which include any such land, shall contain the following restrictions:

a.) There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line 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 footpath shall be limited to six feet.

b.) Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of the trees four inches or more in diameter, measured at 4 1/2 feet above ground level may be removed in any ten-year period.

c.) 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.

d.) Pruning of tree branches, on the bottom third of the tree is permitted.

#### **11.4 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 construction in accordance with design standards in Section 12.3.B.2.j. Maintenance obligations of the easement shall be included in the written description of the easement.

#### **11.5 Lots**

A. Wherever possible, side lot lines shall be perpendicular to the street.

B. 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 these regulations and conditions placed on the original approval.

C. If a lot on one side of a stream, road or other similar barrier 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.

D. The ratio of lot length to width 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 requirements are prohibited.

E. 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.

#### **11.6 Utilities**

Utilities serving subdivision in areas designated by the comprehensive plan as growth areas shall be installed underground. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the cost of the housing beyond the targets for affordable housing in the comprehensive plan.

### **11.7 Monuments**

All lot corners, road right of way PC's (Points of Curvature) and PT's (Points of Tangency) will be marked with a suitable monument that is consistent with the current standards for monuments as adopted by the Maine Board of Licensure for Professional Land Surveyors and Identifies the responsible Professional Land Surveyor authorized by the developer to set the monuments.

Typical acceptable types of monuments are iron pipes, iron rods, stone, or concrete posts. Other types of markers may also be used if determined by the Planning Board to be at least as durable as those mentioned above.

Iron Rods shall have a minimum diameter of at least 5/8<sup>th</sup> inch and a minimum length of at least 36 inches.

Iron Pipes shall have a minimum inside diameter of at least 3/4 inch and a minimum length of at least 36 inches.

Stone Monuments shall have a minimum size of 4 inches by 4 inches by 36 inches.

Concrete Monuments shall have a minimum size of 4 inches by 4 inches by 36 inches with a center rebar of at a minimum diameter of 1/2 inch and a minimum length of 34 inches.

The minimum length standards stated above are waived for all markers that are anchored to bedrock or other substantial surface or subsurface rock formations.

### **12.11 Phosphorus Export**

A. When a proposed subdivision is within the direct watershed of a great pond and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the following table. Buffer strips shall be provided on the down hill side of all lots along all tributaries to great ponds and along the great pond. The minimum required width of buffer strips are designated in table 12.08-1 and depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development, published by the Maine Department of Environmental Protection, revised September, 1992 Table 12.08-1 Buffer strip widths in Watershed of Hypothetical pond.



**Phosphorus Standard: 0.07 - 0.08 lbs./ acre  
Buffer Width (ft.) per lot < 1 acre**

<b>H.S.G.</b>	<b>Restricted</b>	<b>Clearing to 12,500 sq. ft.</b>
<b>A</b>	<b>85</b>	<b>75</b>
<b>B</b>	<b>150</b>	<b>130</b>
<b>C</b>	<b>N/A</b>	<b>N/A</b>
<b>D</b>	<b>N/A</b>	<b>N/A</b>
<b>1 To 1.99 acres</b>		
<b>A</b>	<b>25</b>	<b>25</b>
<b>B</b>	<b>55</b>	<b>25</b>
<b>C</b>	<b>190</b>	<b>55</b>
<b>D</b>	<b>N/A</b>	<b>200</b>
<b>2 To 2.99 acres</b>		
<b>A</b>	<b>25</b>	<b>25</b>
<b>B</b>	<b>25</b>	<b>25</b>
<b>C</b>	<b>50</b>	<b>25</b>
<b>D</b>	<b>200</b>	<b>25</b>

H.G.S. is the Hydrologic Soil Group. All lots 3 acres and larger shall provide a minimum 25-foot buffer.

**ARTICLE 12 - PERFORMANCE GUARANTEES**

**12.1 Types of Guarantees**

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for 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 municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;**
- B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or the town manager;**

C. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the municipality may draw if construction is inadequate, approved by the municipal officers, or town manager; or

D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed. The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney.

### **12.2 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 municipality shall have access to the funds to finish construction.

### **12.3 Escrow Account**

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

### **12.4 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 municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

### **12.5 Letter of Credit**

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

### **12.6 Conditional Agreement**

The Board at its discretion may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on condition that no more than four lots may be sold or built upon until either:

**A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or**

**B. A performance guarantee acceptable to the municipality is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed. Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 12.8.**

### **12.7 Phasing of Development**

**The Board may approve plans to develop a 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.**

### **12.8 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 attained 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.**

### **12.9 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 report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.**

### **12.10 Improvements Guaranteed**

**Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations 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.**

## **ARTICLE 13 - WAIVERS**

### **13.1 Waivers Authorized**

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations 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, or these regulations.

### **13.2 Findings of Fact Required**

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, 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.

### **13.3 Conditions**

Waivers may only be granted in accordance with Sections 14.1 When granting waivers, the Board shall set conditions so that the purpose of these regulations is met.

### **13.4 Waivers to be Shown on Final Plan**

When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deed, shall indicate the waivers granted and the date on which they were granted.

## **ARTICLE 14 – APPEALS**

### **14.1 Appeals to Superior Court**

An aggrieved party may appeal any decision of the board under these regulations to Cumberland County Superior Court, within thirty days of the date the Board issues a written order of its decision.



# TRAFFIC AND PARKING ORDINANCE

## 1 AUTHORITY

- 1.1 This ordinance is adopted pursuant to 30-A M.R.S.A. §3009, 29-A M.R.S.A. §2395 and §2388.

## 2 PURPOSE

- 2.1 This ordinance is designed to protect public health, welfare and infrastructure by regulating the parking and operation of motor vehicles on certain public ways. Unrestricted parking on public ways creates traffic hazards and is dangerous to pedestrians and motorists.
- 2.2 Restricting vehicle weight extends life expectancy on town ways and bridges, thus reducing expense for maintenance and repair.
- 2.3 Reduces safety hazards and the risk of injury to the traveling public.

## 3 DEFINITIONS

- 3.1 The definitions contained in Title 29-A M.R.S.A. shall govern the construction of words contained in this Ordinance.
- 3.2 Any words not defined therein shall be given their common and ordinary meaning.

## 4 SIGNAGE AND MEDIA

- 4.1 It shall be the duty of the Town Manager or his/her designee to erect appropriate signs giving notice of any parking time limit imposed or parking prohibition and no such regulations shall be effective unless said signs are erected and in place at the time of the alleged offense.
- 4.2 The winter parking ban is a notice and does not require street signage. It will be posted in the local newspaper the first 2 weeks of November and on the Town website. See Attachment A.

## 5 REGULATED AREAS - PARKING

- 5.1 When signs are erected giving notice thereof, no person shall park any motor vehicle at any time on the following public ways or specified portions thereof:
  - 5.1.1 Both sides of Route 117 from Maple Ridge Road to the Bridgton Town line
  - 5.1.2 Both sides of Route 35 (Front Street) from the intersection of Route 117 (Main Street) to the School Street intersection
  - 5.1.3 Both sides of Route 35 (Waterford Road) from the intersection of Route 117 to the Bridgton Town line
  - 5.1.4 Both sides of the following in-town streets: High Street, Lincoln Street, Smith Street, School Street, Winslow Street, Tolman Road, Mill Street and the intersection of Route 117 and Main Street to the intersection of Deertrees Road and Dawes Hill Road
  - 5.1.5 All municipal parking lots

## **6 EXCEPTIONS - PARKING**

- 6.1 This ordinance does not apply to motor vehicles parked in prohibited areas for the following reason:
  - 6.1.1 Mechanical problems or breakdown
  - 6.1.2 Emergency situations
  - 6.1.3 Maintenance, construction, repair or installation of utilities or the public way by any State or municipal agency or utility company

## **7 TOWING & NOTICE - PARKING**

- 7.1 Any motor vehicle parked upon a public street or municipal parking lot of the Town of Harrison in a place, manner or for a length of time prohibited by this Ordinance, or during any parking ban declared by the Municipal Officers/Town Manager/Road Commissioner or their Authorized Designee(s) (provided notice of such ban has been given at least 4 hours prior to the ban to the public by notification to a representative of a radio station or television station serving the area), is hereby declared to be an obstruction in the public way and a menace to the safety of the traveling public.
- 7.2 Any motor vehicle parked which constitutes an obstruction under this section of this Ordinance may, at the request and under the direction of the Municipal Officers/Town Manager/Road Commissioner or their Authorized Designee(s) be towed to a suitable garage or storage space and impounded thereon until all towing, storage fees, and fines are paid. Towing will be at the expense of the owner of said vehicle and without the Town being liable for any damage that may be caused by such removal.
- 7.3 When any vehicle is towed pursuant to this Ordinance, the following procedure shall be followed:
  - 7.3.1 Notice shall be sent to the registered owner of the vehicle by regular 1<sup>st</sup> class mail, within 2 business days following the tow.
  - 7.3.2 The notice shall contain the following information:
    - 7.3.2.1 Registration number and brief description of the vehicle
    - 7.3.2.2 Name and address of person or company who performed the tow
    - 7.3.2.3 Location where the vehicle is stored
    - 7.3.2.4 The provisions of the ordinance which were violated and led to the towing
    - 7.3.2.5 Towing fee and any storage fee

## **8 DAMAGE**

- 8.1 Damage to obstructions or objects placed in the road right-of-way is at the owner's expense.
- 8.2 Claims from plowing and/or sanding of public roads must be filed through the Town Office.

## **9 RESTRICTIONS AND NOTICES – POSTED ROADS**

- 9.2 The town manager or designee may, either permanently or seasonally, impose such restrictions on the gross registered weight of vehicles as may, in their judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.
- 9.3 Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of 23,000 pounds during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein.
- 9.4 Pursuant to 29-A M.R.S.A. § 2395, the notice shall contain, at a minimum, the following information:
- 9.4.1 the name of the way or bridge
  - 9.4.2 the gross registered weight limit
  - 9.4.3 the time period during which the restriction applies
  - 9.4.4 the date on which the notice was posted
  - 9.4.5 the signature of the Road Commissioner or designee
  - 9.4.6 The notice shall be conspicuously posted at each end of the restricted portion of the way or bridge in a location clearly visible from the traveled way
- 9.5 Whenever a restriction expires or is lifted, the notices shall be removed wherever posted.
- 9.6 Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.
- 9.7 No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

## **10 EXEMPTIONS – POSTED ROADS**

The following vehicles are exempt under State law:

- 10.1 Any vehicle delivering home heating fuel and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4) and, when necessary during a period of drought emergency declared by the governor, any vehicle transporting well-drilling equipment for the purpose of drilling a replacement well or for improving an existing well on property where that well is no longer supplying sufficient water for residential or agricultural purpose and operating in accordance with a permit issued by the MDOT under 29-A M.R.S.A. § 2395 (4-A).
- 10.2 The following vehicles are also exempt under the specific provisions of this ordinance:
- 10.2.1 Any vehicle or combination of vehicles registered for a gross weight of 23,000 pounds or less.



10.2.2 Any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and traveling without a load other than tools or equipment necessary for the proper operation of the vehicle.

10.2.2.1 This exemption does not apply to special mobile equipment.

10.2.2.2 It shall be a defense to a violation of this sub-section if the combined weight of any vehicle or combination of vehicles registered for a gross weight in excess of 23,000 pounds and its load is in fact less than 23,000 pounds.

10.2.3 MaineDOT vehicles or other vehicles authorized by MaineDOT or a municipality or county to maintain the roads under their authority.

10.2.4 Authorized emergency vehicles as defined in 29-A M.R.S.A. § 2054, school buses, a wrecker towing a disabled vehicle of legal weight from a posted roadway, and vehicles with three axles or less under the direction of a public utility and engaged in utility infrastructure maintenance or repair.

10.2.5 Any two axle vehicles registered for a gross weight in excess of 23,000 pounds and less than or equal to 34,000 pounds that are carrying any of the Special Commodities may operate without a permit. Special Commodities includes any of the following:

10.2.5.1 Home delivered heating fuel (oil, gas, coal, stove size wood that is less than 36" in length, propane and wood pellets);

10.2.5.2 Petroleum products;

10.2.5.3 Groceries;

10.2.5.4 Bulk milk;

10.2.5.5 Waste;

10.2.5.6 Animal bedding;

10.2.5.7 Returnable beverage containers;

10.2.5.8 Sewage from private septic tanks or porta-potties; or

10.2.5.9 Medical gases;

10.2.5.10 Animal feed.

## **11 PERMITS – POSTED ROADS**

11.1 The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the town manager or designee for a permit to operate on a posted way or bridge notwithstanding the restriction. The town manager or designee may issue a permit only upon all of the following findings:

11.1.1 No other route is reasonably available to the applicant;

- 11.1.2 It is a matter of economic necessity and not mere convenience that the applicant uses the way or bridge; and
  - 11.1.3 The applicant has tendered cash, a bond or other suitable security running to the municipality in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.
- 11.2 Even if the town manager or designee make the foregoing findings, they need not issue a permit if they determine the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage to a way or bridge maintained by the municipality. They may also limit the number of permits issued or outstanding as may, in their judgment, be necessary to preserve and protect the highways and bridges.
- 11.3 In determining whether to issue a permit, the town manager or designee shall consider the following factors:
- 11.3.1 the gross registered weight of the vehicle;
  - 11.3.2 the current and anticipated condition of the way or bridge;
  - 11.3.3 the number and frequency of vehicle trips proposed;
  - 11.3.4 the cost and availability of materials and equipment for repairs;
  - 11.3.5 the extent of use by other exempt vehicles; and
  - 11.3.6 such other circumstances as may, in their judgment, be relevant.
- 11.4 The town manager or designee may issue permits subject to reasonable conditions, including but not limited to restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

## **12 ADMINISTRATION & ENFORCEMENT**

This Ordinance shall be administered and may be enforced by the town manager or a duly authorized designee such as a law enforcement officer.

## **13 PENALTIES**

### **13.1 PARKING**

- 13.1.1 Each violation shall be deemed a separate offense
- 13.1.2 Parking violations are subject to the Town's Fee Schedule set by the Municipal Officers
- 13.1.3 Persons charged with violating this Ordinance may waive court action by payment of the parking fee within 7 days after receiving notice of violation.
- 13.1.4 Any such waiver and payment of fee shall be processed through the Clerk's office.

## **13.2 OVER WEIGHT**

13.2.1 Each violation shall be deemed a separate offense

13.2.2 Any violation of this Ordinance for over-weight on posted roads shall be a civil infraction - Class E crime and handled as a traffic violation. See Town Fee Schedule.

13.3 In addition to any fine, the Town of Harrison may seek restitution for the cost of repairs to any damaged town property, damaged way or bridge and reasonable attorney fees and costs.

13.4 Prosecution shall be in the name of the municipality and shall be brought in the Maine District Court.

## **14 SEVERABILITY**

14.1 In the event that any portion of this Ordinance is declared invalid by a Court of competent jurisdiction, the remaining portions shall continue in full force and effect.

## **15 EFFECTIVE DATE**

This Ordinance shall take effect immediately upon enactment by the municipal officers at any properly noticed meeting.

# **ATTACHMENT A**

## **NOTICE**

### **TOWN OF HARRISON WINTER PARKING BAN**

Notice is being given that from November 15, to April 15; parking on all public streets, roads, and parking lots is prohibited during winter storm events. Vehicles will be towed at owner's expense. This is being done to facilitate the plowing of snow for public health and safety.

s/Melissa St. John  
Town Clerk  
Town of Harrison