

2017

Town of Hollis Maine Ordinances

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TOWN

OF

HOLLIS MAINE

Accessory Dwelling
Unit Ordinance

Enacted by Town Meeting Vote: June 10, 2014

Accessory Dwelling Unit Ordinance of the Town of Hollis

An Accessory Dwelling Unit is a living area located within a single family dwelling or within a structure accessory to a single family dwelling, such as a garage, barn, or accessory cottage, which is designed and equipped with limited housekeeping facilities (see section C) so that it can be occupied by a person or persons living separately from the persons occupying the single family dwelling. A Town approved accessory unit shall not be considered a permanent dwelling unit under this ordinance, the Hollis Zoning Ordinances and the Hollis Growth Ordinance.

DEFINITIONS:

Accessory Dwelling units within or added to the primary dwelling structure shall be known as ***In-Law Apartments***. Units in accessory structures (garages, barns, etc.) shall be known as ***Accessory Dwellings***. (The general provisions of this ordinance shall apply to both.)

PERFORMANCE STANDARDS – ACCESSORY UNITS

The following standards are intended to allow the addition and use of one accessory unit to a single family dwelling in a manner that will preserve the single family residential character of the property and neighborhood. The Code Enforcement Officer may issue a permit for the construction of an Accessory Unit only if the Accessory Unit adheres to the following standards:

- A.** The owner(s) of the lot on which the principal structure is located must reside in the principal structure or the accessory unit, either of which residence may be seasonal. An accessory unit may be located on a lot which the owner occupies as a seasonal residence; however, neither the accessory unit nor the single-family dwelling shall be rented. For this purpose, “season” means any three (3) consecutive months during a twelve (12) month period.
- B.** The number of occupants of the Accessory Unit is limited to a maximum of ***two*** family members.
- C.** The area of an accessory unit shall not exceed 600 total square feet of total space of the single family dwelling to which the unit is accessory or other accessory structure. The unit shall be limited to a compact refrigerator (up to 10 cu.ft.), single kitchen sink, and microwave oven. No range or stove is allowed. No laundry appliances are allowed.
- D.** Accessory Units are permitted on nonconforming lots, but the structures in which they are located (attached or detached), shall not exceed 25% of the lot coverage.
- E.** In order for an Accessory Unit to be added to a lot, the lot must comply with the requirements of the state minimum lot size law, 12 M.R.S.A. §§ 4807 – 4807-G and all the provisions of the Maine State Building and Energy Code (MUBEC).

The applicant shall have the burden to establish the lot area, which burden may include a survey signed and sealed by a Professional Land Surveyor, at the discretion of the Code Enforcement Officer. The septic system on the property in question shall be functioning properly at the time of application for accessory unit approval, and plans (HHE-200) for the additional septic load for the premises provided **before issue of building permit**.

Accessory Dwelling Unit Ordinance of the Town of Hollis

- F.* Adequate off-street parking space shall be available for an Accessory Unit.
- G.* Proper ingress and egress shall be provided to the Accessory Unit, per MUBEC.
- H.* Only one Accessory Unit shall be permitted on a base lot.
- I.* The Accessory Unit and the principal structure must be serviced by a common utility meter.
- J.* Accessory Units shall retain and respect the existing streetscape, character of the neighborhood, and preserve the single-family appearance, architectural style, and character of the original dwelling and property. Outside stairways (either open or closed) that service Accessory Units on upper stories are permitted, provided that they are integrated into and consistent with the architecture of the building.
- Outside stairways serving upper stories shall not be located on the side of the building that faces the street, except in the case of a building on a corner lot that fronts two or more streets, a stairway may be allowed on one of the sides of the building that faces a street if no reasonable alternative exists. Only handicap ramps are exempt from lot line setbacks.
- K.* All municipal and state building codes (MUBEC) in effect at the time of application must be followed.
- L.* If denied a permit from the Code Enforcement Officer, an applicant for a permit for an accessory unit may appeal to the Zoning Board of Appeals, per Hollis Zoning Ordinance.
- M.* Should the owner(s) of the principal structure be found in non-compliance with the standards contained in this section, the non-compliance shall be considered a violation of this Ordinance, and the structure shall revert to a single family dwelling or the previous use.
- N.* In order for an Accessory Unit to be located in a **detached accessory structure**, the following requirements must be met:
1. The detached accessory structure must meet bulk and space requirements and setbacks for an individual (primary) dwelling unit.
 2. The detached accessory structure must be designed and constructed in the style of a garage, barn, storage building, carriage house, accessory cottage, or similar structure customarily located on the same lot with a single-family residence.
- O.* Names and relationship of the immediate family occupants in the accessory unit shall be listed on the application and conditions of the approved building permit. The anticipated duration of the occupancy shall also be listed on the application, after which the accessory dwelling shall revert to its original or similar use, or the applicant may apply for an extension of the permit. Occupancies are not transferable to subsequent owners without meeting all provisions of this section.
- P.* Accessory Units are Permitted Uses (CEO approval required) in all zones other than the Shoreland Zone where they are Conditional Uses (Planning Board approval required).

Animal Control Ordinance Town of Hollis, Maine

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ANIMAL CONTROL ORDINANCE

1. Purpose

The purpose of this ordinance is to require that domestic animals in the Town of Hollis be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public health threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody, or possession of that animal.

2. Definitions

Abandoned Animal: An animal that has been deserted by its owner or keeper.

Animal: Every living creature not a human being.

Animal Control: By use of a cage, fence, leash, voice command or the animal is held within the domicile of the owner.

Animal Control Officer: Any person appointed by the Town of Hollis to enforce animal control laws.

Animal Shelter: A facility that includes a physical structure, or part of a physical structure, that provides temporary or permanent shelter to stray, abandoned, abused or owner-surrendered animals.

At Large: Off the premises of the owner and not under the control of any person whose personal presence and attention would reasonably control the conduct of the dog.

Beach: Any beach within the Town of Hollis which is used by the general public.

Dog: Any of large and varied groups of domesticated animals in the canine family.

Leash: Hand held device, 30 feet or less in length, which can be used to restrain a dog if the dog fails to respond to voice commands or if the owner or responsible party is ordered by a law enforcement officer to leash the dog and at all times when this Ordinance requires dogs to be leashed.

Owner: Any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.

Responsible Party: As used in this ordinance, the term “responsible party” means any person who has possession or custody of a dog. If a dog is present on a beach in violation of the restrictions of this section, the owner of the dog and the responsible party are jointly and severally liable for the violation.

ANIMAL CONTROL ORDINANCE

Voice Control: As used in this ordinance, the term “voice control” means that the animal returns immediately to and remains by the side of the responsible party in response to the responsible party’s verbal command. If an animal approaches or remains within 10 feet of any person other than the responsible party, that animal is not under voice control and a violation of this Ordinance occurs unless such person (or in the case of a minor child, an adult present with the child) has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the animal.

3. Animal Control Officer

A qualified person shall be employed by the Town of Hollis who shall be known as, and perform the duties of, Animal Control Officer. The Animal Control Officer shall be principally responsible for the enforcement of all laws related to dogs, cats, and other domesticated animals and also to undomesticated animals.

4. At Large Dogs

It is unlawful for any dog, licensed or unlicensed, to be at large, except when used for hunting. The owner of any dog found at large shall be subject to civil penalties provided in this ordinance.

5. Impoundment or Return of At Large Dogs

All dogs found at large in violation to Title 7, MRS.A Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer. If the Animal Control Officer returns the dog to its owner, the owner shall pay a \$90 (ninety dollar) return fee to the Town of Hollis before the dog is returned. The fee shall double with each reoccurrence. The payment must be made at the office of the Town Clerk or directly to the Animal Control Officer. A receipt will be issued.

6. Disposition of Impounded Animal

An owner is entitled to resume possession of any impounded animal provided that all provisions of this ordinance have been met, and that all impoundment fees due under the provisions of this ordinance have been paid. Any animal not claimed after the owner has been notified may be classified as an abandoned animal, and the animal’s owner may be subjected to all civil penalties authorized by this ordinance.

7. Impoundment Fee

An owner may reclaim an impounded animal by first paying to the Town of Hollis at the Town Clerk’s Office, a fee of \$90 (ninety dollars) for each animal impounded. If the Town Clerk’s Office is closed, the fee shall be paid to the Town of Hollis through the Animal Control Officer. Fees must be paid and a receipt from the Town must be presented to the animal shelter before the release of an animal. All fees will be deposited in the separate account required by Title 7, MRS.A 3945.

ANIMAL CONTROL ORDINANCE

8. Animal Noise

- A. Except as provided in subparagraph B and C below, no owner shall permit or allow any of his or her animals to bark, howl or make other sounds common to its species if such sounds recur in steady, rapid succession for 20 minutes or more or recur intermittently for one hour or more.
- B. Section 8.A. shall not apply if any animal is provoked by trespassing people or animals on private property on which the animal is situated or by other legitimate cause for provocation.
- C. Section 8.B. shall not apply to farm animals kept on a property [the principal use of which is] [a use of which is] the commercial production of farm products and is either a conforming use or a lawful nonconforming use under the Hollis Zoning Ordinance. For purposes of this exception, dogs are not “farm animals” and kennels are not “farms.”

9. Control of Animal Waste

An owner must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) and deposit such feces into appropriate litter receptacle. An owner whose animal is present on any property from which the animal’s feces is required to be removed pursuant to this section must have in his or her possession a plastic bag or similar utensil not part of the human body for collecting and removing the feces. This regulation shall not apply to any person who, by reason of physical handicap, is unable to comply with the requirement.

10. Dangerous Dogs

Any person who is assaulted by a dog or any person witnessing an assault against a person or domesticated animal or a person with knowledge of an assault against a minor, within thirty days of the assault, may make a written complaint to the Animal control Officer that the dog is a dangerous dog. The Animal control Officer may issue a civil violation citation for keeping a dangerous dog pursuant to 7 MRSA § 3952. After issuing the citation and before hearing in court, if the dog poses an immediate or continuing threat to the public, the Animal Control Officer shall order the owner of the dog to muzzle, restrain or confine the dog to the owner’s premises or to have the dog at the owner’s expense at a place determined by the Animal control Officer. If the owner fails to comply with such order, the Animal Control Officer may apply to the District court, Superior Court or a Justice of the Peace pursuant to 7 MRSA § 3952 for an ex parte order for authorization to take possession of the dog that poses an immediate or continuing threat to the public.

11. Trespass

An owner of an animal may not allow that animal to enter onto the property of another after the owner has been warned by the Animal control Officer or a law enforcement officer that the animal was found on the property of another.

ANIMAL CONTROL ORDINANCE

The owner of an animal is responsible, at the owner's expense, for removing such animal found trespassing. The Animal Control Officer, may, at the owner's expense, remove and control the animal if:

the owner fails to remove the animal after having been notified by the Animal Control Officer that the animal was trespassing; or the animal is an immediate danger to itself, to persons or to another's property.

Any animal so removed shall be subject to the provisions of Sections 5, 6 and 7 in the same manner as an at large dog.

12. Tags and Licensing

No dog shall be kept within the limits of the Town of Hollis unless such dog is licensed by its owner in accordance with Maine Law. The Town Clerk shall provide with each new license issued for a dog a tag, indicating the year the license is issued and such other information as may be required under 7 MRSA §3922-B. The owner shall make sure that the tag is securely attached to a collar of leather, metal or material of comparable strength and that the collar is worn at all times by the dog for which the license was issued except when hunting, in training or in an exhibition. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure within twenty-four hours upon request by the Animal control Officer. If the tag is lost, the owner shall obtain a new license, tag. The town clerk shall issue another license tag upon presentation of the original license and payment of one dollar. The clerk shall retain the one-dollar for a recording fee.

13. Rabies Tags

Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to a collar of leather, metal or material of comparable strength that must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner. When the dog is hunting, in training or in an exhibition, its owner shall produce proof of licensure and proof of rabies immunization within twenty-four hours upon request for the Animal Control Officer.

14. Violations/Penalties/Fees

The Selectmen shall set fees for any dog owner that fails to license their dog on or before January 31st. The fine for failure to license a dog after January 31, but on or before February 28th/29th, shall be \$25.00. The fine for failure to license a dog after February 28th/29th, but on or before March 31st, shall be \$40.00. The fine for failure to license a dog after March 31st shall be \$55.00

ANIMAL CONTROL ORDINANCE

Any persons who violates Section 8 (Animal Noise) or Section 9 (Control of Animal Waste) shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50 and not more than \$100, plus costs.

Second violation: not less than \$100 and not more than \$250, plus costs.

Third and subsequent violations: not less than \$250 and not more than \$500, plus costs.

Any person who violates any other Section of this ordinance shall be subject to a civil penalty of not less than \$100 and not more than \$500 plus costs for each offense.

All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Hollis and deposited in the separate account required by 7 MRSA Section 3945.

A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.

15. Severability Clause

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.

**TOWN OF HOLLIS
AUTOMOBILE GRAVEYARD
AND
JUNKYARD ORDINANCE**

First Approved 5/21/1986

A copy of an ordinance entitled "Town of Hollis Automobile Graveyard and Junkyard Ordinance" as certified to me by the Municipal Officers of Hollis on this 15th day of December 2006.



Automobile Graveyard and Junkyard Ordinance
Town of Hollis, ME

Section 1: Purpose

The purpose of this ordinance is to provide adequate controls to ensure that automobile graveyards and junkyards do not have a deleterious impact on the town's health, safety and general welfare.

Section 2: Authority

This ordinance is enacted pursuant to 30 MRSA, Section 2454, §5, as amended 1985.

Section 3: Applicability

This ordinance shall apply to all automobile graveyards and junkyards as defined in state law, 30 MRSA, Section 2451, within the Town of Hollis.

Section 4: Requirements for all New Automobile Graveyards and Junkyards

- 4.1 Any person wishing to locate a new automobile graveyard or junkyard within the town shall apply to the Selectmen for a permit required by state law pursuant to 30 MRSA, Section 2451 et. Seq. The applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
- 4.2 The applicant shall submit a site plan drawn to a scale not to exceed 1"=100', on which is shown:
 - a. The boundary lines of the property and the proposed site of the junkyard or automobile graveyard,
 - b. The soils,
 - c. The location of any sand and gravel aquifer or aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist,
 - d. The location of the residences, wells, or public building within 1,000 feet of the area where cars or junk will be placed,
 - e. The location of any water bodies on the property or within 200 feet of the property lines,
 - f. The boundaries of the 100-year flood plain.

Section 5: Performance Standards Which Shall be Complied with for All New Junkyards and Automobile Graveyards

- 5.1 An effective visual screen at least 6 feet in height shall be located and maintained around all sides of the area where junk or automobiles are deposited or along all property lines.
- 5.2 No vehicles or junk shall be stored within 300 feet of any waterbody or inland wetland.
- 5.3 No vehicles or junk shall be stored within 1,000 feet of any residence, private well, or public building.
- 5.4 No vehicles or junk shall be stored over a sand and gravel aquifer or aquifer recharge area as mapped by the Maine Geological Survey or by a licensed geologist.
- 5.5 No vehicle or junk shall be stored within the 100-year flood plain.

- 5.6 Upon receiving a motor vehicle, the battery shall be removed, and the automotive fluids, if removed, shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State Laws, Rules and Regulations regarding disposal of waste oil and hazardous materials. No discharge of any fluids from any motor vehicle or junk shall be permitted into or on to the ground.
- 5.7 All vehicles or junk shall be located at least 100 feet from all lot lines.
- 5.8 To reduce noise, all dismantling or motor vehicles or junk with power tools shall be done after 7 AM and before 6 PM Monday through Saturday.
- 5.9 All Federal and State hazardous waste laws and regulations shall be complied with.

Section 6: Automobile Graveyards and Junkyards in Existence at the Time This Ordinance is Enacted

- 6.1 Any automobile graveyard and/or junkyards in existence at the time this ordinance is enacted may remain in operation on the parcel of land it is presently located on providing it meets all pertinent statutory requirements.
- 6.2 A junkyard/automobile graveyard cannot be expanded beyond the original site plan or the boundaries which were in existence at the time of this ordinance, or the approved site plan.
- 6.3 Within three (3) years of the enactment of this ordinance, all existing graveyards and junkyards shall be enclosed by an effective visual screen 6 feet high located and maintained around the area where automobiles and/or junk are being deposited or along all property lines.

Section 7: Administration

- 7.1 This ordinance shall be administered by the Selectmen. No automobile graveyard or junkyard permit shall be issued under 30 MRSA, S2451 et seq unless the provisions of this ordinance are complied with. The Selectmen may attach reasonable conditions to any permit issued to insure compliance with the Performance Standards and other requirements of this ordinance.
- 7.2 Permits shall be renewed annually to remain valid. Once the site plan is approved it does not have to be resubmitted. The municipal officers shall annually inspect, or cause to be inspected, the site to ensure that the provisions of this ordinance and state laws are complied with.
- 7.3 An annual fee shall be submitted with the permit application. This fee can include costs of posting notices, mailings and whatever miscellaneous expenses are incurred as set forth in 30 MRSA, S2455.

Section 8: Enforcement

- 8.1 This ordinance shall be enforced by the municipal officers in accordance with state law. Any violation of this ordinance shall also be deemed a nuisance, and the violator shall be subject to the penalties set forth in 30 MRSA, S4966.

Section 9: Amendment

- 9.1 This ordinance may be amended by vote of the legislative body.

Section 10: Effective Date

- 10.1 This ordinance shall become effective on the date of adoption.

Section 11: Conflicts

- 11.1 If the provisions of this ordinance conflict with statutory provisions and regulations enforced by the Department of Environmental Protections, the state laws shall supersede.

Section 12: Separability

- 12.1 If any provision of this ordinance shall be declared invalid, that provision shall not effect any other portion of this ordinance.

TOWN
OF
HOLLIS MAINE

BUDGET COMMITTEE

ORDINANCE

Enacted: June 2002

Amended: June 2010

Amended: June 2011

Amended: June 2012

Amended: June 2013

Amended: June 10, 2014 at the Annual Hollis Town Meeting

BUDGET COMMITTEE ORDINANCE OF THE TOWN OF HOLLIS

Section 1. Establishment

Pursuant to 30-A M.R.S.A. Section 3001, a Budget Committee is hereby established for the Town of Hollis, Maine.

Section 2. Composition, Election, Qualifications, Terms, Vacancies

The committee shall consist of 7 members who shall be elected and who shall be registered voters in the Town. No other elected Official or Head of a Town Department may be a member. Members shall serve a term of three (3) years. For purposes of continuity three members of the board will be elected in 2012, two members elected in 2013 and two elected in 2014. Any unfilled vacancies shall be filled with qualified individuals within 30 days by appointment of the Selectmen. Appointees will serve until the end of the elected term of the Board member they replace. Any board member elected or appointed that misses three (3) consecutive Committee meetings without cause (cause to be determined by the chair (vice chair)) shall have their seat declared vacant by the Committee and request the Selectmen to appoint a successor to serve the remainder of the term.

Section 3. Officers, Meetings, Quorum, Procedure

- A. The Committee shall annually elect a Chair, Vice-Chair, and a Secretary from among its members.**
- B. The Budget Committee Chairman must be elected each year and can only serve a maximum of three (3) consecutive years. If a committee member serves as Chairman for three (3) consecutive years, that member will not be eligible to serve as Chairman for the next two (2) consecutive years. (Amended 6/2014)**
- C. The Chair shall call meetings as necessary or when so requested by a majority of its members or any Municipal Officer.**
- D. The Chair (or Vice Chair) shall maintain order at all times, provide public notice of the agenda, and start the meetings as posted in the agenda. He or she will also keep the questioning appropriate to the Budget before the Committee.**

BUDGET COMMITTEE ORDINANCE OF THE TOWN OF HOLLIS

- E. A quorum necessary to conduct business shall consist of at least four (4) members. Actions of the committee shall require a simple majority of the quorum. The Chair or Vice-Chair shall preside at all meetings.**
- F. The Chair (or Vice Chair presiding over the meeting) may vote on any item before the Committee as long as there is no conflict as described in Section 5 of this Ordinance.**
- G. The Secretary (or hired recording secretary that does not vote) shall maintain a record of all proceedings including all correspondence of the Committee. All meetings and records shall be subject to the Maine Freedom of Access Law.**
- H. Act, A M.R.S.A. Sections 401-410. The Committee may adopt rules of procedure not inconsistent with this ordinance.**

Section 4. Powers, Duties, Authority, Recommendations, Official Cooperation

The committee shall have the following powers and duties:

- A. To accept testimony, review financial data and make monetary recommendations on the annual budget (Expenditures and Income) as submitted by the Elected Officials, Department Heads, and Non-Municipal Agencies (excluding the County Tax and the SAD 6 School Budget).**
- B. To accept testimony, review financial data and make monetary recommendations on capital expenditures as submitted by Elected Officials and Department Heads.**
- C. To accept testimony, review financial data and make monetary recommendations regarding supplemental appropriations and expenditures and other budgetary action. Whenever proposed by the Elected Officials.**
- D. The Chair of the Budget Committee will prepare an operating budget for the Budget Committee and submit the request to the Selectmen by January 31 each year.**

Section 5. Performance

- A. Other than discussing testimony presented to the Committee, no member of the Budget Committee while sitting as a member shall give or offer testimony regarding**

Budget Committee Ordinance

Page 3 of 4

Enacted: June 2002

Amended June 2010

Amended: June 2011

Amended: June 2012

Amended: June 2013

Amended: June 10, 2014 at Annual Town Meeting

BUDGET COMMITTEE ORDINANCE OF THE TOWN OF HOLLIS

any budget before the Committee. No Budget Committee Member may make any declarations concerning any budget before the Committee. If a member wishes to give testimony or make declarations, they must notify the Chair and recuse themselves from any discussion on that Budget Item. The recused member may then take a seat with the public and be recognized as any other person in the audience to state any material fact, give testimony or make any declaration.

- B. Failure of any Budget Committee member to follow these rules shall result in the loss of their right to vote on the item being discussed before the Committee. The Chair shall warn the person orally of their failure to follow these rules.**
- C. A second violation of the above rule will result in the loss of their right to vote on the item being discussed before the Committee. The Chair shall warn the person in writing that this is their second offence.**
- D. A third violation shall result in the immediate dismissal of the offending member.**
- E. No member of the Budget Committee shall vote on any Budget before the Committee that has any pecuniary interest in the said Budget, whether it is direct compensation as wages or financial compensation or gain to other family members.**

The Committee's authority shall be as set out above. The Committee on its own initiative may require the applicant before them to provide additional financial data if a simple majority of the Board feels it necessary. Any monetary recommendation as well as the Budget Committee's recommendation on a matter requiring town meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the Selectmen or required by law.

Building Code

Town of Hollis

Town of Hollis, Maine

34 Town Farm Road

Hollis ME 04042

(207) 929-8552

Building Code

First Enacted: Mar 1967

Amended: Mar 1970

Mar 1975

Dec 1991

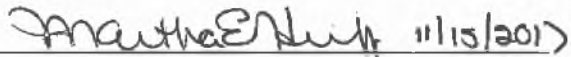
Oct 1997

Jun 2000

Jun 2005

Nov 07, 2017

11/15/2017- This is a true attested copy of the Hollis Building Code as approved at the Hollis Special Town Meeting held on November 07, 2017.

 11/15/2017

Martha E. Huff, Hollis Town Clerk



BUILDING CODE TOWN OF HOLLIS

PREFACE

The purpose of this Code is to provide for safety, health and public welfare through structural strength and stability, means of egress, and adequate light and ventilation and protection to life and property from fire and hazards incident to the design, construction, alteration, removal or demolition of buildings and structures.

The Town of Hollis has adopted the following building codes:

“NFPA 101 Life Safety Code”

“NFPA National Electric Code”

“IAPMO Uniform Plumbing Code”

In addition to the above codes also enforced by the State of Maine, the Town of Hollis has adopted the following to assist the Code Enforcement Officer in the administration of his duties:

ADMINISTRATION

Section 1. Title and Authority.

This ordinance shall be known as the “Ordinance Enforcing the Maine Uniform Building and Energy Code (MUBEC) for the Town of Hollis.” It is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 10 M.R.S.A. § 9724, and the provisions of 30-A M.R.S.A. § 3003.

Section 2. Maine Uniform Building and Energy Code.

The Town of Hollis adopts and enforces the Maine Uniform Building and Energy Code (“M.U.B.E.C.”), as required by 10 M.R.S.A. § 9724. The Code Enforcement Officer of the Town of Hollis shall serve as the building official as defined in 25 M.R.S.A. § 2371 and shall be responsible for issuing building permits and certificates of occupancy. The Code Enforcement Officer or other authorized representatives shall be responsible for inspecting all permitted construction for compliance with all components of M.U.B.E.C., as such components may be revised from time to time by the Technical Building Codes and Standards Board. Administration and enforcement of M.U.B.E.C., including permits, fees, violations, penalties and appeals, shall be in accordance with this Ordinance and the Hollis Building Code.

Section 3: Scope. The provisions of this Code shall apply to new construction, alterations and additions, relocation or replacement of any building or part thereof, in the Town of Hollis, except as exempted in Section 6.A below. Provisions of this Code shall not apply to existing dwellings unless altered.

BUILDING CODE TOWN OF HOLLIS

CODE ENFORCEMENT OFFICER

Section 4:

The Board of Selectmen shall appoint the Code Enforcement Officer. The Code Enforcement Officer (commonly referred to as the Building Inspector) shall administer and enforce the provisions of this and other applicable ordinances.

An Assistant Code Enforcement Officer may be appointed by the Selectmen, if they deem it necessary, and shall act in the full capacity of Code Enforcement Officer as required. The Code Enforcement Officer and his Assistant shall be knowledgeable in the building trades.

The Code Enforcement Officer, or his Assistant, shall not have any interest, whether directly or indirectly, connected with the work to be inspected by them under this Ordinance.

A. Inspections

The Code Enforcement Officer shall inspect all buildings being constructed, altered, replaced or relocated for the purpose of enforcing the provisions of this Code and all other local and State laws governing the construction, alteration, or replacement of buildings.

It shall be the responsibility of the builder to notify the Code Enforcement Office a minimum one (1) working day prior to the time an inspection is required. The Code Enforcement Office will then schedule the inspection within a reasonable amount of time.

Inspections required:

Footing Inspection -- strings may be required to show property lines

Foundation Inspection-- Made after poles or piers are set or trenches or basement areas are excavated and forms erected and any required reinforcing steel is in place and prior to the placing of concrete. This inspection may be deferred until forms have been stripped, foundation coated and drainage tiles installed.

Framing Inspection -- Before plumbing, wiring, and chimney are closed in. Framing, plumbing, and electrical inspections will be done at the same time. An additional inspection fee may be charged if done separately.

Electrical Inspection -- Rough in and service to be done at the time of framing inspection. An additional inspection fee may be charged if done separately.

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Plumbing Inspection -- Rough in to be done at the time of framing inspection. Waste and supply must have pressure test on the systems before inspection. Systems that do not hold the pressure as required at time of inspection will be considered as failed, and will be rescheduled. An additional inspection fee may be charged if done separately.

Insulation Inspection -- To be done before any wall or ceiling covering is installed. A signed certificate from the contractor that the insulation meets the current energy code. In case of homeowner installation, homeowner will get letter from a contractor or other professional knowledgeable of an energy code to state it meets the current energy code.

Final Inspection -- Made after construction is completed and ready for occupancy prior to issuance of an Occupancy Permit.

Other inspections -- In addition to the inspections required above, the Code Enforcement Officer may make or require any other inspections to ascertain compliance with this Code and other laws enforced by the Town of Hollis.

Failure to notify shall be a violation of this Ordinance and subject to the enforcement provisions of this Code.

DEFINITIONS

Section 5:

Certain words and phrases shall be construed throughout this Code to have the meaning indicated in this section.

Accessory Structure: A building, the use of which is incidental to that of the main building and which is located on the same lot.

Alteration: As applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities; or an enlargement whether by extending on a side or by increasing in height.

Approved: Approved refers to approval by the Building Inspector as the result of investigation and tests conducted by him, or by reason of accepted principles of tests by nationally recognized organizations.

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Building: Means a combination of materials to form a construction that is safe and stable, and adapted to permanent, continuous, or seasonal occupancy for assembly, business, educational, institutional, mercantile, residential, storage or similar purposes; the term "building" shall be construed as if followed by the words "or portions thereof." This includes temporary buildings made of a frame and covered with fabric such as shelters for vehicles.

Building, Existing: Existing building is a building erected prior to the adoption of this Code, or one for which a legal building permit has been issued, prior to adoption of this Code.

Building Inspector: Building Inspector is the town official who is charged with the administration and enforcement of this Code. The term "Building Inspector" includes the term "Building Official" and "Code Enforcement Officer."

Ceiling Height: Ceiling heights shall be the clear vertical distance from the finished floor to the finished ceiling.

Code: This term shall include Town of Hollis Ordinances and Codes.

Court: Court is a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three (3) or more sides by walls or a building.

Dwelling: Dwelling is any building which contains one (1) or two (2) "Dwelling Units" used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which are occupied for living purposes.

Dwelling Unit: Dwelling Unit is a single unit providing complete independent living facilities for one or more persons having permanent provisions for living, sleeping, eating, cooking and sanitation. A dwelling unit must contain at least five hundred (500) square feet of floor space. This term does not include camper trailers.

Expansion: Is defined as meaning: (1) Construction of additions to existing facilities, buildings and structures; and (2) Construction of new freestanding facilities, buildings and structures. Under definition (1) and (2) above, construction is limited to an expansion of existing facilities, buildings and structures reasonably or customarily associated with said existing facilities, buildings and structures.

BUILDING CODE TOWN OF HOLLIS

Front Lot Line: Means a lot line dividing a lot from a street.

Habitable Room: Habitable room shall mean any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed places as closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces.

Hot Water: Hot water means water at a temperature of not less than 120⁰F.

Listed and Listing: Terms referring to equipment which is shown in a list published by an approved testing agency qualified and equipped for the conduct or supervision of experimental testing and maintaining an adequate periodic inspection of current products and whose listing shows that the equipment complies with the provisions set forth in this Code.

Loads: Live, Dead and Lateral - Dead loads are the weight of the walls, partitions, framing, floors, ceilings, roofs and all other permanent stationary construction entering into and becoming a part of the Building. Live loads are all loads (including snow loads), except dead loads. Lateral loads are those created on foundations by adjacent soil.

Lot Line: Means a line dividing one (1) lot from another, or from a street or other public space.

Lot of Record: Means a lot duly recorded at the office of the York County Registry of Deeds, as of the effective date of this Ordinance.

Occupied Space: The total area of all buildings or structures on any lot or parcel of ground projected on a horizontal plane excluding permitted projections as allowed by this Code.

Owner: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

Repair: Means the replacement of existing work with equivalent materials for the purpose of its maintenance.

Story: Story means the habitable part of a building comprised between any floor and the floor or roof next above.

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Street: Any commonly traveled thoroughfare, either publicly or privately maintained, which is open to the public, which affords the principal means of access to abutting lots. The definition of "streets" does not include driveway.

Structure: See "Building."

Swimming Pool: An outdoor, man-made receptacle having a surface area of two hundred and fifty (250) sq. ft. or more, designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing whether in the ground or above the ground.

Window: Window shall mean a glazed opening, including portions of glazed doors.

Yard: Yard is an open unoccupied space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

Section 6: Right of Entry

The Code Enforcement Officer in the performance of his duties, and at reasonable times, may enter any - building with the consent of the owner or his agent, for the purpose of making the inspection required by this Code. If consent is not granted, the Code Enforcement Officer may seek an administrative warrant from District Court. The Code Enforcement Officer and/or his Assistant, shall be defended by the Corporation Counsel of the Town of Hollis until final determination of the proceedings.

Section 7: Permits

Before construction, alteration, relocation, demolition, placement or replacement of any building or part thereof shall be commenced, except as specifically exempted below, the owner or lessee, or the architect, contractor or builder employed by such owner or lessee shall obtain from the Code Enforcement Officer a permit covering such proposed work. A certificate of approval by the official governmental agency shall be furnished with every prefabricated assembly, except where all elements of the assembly are readily accessible to inspection at the site. A final inspection shall be provided in accordance with this Code.

BUILDING CODE TOWN OF HOLLIS

A. Exemptions

1. **Normal Maintenance:** Normal maintenance (including but not limited to re-roofing and residing) may be made without filling an application or obtaining a permit, unless any underlying material needs to be replaced such as plywood, sheetrock, framing, etc., or if any underlying material is to be added to or removed.
2. **Minimum Amount:** No permit shall be required for the construction, alteration, relocation, or replacement of any building or part thereof, so long as it conforms with the provisions of the adopted building code, this Ordinance, within the Town of Hollis if under the minimum amount to be established and set by the Select Board.

B. Application

The application for the permit shall be in writing and shall be made on such form as the Code Enforcement Officer shall prescribe, and shall contain a scale drawing of the proposed new, altered or relocated building, or the replacement contemplated, including a plot plan (unless waived by the Code Enforcement Officer), and a copy of the deed showing ownership of the property being built on. The application shall be filed with the office of the Code Enforcement Officer.

C. Permit Approval

The Code Enforcement Officer, after proper examination of the application shall either issue the requested permit or transmit a notice of refusal within fifteen (15) calendar days, from the day of a completed application is received in the office with all documents required. Notice of refusal shall be in writing and shall state the reasons therefore. However, when the Code Enforcement Officer has reason to believe that the proposed construction would not be in compliance with other local regulations or state laws, he shall not issue any building permit until all questions have been resolved to the satisfaction of the CEO. When a violation of subdivision standards is believed to exist, the Planning Board shall be given an opportunity to examine the proposal.

BUILDING CODE TOWN OF HOLLIS

D. Life of Permit

All building permits shall be void unless work there under is begun within six (6) months from the date of issuance, and completed within eighteen (18) months of issuance, unless the permit is renewed and an additional fee is collected. The additional fee will be based on remaining work to be completed, but not less than 50% of the original fee collected. **Permitted work will not be deemed complete until the following work is completed: Site work, including driveway, septic, well and finish grading: Exterior shell package: Safety items such as Smoke Detectors, Egress provisions and no exposed bare electrical conductors.**

Existing BLDG Permits, as of adoption of this change, will have eighteen (18) months to comply with this requirement.

E. Display of Permit

Every building permit shall be displayed in a conspicuous place within 48 hours on the premises and shall not be removed until all work covered by the permit has been approved. Not displaying the permit is a violation of this ordinance and could result in a stop work order, voiding of the permit, and or penalties.

F. Renovations

Renovations, with construction cost equal to or more than 50% of the current assessed value of the structure, will require that the entire structure meet current standards for Smoke Detection and Electrical Circuit Protection to the greatest extent possible, as determined by the Code Enforcement Officer.

Section 8: Fees

Building permits shall not be issued without payment of a fee. The Hollis Board of Selectmen shall establish a Fee Schedule annually.

Section 9: Certificate of Occupancy

No new building or portion thereof shall be occupied after its construction until a certificate of occupancy is issued from the Code Enforcement Officer. The Inspector may issue said certificate

BUILDING CODE TOWN OF HOLLIS

after proper examination shows that all work was performed in compliance with the provisions of this Ordinance.

A. Water Test

Written evidence of a water test performed on the well in service is required prior to the final inspection is scheduled for an Occupancy Permit. This water test will meet state standards, and if state standards are not available, Maine recommended standards will be used. If state recommended standards are not available, DEP recommended standards will be used. This water test will include a test for Arsenic and Radon. The test shall show as 'passed' or 'acceptable' for 'Primary', arsenic, and radon. The 'secondary' results will only be for information to the owner.

In lieu of the above test, a letter from an approved water testing facility as approved by the Code Enforcement Office stating that all Primary water tests, arsenic, and radon meets state standards, or if state recommended standards are not available, DEP recommended standards will be used.

B. 911 Address numbers will be posted, using 4" x 4" block numbers, so as to be visible from the street prior to issuance of an Occupancy Permit.

C. Temporary Certificate

Upon request of the holder of a building permit, or of the owner, the Building Inspector shall issue a temporary certificate of occupancy for part of a building or structure; provided that such temporary occupancy or use would not jeopardize life safety, or property.

Section 10: Disposal of Waste during Construction

Waste material and rubbish shall not be stored nor allowed to accumulate within the building or in the immediate vicinity, but shall be removed from the premises as rapidly as practicable.

Section 11: Swimming Pools

No person or firm shall begin construction of or erect a swimming pool without first obtaining a building permit. The Code Enforcement Officer shall issue a permit only after satisfying himself from plans or specifications presented by the applicant that the proposed swimming pool will conform to the following requirements:

BUILDING CODE TOWN OF HOLLIS

1. **Pools to be Kept Enclosed:** Every swimming pool shall be enclosed by a fence or wall at least four (4) feet in height, which shall have no openings larger than four (4) inches in the least dimension, constructed so as to exclude children. Any building or related structure may be included as a part of the required enclosure. Any inaccessible banking or earth or any body of water, either of which cannot be traversed readily on foot shall be considered a part of the enclosure. All gates and doors opening through the enclosure shall be self-closing and equipped with a latching device for keeping the gate or door securely latched at all times when not in use. Latches shall be installed so that doors may be unlatched from the outside only by reaching over the fence to an inside latch. Any pool constructed below ground level shall have a self-closing gate, which is a minimum of four (4) feet in height. It is the intent of this section to provide for personal safety.
2. **Set-Back Requirements:** No swimming pool or associated equipment shall be constructed closer than twenty (20) feet from the side or rear lot line, nor closer to the front line of any lot that would be permitted for buildings or other structures by other provisions of this Ordinance.
3. All electrical service to the pool and equipment shall be wired so as to meet requirements of the National Electrical Code.

Section 12: Conflict With Other Codes and Ordinances

Where there is a conflict between this Code and the requirements of any other code or ordinance of the Town of Hollis, the more restrictive shall apply.

Section 13: Violations

Any person who violates a provision of this Ordinance or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of the Ordinance, shall be subject to penalties in accordance with 30-A M.R.S.A. Section 4452. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to the above, any work in violation of this Code shall be removed to allow inspection.

The Select Board is authorized to enter a consent agreement after consultation and consideration from the Code Enforcement Officer to resolve a violation.

BUILDING CODE TOWN OF HOLLIS

Section 14: Right of Appeal

- A. Any applicant who is denied a building permit under Section 6.C, or an inspection certificate under Section 3, may appeal his denial to the Hollis Board of Appeals. All appeals shall be submitted in writing, and shall include sketches or drawings to illustrate the issue for consideration.
- B. The Board of Appeals is hereby authorized to determine whether the Code Enforcement Officer made any errors of interpretation or any errors of procedure in administering this Code, after conducting a public hearing as required by State Law (Title 30, MRSA, Section 2411).
- C. All decisions of the Board of Appeals shall become part of the record and shall include a written statement of findings and conclusions, as well as the reasons or basis for such conclusions. Notice of decisions shall be mailed to the applicant and to the Code Enforcement Officer within seven (7) days of the decision being made.

Section 15: Alternative Materials

- A. The provisions of this Code are not intended to prevent the use of any materials or method of construction not specifically prescribed by this Code, provided any such alternative meet the performance standards referred to in this code.
- B. The Code Enforcement Officer may approve any such alternative provided he finds that the proposed design is satisfactory and complies with accepted design criteria.
- C. The Code Enforcement Officer may require that evidence or proof be submitted to substantiate any claims that may be made regarding its use.

BUILDING CODE TOWN OF HOLLIS

Section 16: Dilapidated/Unsafe Buildings and Structures

A. *Application:*

The term unsafe building or structure shall apply to buildings or structures or portions thereof, existing or hereafter erected, as follows:

1. Those deemed structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, constituting a fire hazard, unsuitable or improper for the use of occupancy to which they are put, constituting a hazard of health or safety because of inadequate maintenance, dilapidated, obsolescence or abandonment; or otherwise dangerous to life or property.
2. Vacant buildings or structures or portions thereof deemed to constitute a hazard.

B. *Notice of Unsafe Buildings or Structures:*

Upon determining that a building or structure or portion thereof is unsafe, the Code Enforcement Officer shall serve or cause to be served on the owner, or some one of the owners, executors, administrators, agents, lessees or other persons who may have a vested or contingent interest in the same, a written notice containing a description of the building or structure or portion of which is unsafe, and an order requiring that the same to be made safe and secure or removed, as may be deemed necessary by him. If the person to whom such notice and order is addressed cannot be found after diligent search, then such notice and order shall be sent by certified or registered mail to the last known address of such person; and a copy of such notice shall be posted in a conspicuous place on the premises to which it relates. Such mailing and posting shall be deemed adequate service.

C. *Hearing:*

Any person having a legal interest in the unsafe building may request that the Selectmen hold a public hearing within thirty (30) days of the notice being issued. Notice of the hearing shall be given in ample time to allow public attendance.

D. *Restoration of Unsafe Building or Structure:*

A building or structure or part thereof declared unsafe by the Code Enforcement Officer may be restored to safe condition; provided that if the damage or cost of reconstruction or restoration is in excess of fifty (50%) percent of the value of the building or structure, exclusive of foundations, such building or structures, if reconstructed or restored, shall be made to conform

BUILDING CODE TOWN OF HOLLIS

with respect to materials and type of construction, to the requirements of this code; but no change of use or occupancy shall be compelled by reason of such reconstruction or restoration.

E. *Disregard of Unsafe Notice:*

If the person served with a notice or order to remove or repair an unsafe building or structure or portion thereof and should fail, within a reasonable time, to comply with the requirements thereof, the Code Enforcement Officer shall advise the Selectmen of all the facts in the case, and they shall institute an appropriate action in accordance with the procedures set forth in the applicable section of the Maine Revised Statutes Annotated.

Section 17:

This Code shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions that are less restrictive.

Section 18:

Should any section, or part thereof, of this Ordinance be held by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

Section 19:

No amendments to this Ordinance shall apply to outstanding permits issued before the effective day of the amendment. This Code may be amended at any Town Meeting or referendum vote of the Town.

Section 20:

This Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby be effective retroactive to September 28th, 2011.


Hollis Building Code Ordinance was approved by a Special Town Meeting Vote 11/7/2017.

Article # 7: "Shall the Town vote to update the Hollis Building Code Ordinance to be compliant with Maine State Statutes?" Yes 857, 289 No- Article passed

Hollis Building Code

Enacted: Mar 1967

Amended: 11/7/2017

Attested:  14 of 14

**Town of Hollis
CATV Franchising Ordinance**

RECEIVED
APR 14 2005
BY: *[Signature]*

CABLE TELEVISION FRANCHISING

§ 1. TITLE

This ordinance shall be known as the "Town of Hollis CATV Franchising Ordinance."

§ 2. DEFINITIONS

For the purpose of this chapter and any franchise granted hereunder, the following terms, phrases and words and their derivations shall have the meaning specified herein. When not inconsistent with the context, words used in the present tense include the future and words in the singular number include words in the plural number.

ANNUAL GROSS SUBSCRIBER REVENUES -- All revenues received by the licensee, its affiliates, subsidiaries or lessees from and in connection with the provision of basic service to subscribers over the broadband telecommunications system in the Town of Hollis, Maine. It shall include revenues from all sources, including, without limitation, revenues from advertising, channel leasing, data transmission and per-program charges, in addition to the subscribers' regular monthly payments for basic service.

CATV SYSTEM -- Any system of cables, optical, electrical or electronic equipment, including cable television, used for the purpose of transmission of electrical impulses of television, radio and other intelligences, either analog or digital, for sale or use by the inhabitants of the Town.

FRANCHISE PAYMENT -- Include all charges imposed for a franchise whether the object be regulation, revenue or one-time reimbursement of costs incurred by the Town in the award of a franchise.

FULL SERVICE -- All basic services and additional services to be offered by the licensee.

LICENSEE -- All persons, including, but not limited to, subsidiaries, parent or affiliate companies, associations or organizations having any rights, powers, privileges, duties, liabilities or obligations, under this chapter, and under the broadband telecommunications system franchise, collectively called the "franchise," and also includes all persons having or claiming any title to or interest in the system, whether by reason of the franchise itself directly or by interest in a subsidiary, parent or affiliate company, association or organization or by any subcontract, transfer, assignment, mortgage security agreement, management agreement or operating agreement, or whether otherwise arising or created.

MAY -- Is permissive.

PHYSICAL MILE OF PLANT -- Messenger strand as measured from pole to pole without taking into consideration sag or down guys, and for underground and buried plant, actual trench feet.

SELECTMEN -- The present governing body of the Town of Hollis or any legally appointed or elected successor or agency constituting the governing body of the Town.

SERVICE AREA -- That geographical area within the incorporated limits of the Town.

SHALL and MUST -- Each is mandatory and not merely directory.

STATE -- The State of Maine.

SUBSCRIBER -- Any person, firm, company, municipality, corporation or association receiving either basic service or additional service from the licensee under the schedule of charges filed with and/or approved by the Town.

SUBSTANTIALLY COMPLETED -- Operation will be considered substantially completed when sufficient distribution facilities have been installed and activated so as to permit the offering of full service to at least 90% of the dwelling units in the service area.

TOWN -- The Town of Hollis, officials, boards, commissions, agents and employees, unless otherwise specifically designated, the area within the territorial Town limits of the Town of Hollis and such territory presently outside of the Town limits over which the Town may assume jurisdiction or control by virtue of annexation.

§ 3. CATV SYSTEM FRANCHISE

A. Franchise required. No person, firm, company, corporation or association shall construct, install, maintain or operate within any public street in the Town, or within any other public property of the Town, or within any privately owned area within the corporate limits of the Town, any equipment or facilities for the distribution of television signals, or radio signals or other intelligences either analog or digital over a broadband telecommunications system to any subscriber unless a franchise authorizing the use of the streets or properties or areas has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

B. Review of qualifications. Specific permission to operate a CATV system under the provisions of this chapter may be granted by the Selectmen to any licensee after a review of the licensee's legal, character, financial and technical qualifications and the adequacy and feasibility of the licensee's construction arrangements and approval of the licensee's qualifications as a part of a public proceeding affording due process.

C. Duration of franchise. Upon filing by the licensee of the proper acceptance, the bond and the required insurance, a franchise shall take effect as provided therein and shall continue in full force and effect for a maximum term of 10 years.

§ 4. APPLICATIONS FOR FRANCHISE

Applications for a franchise shall be filed with the Town in accordance with the filing instructions promulgated by the Town and shall contain the following written information and provisions:

A. Proposal bond and filing fee. Provision of the proposal bond as required and payment of a nonrefundable filing fee to the Town in the amount of \$25, which sum shall be due and payable concurrently with the request for application information.

B. Name and address of applicant. The name and business address of the applicant, date of application and signature of applicant or appropriate corporate officer(s).

C. Description of proposed operation. A general description of the applicant's proposed operation, including but not limited to business hours; operating staff; maintenance procedures beyond those required in this chapter; management and marketing staff complement and procedures; and its proposed technical reporting policy commensurate with applicable FCC rules and regulations.

D. Signal carriage. A statement of all the television and radio services to be provided, including both off the air and locally originated signals.

E. Special services. A statement setting forth a description of the automated services proposed as well as a description of the production facilities and capital funding to be made available

by the licensee for the public, municipal and educational channels required to be made available by the provisions of this chapter and the Federal Communications Commission.

F. Programming assistance. A statement establishing any additional revenues beyond those required in § 6 herein to be designated for the programming or programming assistance for the public, educational and government access channels.

G. Schedule of charges. A statement of the applicant's proposed schedule of charges.

H. Corporate organization. A statement detailing the corporate organization of the applicant, if any, including the names and addresses of its officers and directors and the number of shares held by each officer and director.

I. Stock holders. A statement identifying the number of authorized and outstanding shares of applicant's stock, including a current list of the names and current addresses of its shareholders holding 10% or more of applicant's outstanding stock.

J. Intra-company relationships. A statement describing all intra-company relationships of the applicant, including parent, subsidiary or affiliated companies.

K. Agreements and understandings. A statement setting forth all agreements and understandings, whether written or oral, existing between the applicant and any other person, firm, group or corporation with respect to any franchise awarded and the conduct of the operation thereof existing at the time of proposal submittal.

L. Financial statement. If applicant is a corporation, audited financial statements for the two previous fiscal years. If applicant is a partnership, copies of the "US Partnership Return of Income" (IRS Form 1065) for the two previous fiscal years. If applicant is a sole proprietorship, copies of personal financial statements for the two previous fiscal years.

M. Financial projection. An estimated ten-year operations pro forma which shall include the initial and continuing plant investment, annual profit and loss statements detailing projected income and expenses, annual balance sheets, and annual levels of subscriber penetration. The pro forma shall also state the average return on investment anticipated by the applicant for the ten-year operations period and shall state the method of computation thereof. Costs anticipated for voluntary services or contributions shall, if presented, be incorporated in the pro forma as required in this chapter, but shall be separately identified in the pro forma.

N. Financial support. A corporate board resolution or statement from a qualified officer of the applicant shall be supplied authorizing the securing and expenditure of such funds as are required to construct and operate the CATV system proposed herein. The applicant shall identify any external financing sources anticipated and shall explain the nature and extent of participation by such external financing sources. If external financing shall be accomplished through lines of credit with a lending institution, the applicant shall identify the available, uncommitted balance of such line of credit.

O. Technical description. A technical description of the type of communications system proposed by the applicant, including but not limited to system configuration (i.e., hubs, nodes, etc.), system capacity, two-way capability, data intranets and the proposed dates of commencement of construction and operation of said system.

P. Engineering statement. A statement from a registered professional engineer advising that he has reviewed the technical description provided above and that the planned system and operation thereof meets all the technical standards set forth in Section 76.605 of the FCC's Third Report and Order, and any amendments thereto.

Q. Existing franchises. A disclosure of existing State of Maine franchises held by the applicant indicating when the franchises were issued and when the systems were constructed in each respected government unit, together with the name and address and phone number of a responsible governmental official knowledgeable of the applicant.

R. Convictions. A statement as to whether the applicant or any of its officers or directors or holders of 10% or more of its voting stock has in the past 10 years been convicted of any crime other than a routine traffic offense and the disposition of each such case.

S. Operating experience. A statement detailing the prior operational experience of the applicant, including that of the applicant's officers, management and staff to be associated with the proposed operation.

T. Franchise renewal information. If an application is for renewal of a franchise, the proposal must include, in addition to the information required in Subsections A through S above:

(1) A summary of the technical, financial and programming history of the system since the granting of the original franchise.

(2) A statement and timetable that outlines all proposed changes, expansion or improvements in the system as to services, programming or technical specifications during the renewal period.

U. Additional requirements. The application for franchise shall respond specifically, and in sequence, to Subsections A through S of this section and shall be bound separately from any additional information proffered by the applicant. Five copies of the application shall be supplied to the Town. Supplementary, additional or other information that the applicant deems reasonable for considerations may be submitted at the same time as its application, but must be separately bound and submitted in the above number of copies. The Town may, at its discretion, consider such additional information as part of the application.

V. Supplementation to applications. The Town reserves the right to require such supplementary, additional or other information that the Town deems reasonably necessary for its determinations. Such modifications, deletions, additions or amendments to applications shall be considered only if specifically requested by the Town.

W. Grandfather clause. Applications submitted prior to June 22, 1998, and all amendments thereto, shall be deemed to be in conformity to this section.

§ 5. REPORTS AND RECORDS OF LICENSEE

A. Annual financial reports required. The licensee shall furnish the Town, no later than 120 days after the end of licensee's fiscal year, two copies of:

(1) The report to its stockholders.

(2) A sworn statement of its gross annual revenues pertaining to the Town of Standish.

(3) An income statement identifying expenses and income applicable to its operations under said franchise during the fiscal year or fraction thereof.

(4) A financial balance sheet and statement of ownership for its operations within the Town of Standish, which shall be open for public inspection. Said statements and balance sheet shall be sworn to by the person preparing same and by licensee or an officer of licensee.

(5) A report containing the number of subscribers within the Town of Hollis, as of December 31, and the number of connections and disconnections made during the reporting year.

(6) A listing of its properties devoted to system operations under the franchise, together with an itemization of its investment in each of such properties. This report, along with the other reports listed above and any other such reasonable information as the Town may request, shall be certified by a certified public accountant.

(7) Any other reports required by state and/or federal law.

B. Annual facilities report required. The licensee shall file annually with the Town, not later than 120 days after the end of its fiscal year and within 120 days after the end of each subsequent fiscal year, two copies of a total facilities report setting forth the total physical miles of plant installed or in operation during the fiscal year. Such report shall also contain any revisions to the system "as built" maps filed with the Town under the provisions of Subsection D herein. In addition, the licensee shall file quarterly construction reports with the Town during the initial build or subsequent rebuild of the system as required by the franchise.

C. Line extension reports required. During the first year after the commencement of this franchise agreement, licensee shall file with the issuing authorities quarterly reports detailing the areas in the towns in which the cable system has been extended during said reporting period, the dates of said extensions and the number of households capable of receiving cable service(s). In succeeding years, licensee shall file said report on an annual basis. This report shall also contain details of any and all line extension requests that have been made during the reporting period, the status of any such line extension requests, and all pending line extensions not yet completed.

D. Customer service complaint reports. Every three months, beginning from the effective date of the franchise agreement, licensee shall notify the Town, on forms approved by the Town, a list of complaints of subscribers received during the reporting period and the manner in which the complaints have been met, including the time required to make any necessary repairs or adjustments.

E. System maps required. The licensee shall file with the Town, not later than three months after the system is substantially completed, a set of system "as built" maps, drawn to scale, showing all of the CATV system facilities installed in the Town. Subscriber service drop facilities need not be shown.

F. Certificate of performance. The licensee shall file with the Town, not later than three months after the system is substantially completed and within three months after the end of its fiscal year during which a franchise was accepted and within three months after the end of each subsequent fiscal year, two copies of the following supplemental information:

(1) If a nonprofit corporation, a list of all current bondholders both of record or beneficial. If a public corporation, a list of all shareholders who individually or as a concerted group hold 10% or more of the voting stock of the corporation.

(2) A current list of all licensee's officers and directors, including addresses and telephone numbers.

(3) Copies of all pertinent agreements or contracts, including pole-use agreements, entered into by the licensee during the fiscal year in the conduct of its business under a franchise granted.

(4) The names and both business and residential addresses and phone numbers of the broadband telecommunications system resident manager and engineer.

(5) If the licensee is a subsidiary, a copy of the annual report of the parent firm.

G. Public availability of reports. Such reports as required under this chapter must be available to the public in the office of the Town Clerk, during normal business hours. Subscribers shall be notified of the availability of such reports by the inclusion of such notice in the subscriber agreement, if used. Other methods of notification, if required, shall be approved by the broadband telecommunications regulatory board.

H. Correspondence. The licensee shall simultaneously file with the Town a copy of each petition, application, report and communication transmitted by the licensee to, or received by the licensee from, any federal, state or other regulatory commissions or agencies having competent jurisdiction to regulate and pertaining to the operations of any broadband telecommunications system authorized hereafter.

I. Town's access to records. The Town shall have access during all normal business hours and upon the giving of reasonable notice to the licensee's contracts, engineering plans, accounting, financial data and service records relating to the property and the operations of the licensee and to all other records required to be maintained according to said franchise. Records of subscriber lists and statistical data shall be made available only upon showing to the licensee by the Town that such records are material to the Town's regulatory program.

J. Subscriber agreement. The form of licensee's agreements with its subscribers shall be subject to the approval of the Selectmen.

§ 6. FRANCHISE PAYMENT

A. Annual franchise payment.

A licensee of a franchise shall pay to the Town a quarterly fee in the amount established in the franchise. This payment shall be based upon the licensee's quarterly gross subscriber revenues, as defined herein, and shall be in addition to any other payment owed to the Town by the licensee and shall not be construed as payment in lieu of municipal property taxes or other state, county or local taxes.

B. Method of computation; interest.

(1) Sales taxes or other taxes levied directly on a per-subscription basis and collected by the licensee shall be deducted from the local quarterly gross subscriber revenues before computation of sums due the Town is made. Payments due the Town under the provisions of Subsection A above shall be computed quarterly for the preceding quarter and shall be paid on the first day of January, April, July and October at the office of the Town Clerk during its regular business hours. The first payment period shall commence as of the effective date of the franchise. The Town shall be furnished a statement with each payment, by a certified public accountant, reflecting the total amounts of quarterly gross subscriber revenues, and the above charges, deductions and computations for the quarterly payment period covered by the payment.

(2) In the event that any statement or payment is not furnished as required, interest on the amount due, as determined from the quarterly gross subscriber revenues as computed by a certified public accountant, selected by the Town, shall accrue from the date of the required submittal at a rate of interest of 11/2% per month.

C. Rights of re-computation. No acceptance of any payment by the Town shall be construed as a release or as an accord and satisfaction of any claim the Town may have for further or additional sums payable as a franchise fee under this chapter or for the performance of any other obligation of the licensee.

§ 7. BONDS

A. Proposal bond. Each applicant for a franchise shall submit a proposal bond in a form acceptable to the Town or a certified check on a bank that is a member of the Federal Deposit Insurance Corporation, payable to the order of the Town in an amount of \$15,000. The licensee's proposal bond shall be returned upon provision of the performance bond as required in Subsection B below.

B. Performance bond. The licensee shall maintain, and by its acceptance of any franchise agrees that it will maintain, through the term of the franchise, any renewal or extension thereof, or during the restoration of property following franchise termination or revocation, a faithful performance bond running to the six towns comprising the Saco River Area, namely, Standish, Buxton, Hollis, Limington, Limerick and Waterboro, with a corporate surety licensed to do business in the State of Maine and approved by the Town in the penal sum total of \$500,000 conditioned upon the faithful performance of the licensee and upon further condition that in the event the licensee shall fail to comply with any law, ordinance or regulation governing the franchise, there shall be recoverable jointly and severally from the principal and surety of the bond any damages or loss suffered by the Town as a result, including the full amount of any compensation, indemnification or cost of removal or abandonment of any property of the licensee, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond. Upon completion of the system rebuild, the amount of said bond shall be reduced to the sum of \$100,000. The bond shall contain the following endorsement:

"It is hereby understood and agreed that this bond may not be cancelled nor the intention not to renew be stated until 30 days after receipt by the Town of Hollis, Maine by registered mail of one copy of a written notice of such intent to cancel or not renew."

C. Return of proposal bond. Proposal bonds or certified checks received in lieu hereof from applicants whose proposals are not accepted by the Town shall be returned to the applicant as soon as the proposal is rejected.

D. Bond evidence to be filed with Town. The performance bond and written evidence of payment of required premium shall be filed and maintained with the Town during the term of any franchise granted hereafter, or any renewal thereof.

§ 8. COMPLAINT PROCEDURE

A. Complaints. Complaints, disputes and disagreements, which are not resolved by the licensee to the subscriber's satisfaction may be filed with the Town, provided such filing complies with the time limits prescribed below.

B. Any complaint, dispute or disagreement may be filed with the Town, provided it falls within the time limits set forth below:

(1) Within 30 days after final action on the complaint, dispute or disagreement by the licensees; or

(2) Within 30 days after notice of the complaint, dispute or disagreement has been given to the licensee and the licensee has not resolved the complaint, dispute or disagreement.

C. Investigation and report. Within 10 days after receiving notice of such complaint, dispute or disagreement, the Selectmen shall request an investigation of the same to be made by the Town representative to the Saco River Cable Committee. After completion of the investigation, the Selectmen shall issue a report either dismissing the complaint or directing the licensee to take appropriate action to remedy the complaint, dispute or disagreement, and shall cause a copy of such report to be forwarded to each party. The report of the Selectmen shall be final.

D. Notice to parties. The Saco River Cable Committee shall provide reasonable advance notice of the time and place of any hearing to the parties.

§ 9. SACO RIVER CABLE COMMITTEE

The mission of the Saco River Cable Committee is to provide general supervision and oversight of the member municipalities' respective cable T.V. franchises with Adelphia Communication Corporation, its successors and assigns. The Committee shall supervise Adelphia's operations, specifically in the area of complaint procedures, billing methods, remote broadcast facilities, extension policy and financial reporting and such other matters as are set out in the respective franchise agreements and as the Committee may determine.

A. Town Representative to Saco River Cable Committee appointed. There is hereby established a Town Representative and an alternate member to the Saco River Cable Committee hereinafter referred to as the "Committee".

B. Representation. The Council shall appoint two members of the public to serve on the Saco River Cable Committee, one primary member and one alternate member.

C. Duties of the members. The duties of the members shall be to:

(1) Review appeals taken pursuant to § 8 of this chapter. Its decisions or findings shall be reported to the Selectmen.

(2) Review and audit reports submitted to the Town as required in § 115-5 herein, and such other correspondence as may be submitted to the Town concerning the operation of the broadband telecommunications system so as to insure that the necessary reports are completed and fulfilled pursuant to the terms of the article.

(3) Work with the public and the media to assure that all records, reports, rules and charges pertinent to the broadband telecommunications system in the Town of Hollis are made available for inspection at reasonable hours upon reasonable notice.

(4) Confer with the licensee and advise on the interconnection of the Town's telecommunications system with systems serving other governmental or educational entities.

(5) Solicit, review and provide recommendations to the Selectmen for selection of applicants for franchise.

(6) Assist with development and oversight of a regional community television access center to provide the citizens of the Town of Hollis and other Saco River Area Towns with the training and equipment to produce local community television.

(7) Monitor the procedural aspects and operations of the local community television channels. Make recommendations to the operators of those channels if requested.

(8) Coordinate and advise the educational, governmental and public users of the CATV system access channels in their programming efforts.

(9) Perform such duties and functions relative to coordination with committees of other towns to assure the mutually satisfactory interchange of information between the towns on the Saco River System.

(10) If requested by Selectmen, assist in the preparation of an annual budget to the Selectmen for the administration and operation of the Committee.

(11) Undertake such other duties as the Selectmen may assign from time to time and as may be required by the bylaws of the Committee.

§ 10. COMPLIANCE

The licensee shall at all times comply with all applicable federal, state and Town laws, ordinances and regulations.


§ 11. SEVERABILITY


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

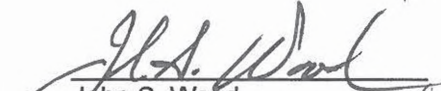
Signed this 14TH day of APRIL, 2005

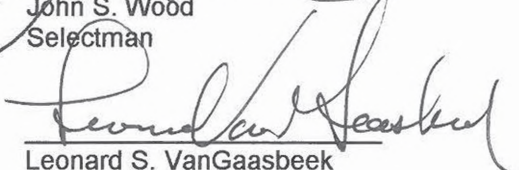
By:

Witnessed By:


Winfried W. Williams, Chair
Selectman


Claire M. Dunne
Town Clerk


John S. Wood
Selectman


Leonard S. VanGaasbeek
Selectman

ORDINANCE REGARDING THE CIRCULATION OF PETITIONS

Article I. Authority

This ordinance is enacted pursuant to 30-A M.R.S.A. § 3001.

Article II. Applicability

This ordinance applies to any petition to be circulated in the Town of Hollis under state law regarding a local matter, including but not limited to petitions circulated pursuant to 30-A M.R.S.A. § 2522 and 2528(5), and to any petition to be circulated in the Town of Hollis under town ordinance. If there are provisions in state law or other town ordinances inconsistent with the provisions of this ordinance, the provisions in state law or other town ordinances control. If state law or town ordinances are silent on a particular provision of this ordinance, the provisions of this ordinance control.

Article III. Petition Process

- A. The petition shall commence by the circulators of the petition filing a copy of the petition, including the text of the petitioned item and the form of the signature pages, with the Town Clerk, who shall notify the municipal officers of the filing.
- B. All pages of the petition, including the text of the petitioned item and the signature pages, shall be uniform in size and style and shall be assembled for filing. The petition shall be examined by the town attorney before being submitted to the voters to assure accuracy in its text and references, clearness and preciseness in its phraseology, and consistency with all federal, state and local laws, ordinances, rules and regulations, but the town attorney shall not materially change its meaning and effect.
- C. During the circulation, the signature pages of the petition shall contain or have attached the full text of the petitioned item. The petition shall be signed only by the voters of the town and shall include the address of each voter who signs.
- D. The signed signature pages must be filed with the Town Clerk within 90 days of the original filing with the Clerk. When the signature pages of the petition are filed with the Clerk, each signature page shall have attached to it an affidavit executed by the circulator stating:
 1. That the circulator personally circulated the petition
 2. That the signatures were affixed to the page in the circulator's presence
 3. That the circulator believes each signature to be that of the person whose name it purports to be
 4. That the signer, before signing, had an opportunity to read the full text of the petitioned item
 5. The number of signatures on the page

Any signed pages not filed within 90 days of the original filing are invalid.

ARTICLE #8. PASSED. HOLLIS SPECIAL TOWN MEETING 9/14/2004

9/14/2004

TOWN OF HOLLIS

ORDINANCE FOR THE DISPOSAL OF TAX ACQUIRED PROPERTY

I. PURPOSE

This ordinance is to define the method to be used for disposal of properties obtained through foreclosure in the Town of Hollis.

II. DEFINITIONS

- A. **REPURCHASE AGREEMENT** – An agreement entered into between the owner of record and the Selectmen to regain ownership of the property by paying all back taxes, associated fees and penalties, and current taxes as they are billed. Total repayment must be within 2 years of signing of the agreement. The repurchase agreement shall contain a statement that failure to pay for 3 months shall void the agreement as if it had not been executed.
- B. **PENDING FORECLOSURE NOTICE** – This is a notice of impending foreclosure that is sent to the owner of record by certified mail. This notice is 30 to 45 days prior to foreclosure.
- C. **AUTOMATIC FORECLOSURE** – Occurs 18 months after a tax lien is filed. The foreclosure automatically transfers ownership from the owner of record to the Town.
- D. **FAIR MARKET APPRAISAL** – The average of two separate real estate appraisals by independent real estate appraisers. Note that this is not the assessment value, but represents what the property could be reasonably expected to yield in an open sale.
- E. **FEES** – In addition to taxes there are the following charges; interest, search for mortgage holders, unassessed owners, or any party that has a secured interest; lien filing, registered mail charges, foreclosure filing, and legal costs if there are any.
- F. **30 DAY NOTICE** – Registered mail notice sent to the owner of record 8 months after the taxes are committed for properties and have not been paid.
- G. **LIEN** – Legal filing that registers the unpaid taxes and interest as a debt against the property that must be settled before any transfer of title can occur.

III. FORECLOSURE PROCESS

Failure to pay taxes for the proscribed time after a lien has been filed will result in foreclosure on the real estate. At the time of foreclosure the Town assumes ownership of the property. For the first 30 days after the foreclosure the owner of record may enter into a Repurchase Agreement with the Selectmen. If the owner of record elects not to, or is unable to enter into a Repurchase Agreement with the Selectmen during the 30-day period the property becomes eligible for sale to recover taxes due.

IV. CONDITIONS OF REPURCHASE AGREEMENT

The term of the repurchase agreement is 2 years. All back and current taxes must be paid by the end of that time. Since payments are applied to the oldest taxes due first, the payments will always be higher than required for current

taxes. Any failure to pay the required monthly payments for 3 consecutive months shall be construed as voiding the agreement and make the property eligible for sale. This stipulation is part of the Repurchase agreement signed by the owner.

V. DISPOSITION OF PROPERTY

All properties that are in foreclosure will be reviewed by Town of Hollis Officials for potential retention as town owned land. If the property is determined to be of value to the Town and is to be retained then two independent appraisals will be obtained. The Town will then place the property before the voters for approval of funds to enable retention. The amount to be placed before the voters will be the appraisal, less all applicable taxes, fees, and, if applicable, legal fees.

If the property is not to be retained it shall be disposed of by a sealed bid method of sale. A minimum price equal to the taxes and fees may be required.

VI. METHOD OF SALE

The Map, Lot, Physical Location, and minimum bid if applicable; shall be advertised in 2 newspapers with local coverage and posted at the Town Office, Hollis Post Office, and 2 other sites. The postings and advertisements shall be done 3 weeks and 1 week prior to the sale date. In addition a public hearing shall be held 10 days prior to the sale, at which all properties shall be reviewed.

Bids are to be written, sealed in an envelope, and either mailed in a separate envelope, or delivered, to the Town Clerk. The Town Clerk will time and date stamp the bids. In case of duplicate bids the earliest time/date will be the winning bid.

Bids will be opened at a Public Meeting conducted by the Board of Selectmen.

VII. METHOD OF PAYMENT

Payment is due within 30 days of being notified of a successful bid. Payment can be by cashiers check, money order, cash, or personal check. If a personal check is used the transfer shall not occur until the check has been cleared (APPROX 10 DAYS).

In the event that payment is not made within the allowed time, or the check is returned for insufficient funds the sale will be considered not to have happened. Properties in this situation are to be re-advertised and re-offered as described above.

VIII. FAILURE TO SELL

The unsold property will be presented at a Town Meeting for consideration of maintenance and insurance costs to be taken from uncommitted funds until the next tax rate computation. Should the Town of Hollis reject maintenance or insurance costs the structure will be demolished and the property converted to green space.

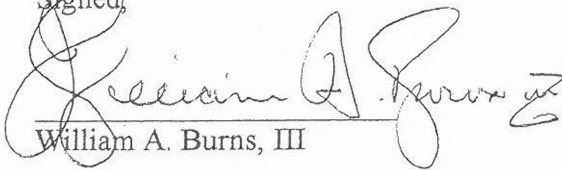
IX. UNSOLD HISTORICAL PROPERTIES

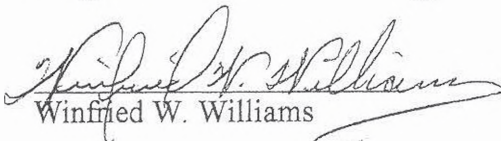
If the unsold property has structures of historical importance the property will be presented at a Town Meeting for consideration of maintenance and insurance costs to be taken from uncommitted funds until the next tax rate computation. Should the Town of Hollis reject maintenance or insurance costs the structure will be demolished and the property converted to green space.

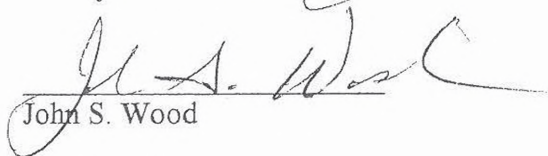
X. TRANSFER OF TITLE

Title of purchased properties will be transferred by quitclaim deed only. There will be no exceptions to this condition.

Signed,


William A. Burns, III

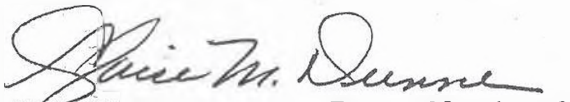

Winifred W. Williams


John S. Wood

CERTIFIED AND ATTESTED OF THE VOTE ON ARTICLE 4

Shall the Town vote to enact the ordinance titled "disposal of Tax Acquired Properties?"

VOTE WAS 714 YES 138 NO


CLAIRE M. Dunne, Town Clerk of
HOLLIS, MAINE
AS VOTED ON JUNE 8, 2004

LAND RE-PURCHASE INSTALLMENT CONTRACT

This agreement entered into by and between the Town of Hollis P. O. Box 9, Hollis Center, Maine 04042, Hereinafter referred to as the VENDOR, and _____ whose address is _____ hereinafter referred to as the PURCHASER; WITNESSETH as follows:

That on this _____ day of _____ 19____, the VENDOR agrees to sell and the PURCHASER agrees to purchase the following described real estate:

Certain property described as Map#____, Lot #_____ on the Hollis Assessor's Map for 19____, which are of file at the Hollis Town Office, being the same as described in a Town of Hollis tax lien dated _____ and recorded in the York County Registry of Deeds in Book_____, page _____, which lien foreclosed on _____

The OUT STANDING BALANCE PRICE of _____ Plus all costs and interest which accrue daily, Payments are applied to interest and cost first. Monthly payments of \$_____ dollars each due the 15th day of each month, after this contract is acknowledged.

And the parties do further agree as follows:

- 1) That the premises are to be conveyed by a Municipal Quit Claim Deed Without Covenant, that the property is to be sold "as is" without any warranties of representations whatsoever;
- 2) That there are the following encumbrances (if an) against the property: _____;
- 3) That risk of loss or damage to the premises by fire or otherwise and all liability for personal injury or property damage relating to use or occupancy of the property, until delivery of a deed, is assumed by the purchaser, that purchasing casualty and liability insurance is the purchaser's responsibility alone, that the Town of Hollis will not procure or maintain such coverage for him/her or otherwise indemnify him/her against any such loss, damage, or liability, and that the Town of Hollis retains title to the property as security for the PURCHASER'S obligations under this agreement;
- 4) That there is no THIRD PARTY involved in this transition that the Town of Hollis acknowledges;
- 5) That there are no promises, verbal understanding, or agreements of any kind pertaining to this contract other than as specified herein and that this agreement represents the entire agreement between the parties;
- 6) That the PURCHASER will be in default of this agreement if he is more than thirty (30) days late in making any payment, that the PURCHASER

can cure the default if he pays the overdue installment within fifteen (15) days of being in default of this agreement, and that, if such default is not cured as herein provided, this agreement thereupon shall be terminated and the VENDOR may retain all payments made hereunder and the purchaser shall have no claim to any refund, credit, allowance, or otherwise against the vendor under this agreement;

- 7) That the PURCHASER shall be responsible for the payment of taxes and any other fees, charges, or assessments made under law on said property from the date of this contract and any interest thereon, which is computed at a rate set by the Annual Town Meeting for the tax year (s) in question, and that these shall be paid in full in addition to the TOTAL OUTSTANDING BALANCE before a deed is conveyed to PURCHASER by the VENDOR;
- 8) That the PURCHASER has the right to accelerate or prepay any installment payments without penalty.
- 9) That this contract is not a MORTGAGE and the PURCHASER does not obtain title to the property until the TOTAL plus any additional taxes and interest, which is computed at a rate set by the Annual Town Meeting for the tax year (s) in question, are paid in full.

Signed, Sealed, and Delivered
in the presence of:

_____ Selectman, Date _____

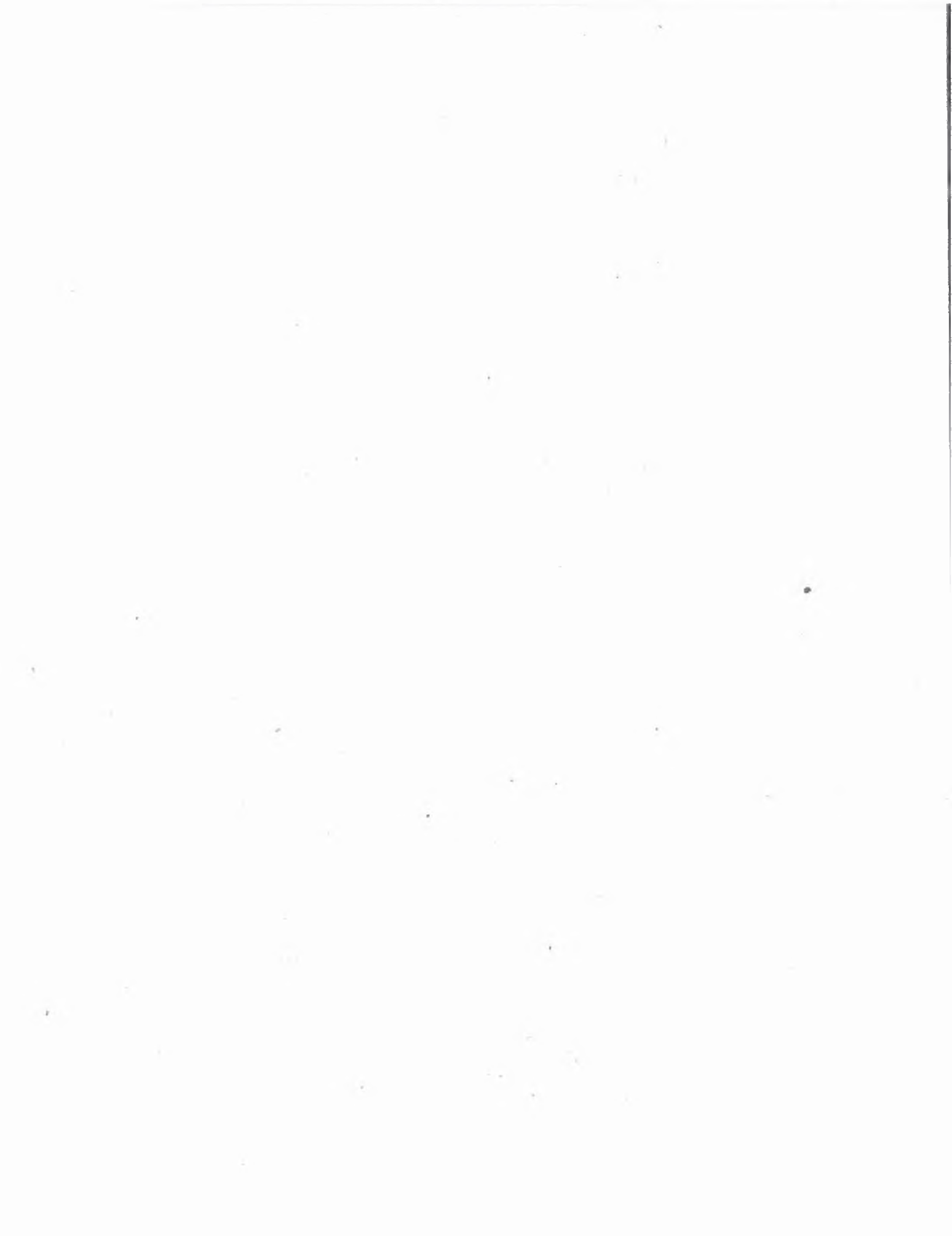
_____ Selectman, Date _____

_____ Selectman, Date _____

By placing my signature below, I agree to be legally bound by the foregoing terms and conditions and also hereby executed by all parties.

_____ Purchaser, Date _____

_____ Purchaser, Date _____



Employment, Illness,
Disability and Absence
Ordinance
for the Town of Hollis

Enacted: November 07, 2012
Special Town Meeting

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

Section 1. Authority

This Employment, Illness, Disability and Absence Ordinance is enacted pursuant to the Town's home rule powers conferred by Article VIII, part second of the Maine Constitution and Title 30-A, §§2001, 2109 and 3001 of the Maine Revised Statutes Annotated. In the event any State or Federal law is amended in any manner that would affect any section of this Ordinance, this Ordinance shall be automatically amended to comply with such amendments.

Section 2. Purpose.

The purpose of this Ordinance is to establish a written document outlining certain terms and conditions regarding employee compensation and employment during times of extended illness, long term disability or absence.

Section 3. Optional income insurance coverage.

The Maine Municipal Association which is the Town's Insurance provider offers optional Disability Income Insurance to those employees that qualify (at the employee's expense) to provide weekly pay for up to 52 weeks should the employee suffer long term illness or disability and not be able to work. These benefits begin the first day of an accident and the eighth day of an illness. This coverage is available at time of hire for non-elected employees and time of election for elected employees and during specific times of the year may be offered by Maine Municipal as open enrollment.

Section 4. Absence due to illness or disability.

Any employee who is sick, ill or not able to function at a sufficient level to do the essential functions of the job they were hired/elected to do shall be considered absent due to illness. In certain circumstances, employees may be required to submit to a "fitness for duty" examination (see below). If an employee whether appointed or elected has a medical condition or illness that keeps them out of work for five (5) consecutive days or more, they must provide the Town with a note from their doctor before returning to work. Any employee with an illness that could be contagious or hazardous to other employees must provide a doctor's note stating they are no longer contagious or a threat to other employees or the public before returning to work. Certain absences due to illness or disability may also qualify for worker's compensation coverage, and/or may also qualify for Family and Medical Leave. In such event, the requirements of worker's compensation coverage and/or FML may also apply.

Fitness for Duty: All employees are expected to be physically and mentally fit to perform their jobs in a safe manner at all times. If the employee is not able to perform his or her job, or taking any medication that might affect their ability to do their job, the employee must inform their supervisor immediately. If a supervisor believes the employee is not fit to perform his or her duties, the employee may be relieved from duty and may be requested to undergo a medical examination to determine fitness for duty. This exam will be paid for by the Town, and the employee will be compensated during the exam period. Any employee who refuses to cooperate with a determination of whether he or she is fit for duty may be subject to corrective

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

action, up to and including termination. If the employee is not fit for duty, he or she may be eligible for benefits, such as sick leave, family and medical leave, workers' compensation, or others as provided in this Ordinance. This Ordinance provision will be interpreted and applied so as to conform to applicable law, including the Americans with Disabilities Act, the Maine Human Rights Act, and the Family and Medical Leave Act, as and if applicable.

Section 5. Time cards.

All Town of Hollis employees' whether appointed or elected must complete a time card each week and sign it. The card should accurately reflect the number of hours in each category: regular, over time, sick, vacation, bereavement, holiday, and other. At least one member of the Board of Selectman shall review and approve the time cards each week. The Selectmen may review the data provided on the time cards, meet with employees and make recommendations to the individual employee and/or the Budget Committee so that the pay reflects the number of hours actually worked.

Section 6. Paid time off.

No Town of Hollis employee either appointed or elected shall receive compensation when out for an illness, disability or other reason of more than their accrued sick time plus any applicable vacation time unless otherwise defined in this Ordinance. If any employee receives either Optional Income Insurance coverage payments or worker's compensation payments during any absence that qualifies as FML-qualifying leave, that employee may elect, but is not required, to use accrued sick or vacation time to bring their pay up to their usual weekly base pay. Once accrued sick and vacation time are exhausted for any employee, either appointed or elected, the Town shall stop paying that individual when they fail to appear for work and perform their duties as scheduled, unless otherwise defined in this Ordinance or otherwise required under State or federal law.

Holiday Pay. Employees that average 20 hours or more per week will receive pay for holidays that close the Town Hall during a regularly scheduled work day.

Personal Day. Eligible employees may use one (1) day of their available or unused sick time per year as a personal day.

Sick Leave. Sick leave shall be earned at the rate of six (6) work days for each year worked for any employee who averages 20 hours or more per week. The maximum amount of sick leave an employee, either hourly or salaried, may accumulate is twelve (12) days. Additional sick time shall not accrue while any employee is out on any unpaid leave. On-call, stipend, temporary, part-time, and seasonal employees are not entitled to sick leave benefits, regardless of the amount of hours they work in any given week.

Storm Days. If the Town office is closed or closing early due to inclement weather on a regularly scheduled work day, employees that are scheduled to work that day will be paid for their regular pay for the day.

Vacation Time. See Section 10 Paragraph 4.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

Section 7. Termination for failure to appear at work.

Except as provided for in any other part of this ordinance, any employee who fails to report to work for more than three (3) days without notice or excuse shall be terminated, except in circumstances where the employee is unable, through no fault of his/her own, to provide such timely notice.

Section 8. Notice of termination of employment.

The Board of Selectmen shall notify the employee in writing that they are no longer employed by the Town of Hollis whenever an employee has reached the limit of their employment due to the provisions of this Ordinance.

Section 9. Filling positions vacated due to illness, disability or resignation of a Town Employee either appointed or elected.

Any position other than Selectman vacated for any reason shall be filled, either on a permanent or temporary basis depending on the circumstances, by an appointment of the Board of Selectmen. If the position is that of an elected office, the appointment will be until the next election, either November or June. The person hired would be an interim appointment for elected offices until another person is elected to fill the seat. In the event one of the Selectmen vacates or is removed from office, an election must be held as soon as reasonably possible to fill the seat.

Section 10. Categories of Leave.

A. Bereavement Leave.

Full-time and part-time employees shall be excused from work with pay for up to five (5) calendar days in the event of the death of spouse, domestic partner (as defined by the Maine Municipal Employee Health Trust), child or parent and up to three (3) calendar days in the event of the death of another member of the immediate family. Immediate family is defined to mean brother, sister, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, step-father, step-mother, stepchildren or other relative living in the same household as the employee. The Department Head with the Board of Selectmen's approval may grant bereavement Leave.

B. Leave for Military Reserve Training / Active Duty.

In accordance with State and Federal Law, eligible employees will be granted time off from work for annual training obligations or active service in the United States armed services. Employees engaged in active military service will be placed on military leave of absence status. Employees should advise Department Head or the Selectmen of the dates of their military service and present any military orders as far in advance as possible, unless military necessity prevents such notice. The Town will pay employees the difference between service pay and the employee's regular compensation for a period of up to two weeks in any one-year period, provided that the employee on Reserve Service furnishes his/her Department Head or the Selectmen an official

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

statement by military authorities giving his/her rank, pay and allowances. Employees should confer with their Department Head or the Board of Selectmen concerning the rights and requirements of re-employment.

C. Loss of work for Jury Duty.

The Town shall pay to employees, both hourly and salaried, their regularly scheduled pay for time missed while serving on or appearing for jury duty as required (along with a reasonable amount of time for travel to and from the court house). Jury duty and/or subpoenas to appear in Court must be presented to the Town to be eligible for such pay. The employee shall sign over their court pay check to the Town when received.

D. Vacation.

Vacation time shall be in accordance with this Ordinance.

- I. After the first six (6) months of employment, one (1) week of vacation time will be awarded;
- II. After one (1) year of continuous employment, two (2) weeks of vacation time will be awarded;
- III. After four (4) years of continuous employment, three (3) weeks of vacation time will be awarded;
- IV. After nine (9) years of continuous employment, four (4) weeks of vacation time will be awarded;
- V. A week of vacation is equal to the weekly hours the Town Hall is open, but must not exceed the employee's regularly scheduled base workweek pay, or exceed 40 hours of pay for hourly employees (a week of vacation pay is equal to the average amount of pay the employee would receive in a regularly scheduled work week);
- VI. Employees who are regularly scheduled to work less than twenty (20) hours per week are not eligible for vacation time;
- VII. Attendance time at regularly scheduled meetings, i.e. Budget Committee, Planning Board, etc. does not add to the regularly scheduled workweek for purposes of determining vacation time or eligibility;
- VIII. It is the responsibility of the employee to arrange coverage for their job function during any vacation. No vacation period will be approved if the absence would leave the Town without a qualified employee to perform necessary Town and customer services. (For example, Paragraph 4, sub-paragraph 8, refers to those jobs that are similar to that of Treasurer, it would not be prudent for the Town to have the Treasurer on vacation at the same time the Deputy Treasurer was

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

absent. The department needs to be organized in such a way that these things do not occur.);

- IX. When calculating Budgets for the year all Department Heads use a fifty two (52) week year, and therefore no employee shall receive more than fifty two (52) weeks of pay or compensation in any given year. It is the intention of the Selectmen that an employee that has vacation time allotted uses it during that year. Vacation time cannot normally be carried into another year without the recommendation of the Department Head and written approval of the Board of Selectmen; and,
- X. Upon separation, employees who leave in good standing (including providing the Town a minimum of two (2) weeks' notice) will be paid for any accrued and unused vacation.

E. Personal Leave of Absence.

In exceptional circumstances, a full time employee, either elected or appointed, may be granted a personal leave of absence without pay and without accrual of sick and vacation time or contribution by the Town towards any employee benefits. Such a leave of absence may be granted only at the discretion of the Selectmen with the recommendation of the Department Head concerned, and only after any applicable FML leave, vacation time and sick time has been exhausted. Such leave of absence without pay shall not exceed six (6) months in length without further approval of the Selectmen, and shall only be granted when it appears, because of the past record of the employee, or because of the purpose for which the leave is requested, that it is in the best interest of the Town to grant the leave.

F. Family and Medical Leave Act (FMLA)

A. Federal FMLA

Employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during their prior twelve (12) months with the Town may take up to twelve (12) weeks of unpaid leave (FMLA leave) for the following reasons:

- I. Birth of a child of the employee;
- II. Placement of a child into the employee's family by adoption or by a foster care arrangement;
- III. Care of the employee's spouse, parent, or child who has a serious health condition;

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

- IV. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
- V. "Military Family Leave" due to "any qualifying exigency" arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active status in either the National Guard or Reserves.

In addition, employees who have worked for the Town for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twenty-six (26) weeks of unpaid "Military Family Leave" leave to care for a seriously injured service member (regular armed forces, National Guard or Reserves) who is the spouse, child, parent or next of kin of the employee. The 26-week period includes any 12-week period permitted for any other qualifying FMLA reason.

B. Maine FMLA

Employees who have worked for the Town for 12 months but for less than 1,250 hours during the past year and are not eligible for Federal FMLA may be eligible for a 10-week Family and Medical Leave under Maine law, and should follow the procedures set forth herein to apply for a leave. Please note that depending upon the number of employees employed by the Town, both the State and Federal FMLA may not apply to the Town.

Maine FMLA law permits family and medical leave to be taken for the following reasons:

- I. Birth of a child of the employee or a child of the employee's domestic partner;
- II. Placement of a child under 16 years of age into the employee's family by adoption or by a foster care arrangement;
- III. The serious health condition of the employee's spouse, parent, child, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), domestic partner, or domestic partner's child, or the death of one of the aforementioned individuals who is a member of the military and who dies while on active duty.
- IV. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
- V. The donation of an organ by the employee; or
- VI. The death or serious health condition of the employee's spouse, domestic partner, parent, sibling (who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements), or child, if that person is a member of the military and dies or incurs a serious health condition while on active duty.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

C. Procedures

Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the Family and Medical Leave Act. For example, if an employee used four weeks of leave beginning February 1, 2010, four weeks of leave beginning June 1, 2011, and four weeks of leave beginning December 1, 2011, the employee would not be entitled to any additional leave until February 1, 2012. On February 1, 2012, the employee would be entitled to four weeks of leave, and on June 1, 2012, the employee would be entitled to an additional four weeks, etc.

The right to FMLA for the birth and/or placement of a child into an employee's family may only be taken within the twelve (12) months after the date of the birth or placement of the child. In the case of unpaid leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the Town agree. If both spouses are employed by the Town, the combined leave shall not exceed twelve (12) weeks.

For purposes of this policy, a serious health condition means an illness, injury, impairment or physical or mental condition that involves:

- I. any period of incapacity or treatment in connection with or consequent to in-patient care in a hospital; hospice or residential medical care facility;
- II. any period of incapacity requiring absence from work or other regular daily activities for more than three (3) calendar days that also involves continuous treatment by or under the supervision of a healthcare provider; or
- III. continuous treatment by or under the supervision of a healthcare provider for a chronic long-term health condition that is incurable or so serious that if not treated would result in a period of incapacity of more than three (3) calendar days; or
- IV. prenatal care.

In the case of unpaid FMLA leave for serious health conditions, the leave may be taken intermittently or on a reduced hours basis only if such leave is medically necessary. Where an employee requests intermittent leave or leave on a reduced hours basis due to a family member's or the employee's own serious health condition, the Town has the option, in its sole discretion, to require the employee to transfer to a temporary alternative job for which the employee is qualified and which better accommodates the intermittent leave or reduced hours leave than the employee's regular job. The temporary position will have equivalent pay and benefits as the employee's regular job.

Employees are required to use their available vacation time during any unpaid FMLA leave period, and available sick/personal time is required to be used when unpaid family leave is

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

taken because of the employee's serious health condition. In the case of family leave due to reasons other than the employee's serious health condition, the employee may opt to use available sick/personal time. The remainder of the FMLA leave will be unpaid. An employee on a FMLA leave may be eligible for benefits under the Town's Income Protection Insurance Policy. Employees out on paid Worker's Compensation leave or receiving paid Income Protection Insurance may elect to use available sick and/or vacation leave during their absence, but are not required to do so.

When the necessity of leave is foreseeable due to the expected birth or placement of a child, the employee must provide the Town at least thirty (30) days' notice of the employee's intention to take leave. If the date of birth or placement of a child requires the employee's leave to begin in less than thirty (30) days from the date of notice to the Town, the employee must provide such notice as soon as practical. Where the necessity for leave is due to a family member's or an employee's own serious health condition and is foreseeable based on planned medical treatment, the employee must:

- I. give at least thirty (30) days' notice, or as soon as practical if treatment starts in less than thirty (30) days; and
- II. make a reasonable effort to schedule the treatment so as not to unduly disrupt the operation of the Town, subject to the approval of the healthcare provider.

Where the need for leave is unforeseeable, the employee must give notice as soon as practical. Any FMLA leave request based on a family member's or an employee's own serious health condition must be supported by certification from a healthcare provider. The employee must provide a copy of the certification to the Town in a timely manner; (Fifteen calendar days will be allowed to provide the certification.) Certification from the healthcare provider must contain:

- I. the date the serious health condition began;
- II. the possible duration of the condition;
- III. the appropriate medical facts regarding the condition;
- IV. if the leave is based on the care of a spouse, child or parent, a statement that the employee is needed to provide the care and an estimate of the amount of time that need will continue;
- V. if the leave is based on the employee's own serious health condition, a statement that the employee is unable to perform the functions of his/her job;
- VI. in the case of intermittent leave or leave on a reduced hours basis for planned medical treatment, the date and duration of the treatment should be specified; and

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

VII. in the case of intermittent leave or leave on a reduced hours basis for medical conditions that do not necessarily involve planned medical treatment, an estimate as to the anticipated frequency and timing of the absences should be given.

During FMLA leaves of absence, the Town will continue to pay its portion of the health insurance premium and the employee must continue to pay his/her share of the premium. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of any unpaid FMLA leave, the employee may be required to reimburse the Town for payment of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

During FMLA leave, the employee shall not accrue employment benefits, such as vacation pay, sick pay, pension, etc. Employment benefits accrued by the employee up to the day on which the family leave of absence begins will not be lost.

The Town may require an employee on FMLA leave to report periodically on his/her status and the intention of the employee to return to work, and also periodic recertification of the medical condition. An employee taking leave due to the employee's serious health condition is required to obtain certification that the employee is able to resume work prior to the return from any FMLA leave. Employees with chronic or continuing health issues may be required to provide recertification every six (6) months.

Employees who return to work from FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay.

Upon returning to work from a FMLA leave within or on the business day following the expiration of the ten/twelve/twenty-six (10/12/26) weeks, up to two vacation days may be taken during the next 90 days.

Applications for FMLA leave must be submitted in writing and signed by the employee's immediate supervisor. Applications should be submitted at least thirty (30) days before the leave is to commence or as soon as possible if thirty (30) days notice is not possible. All necessary forms are available from the Town's designee. Appropriate forms must be submitted to the Town's designee to initiate a family leave and to return the employee to active status.

Each employee taking leave that meets the requirements for FMLA leave will be provided the "Response to Your Request for Leave" form. Other forms relating to FMLA leave can be obtained from the Town office.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

G: VICTIMS OF VIOLENCE LEAVE: The Town will grant reasonable and necessary unpaid leave from work for eligible regular full-time and part-time employees who are victims of domestic violence, stalking, or sexual assault as provided for in State law Title 26 MRSA Section 850 (Employment Leave for Victims of Violence):

Leave will be granted for an employee to:

- I. Prepare for and attend court proceedings;
- II. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
- III. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17A, Chapter 11, stalking or any act that would support an order for protection under Title 19A, Chapter 101. As soon as an employee becomes aware of the need of a leave of absence, they must make a written request for leave to his/her supervisor. This request shall be forwarded to the Town Clerk or the Town Selectmen's' designee for approval as soon as possible. The request must specify the length of leave requested, the reason for the leave, and estimated dates of departure and return. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

H. FAMILY SICK LEAVE: An employee may use up to a maximum of forty (40) hours of "Family Sick Leave" per fiscal year due to the illness of a member of the employee's immediate family. "Immediate family" shall mean the following individuals living in the employee's household: spouse, domestic partner, father, mother, child, stepchild, or other family member. Family Sick leave may also be used for transporting such immediate family members to health care appointments. Eligible employees may use such time for doctor, dental and other health care provider visits. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

I. SCHOOL ACTIVITY LEAVE: An employee may use up to a maximum of twelve (12) hours of his/her accrued sick leave per year for the purpose of attending their children's school activities. Employees requesting leave for school activities are expected to notify their department head within forty-eight (48) hours before such leave is needed. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

SECTION 11: SEVERABILITY: If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions of this Ordinance that can be given effect without the invalid provision or application.

SECTION 12: EFFECTIVE DATE: This ordinance shall become effective November 7, 2012.

TOWN
OF
HOLLIS, MAINE

ORDINANCE

EXEMPTING ELIGIBLE ACTIVE DUTY

MILITARY PERSONNEL

FROM VEHICLE EXCISE TAX

Enacted: June 12, 2012, Hollis Annual Town Meeting

ORDINANCE EXEMPTING ELIGIBLE ACTIVE DUTY MILITARY
PERSONNEL FROM VEHICLE EXCISE TAX

Section 1. Authority

This ordinance is enacted pursuant to 36 M.R.S.A. § 1483-A. which authorizes such ordinances.

Section 2. Excise tax exemption; qualifications.

Vehicles owned by a resident of this municipality who is on active duty serving in the United States Armed Forces and who is either permanently stationed at a military or naval post, station or base outside this state or deployed for military service for a period of more than 180 days and who desires to register that resident's vehicle(s) in this State are hereby exempted from the annual excise tax imposed pursuant to 36 M.R.S.A. § 1482.

To apply for this exemption, the resident must present to the municipal excise tax collector certification from the commander of the resident's post, station or base, or from the commander's designated agent, that the resident is permanently stationed at that post, station or base or is deployed or military service for a period of more than 180 days.

For purposes of this section, "United State Armed Forces" includes the National Guard and the Reserves of the United States Armed Forces.

For purposes of this section, "deployed for military service" has the same meaning as in 26 M.R.S.A. § 814(1)(A).

For purposes of this section, "vehicle" has the same meaning as 36 M.R.S.A. § 1481(5) and does not include any snowmobiles as defined in 12 M.R.S.A. § 13001.

Section 3. Effective date; duration.

This ordinance shall take effect immediately upon enactment by the municipal legislative body unless otherwise provided and shall remain in effect unless and until it or 36 M.R.S.A. § 1483-A is repealed.

6/12/2012 Hollis Annual Town Meeting

Article #24 shall the Town Vote to adopt an Ordinance Exempting Eligible Active Duty Military Personnel from Vehicle Excise Tax? Vote yes 489, NO 143

Article passed.

TOWN

OF

HOLLIS MAINE

Fireworks Ordinance

The sale and use of consumer fireworks as defined in 8 MRSA §221-A are banned within the Town of Hollis until such time that the Town amends this ordinance to include provisions for regulating and permitting.

Enacted: November 8, 2012

Certified Copy By: 

Town of Hollis

November 8, 2011 Special Town Meeting

Results of Article #2 Fireworks Ordinance

Article 2: Shall the Town vote to adopt the following Fireworks Ordinance?

Fireworks Ordinance

The sale and use of consumer fireworks as defined in 8 MRSA #221-A are banned within the Town of Hollis until such time that the Town amends this ordinance to include provisions for regulating and permitting.

(The State of Maine passed into law, LD 83, allowing the sale and use of consumer fireworks statewide effective January 1, 2012. LD 83 allows that municipalities may pass ordinances that regulate or ban the sale and use of consumer fireworks. The passage of this Ordinance will provide the Town of Hollis with time to prepare and approve an ordinance appropriate to the wishes of the people of the Town of Hollis regarding consumer fireworks.)

Selectmen- Recommend passing **Yes votes 854 and No votes 494, Article #2 passes.**

V DISPLAY OF PERMIT:

Permits shall be posted on the premises in a conspicuous location.

VI SIGNS:

Only the following signs may be displayed in relation to a flea market:

- A. Two signs of not more than six (6) square feet each may be displayed on the property where the flea market is being conducted.
- B. Two directional signs of not more than six (6) square feet each are permitted, providing that, permission to erect said signs is received from the property owner upon whose property such signs are to be placed.
- C. No signs or other form of advertisement shall be displayed for more than two (2) days prior to the day such sale is to be held.
- D. Signs must be removed each day at the end of business or by one-half hour after sunset, whichever comes first.
- E. No signs shall be located within eight (8) feet of a lot line, road, or highway right-of-way.

VII PENALTY:

Any person found guilty of violating any term of this ordinance shall be fined not less than twenty-five (\$25.00) nor more than two hundred and fifty (\$250.00) dollars for each offense.

VIII SEVERABILITY:

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

June 5, 1993

ADOPTED AT TOWN MEETING MARCH 10, 1989

Art. 74: Shall the Hollis Zoning Ordinance be amended by adding the definition of Flea Market: Any recurring use or activity of the sale of miscellaneous items commonly known as garage sales, yard sales, porch sales, flea markets, tag sales, etc. Exceptions: Said activity is not classified as a flea market if the following conditions are Met: Activity does not exceed three (3) consecutive days and does not occur on more than three (3) occasions per year on the same site. (Recommended by the Planning Board)

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TOWN OF HOLLIS

RESIDENTIAL GROWTH ORDINANCE

1.1 Title

This ordinance shall be known as the " Town of Hollis Residential Growth Ordinance " and shall be hereinafter referred to as The Ordinance.

1.2 Legal Authority

a. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30 MRSA, Section 1917.

b. Appeals

1. Appeals shall be based upon a written decision of the Code Enforcement Officer.

2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

3. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State law.

4. No appeals will be heard in regards to the controlled number of permits allotted.

1.3 Definitions

Applicant: A person, firm or corporation, who is submitting an application for a RESIDENTIAL GROWTH PERMIT.

Day: A twenty four (24) hour period, beginning at midnight on one day and ending at midnight the next day.

Dwelling Unit: A room or group of rooms designed and equipped for use as living quarters for only one family, including provisions for living, sleeping, eating and cooking. Mobile homes shall be considered dwelling units.

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

Workday: A regularly scheduled workday for the Code Enforcement Office.

Non-Speculative Unit: A dwelling unit (built or placed) for a known customer who will reside therein. A notarized photocopy of a signed sales contract, or other evidence acceptable to the Code Enforcement Officer, shall be required to prove that the dwelling unit is in fact a non-speculative unit.

Residential Growth Permit: A Permit issued by the Code Enforcement Officer in accordance with the Hollis Building Code and this ordinance, to build or place an additional dwelling unit within the Town of Hollis.

Speculative Unit: A dwelling unit (built or placed) for sale to the general public, and not as part of a contractual arrangement with a known buyer who will reside therein.

1.4 Purpose

a. To protect the town against indiscriminate, uncontrolled and/or poorly planned development by establishing the constant, predictable rate of growth needed for effective capital improvement programming.

b. To provide for the current and future housing needs of existing Hollis residents and their families while accommodating Hollis' fair share of population growth in York County and the immediate sub-region. (Which has a current annual growth rate of approximately 4.9%)

c. To ensure fairness in the allocation of Residential Growth permits.

d. To ensure the continued Residential Growth of Hollis at a rate compatible with the orderly and gradual expansion of community services (including education, fire and police protection, road maintenance, waste disposal, health services, water quality and availability, etc.). And to maintain a "growth policy which will not require any further expenditures for municipal sewerage and water systems." (Planning Policy Statement, Hollis, Maine, adopted March 1979.)

1.5 Existing Structures

This ordinance shall not apply to the repair, replacement, reconstruction, or alteration of any existing structures so long as no new dwelling units are created therein.

1.6 General Requirements

a. Hollis's Residential Growth shall be such that the annual increase in dwelling units shall not exceed the average rate of expansion of the total year-round housing stock within the sub-region. Between the years of 1970 and 1980 this rate was 3.9%. During the years 1980 and 1985 this rate was increased to 4.9%. Taking into consideration this increase and the desire to have controlled growth in Hollis, the number of dwelling units allowed in Hollis in one calendar year is set at 50.

b. All proposed dwelling units within the Town of Hollis, permanent or seasonal, shall be built or placed in accordance with the provisions of this ordinance. No dwelling unit shall be built or placed which fails to meet the requirements of this ordinance.

c. Any proposed structures containing multiple dwelling units shall require one (1) Residential Growth permit for each dwelling unit in the structure.

1.7 Administration

The Code Enforcement Officer shall administer the Residential Growth Permit selection process (see sec. 1.8 of this ordinance), and shall be responsible for issuing permits only to those applicants who have satisfied the requirements of this and other Town Ordinances (building code, zoning regulations, etc.). A Residential Growth permit must be obtained before a building permit for a dwelling unit will be issued. The Code Enforcement Officer (hereinafter referred to as the CEO) shall ensure that the number of RESIDENTIAL GROWTH Permits issued during any calendar year shall not exceed 50 permits. No more than 14 of which shall be for speculative units. No more than 36 of which shall be for non-speculative units.

1.8 Selection Process

- a. All applications will be filed and recorded by date and time received.
- b. In the event that no growth permits are available for applications received, they will remain on file until the next issuance of growth permits and issued on a first-come, first-served basis according to date and time received. Applications will remain on file until a Growth Permit is issued, or until withdrawn by the applicant.
- c. Half of the speculative and half of the non-speculative RESIDENTIAL GROWTH permits shall be available the first workday in January at 8 AM. The remaining permits will become available the first workday in July at 8 AM and shall be issued according to the provisions set down in this Ordinance. Unissued RESIDENTIAL GROWTH permits shall not carry over to a new calendar year.
- d. No more than two Speculative Residential Growth permits shall be issued in any single calendar month to any person, firm or corporation, or combination thereof.
- e. Beginning the third Monday of December at 8 AM, the CEO shall issue any remaining permits in the order in which applications were received, irrespective of speculative or non-speculative designations, as long as no more than 50 Residential Growth permits are issued during the calendar year.
 - f. A non-refundable fee as set by the Board of Selectmen, shall accompany the application. This fee will be applied toward the building permit fee when approved.
 - g. Issued Growth Permits must be claimed within ten (10) workdays.

1.9 Expiry of Permits

- a. Growth Permits issued shall expire within sixty (60) days from the date issued, unless a building permit has been approved for that growth permit. Expired permits will be reissued.
 - b. Applicants applying under sub-paragraph 1.10.a, shall be allowed two (2) sixty (60) day extensions, upon providing evidence of a purchase and sales agreement for a buildable lot, or other evidence of a good faith effort to search for or negotiate for a lot. No extension shall be granted beyond the 1st day of December.

1.10 Transferability

a. A non-speculative growth permit issued to an individual shall be valid on any lot, which the individual may purchase subsequent to the issuance of the Residential Growth Permit.

A permit issued under this sub-section shall not be transferable.

b. A non-speculative growth permit may be transferred to a subsequent owner of the lot for which it was issued, provided it remains a legal non-speculative permit.

c. A speculative growth permit issued for a lot in a particular development shall be valid on any lot in that development under the same ownership as the applicant to whom it was issued.

1.11 Conflict with Other Ordinances

This Ordinance shall not repeal, annul or otherwise impair or remove the necessity of compliance with any other Maine or Hollis regulation, by-law, ordinance, or law. Where this ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this ordinance shall prevail.

1.12 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid or illegal, such decision shall not affect any other section or provision of this ordinance either singly or collectively.

1.13 Effective Date

The effective date of this ordinance shall be the date upon which it is enacted or amended.

1.14 Review By Planning Board

The Planning Board shall annually review this ordinance, and shall take recommendations (if any) for the improvement of the aforesaid procedures to the town at its next town meeting. Said review shall include at least one (1) public hearing.

1.15 Amendments

a. Amendments to the Ordinance may be initiated by:

1. The Selectmen, or
2. A majority vote of the Planning Board, or
3. The written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the

town for the last gubernatorial election.

b. Amendments to the ordinance may be adopted only at a town meeting by majority vote of the registered voters present and voting.

c. For any amendments to be placed on the warrant for a town meeting, a public hearing shall be held with-in thirty (30) days of to the town meeting, for the purpose of discussing the proposed amendment. This public meeting must be posted according to town statutes.

1.16 Violations

a. Any construction or placement of any dwelling unit within the town, without benefit of a Residential Growth permit issued by the Code Enforcement Officer, shall constitute a violation of this Ordinance.

b. Any dwelling unit in violation of this ordinance may not be sold, leased, rented, occupied, or utilized in any fashion until such time as a Residential Growth permit is issued for said dwelling unit as per Section 1.8 of this ordinance, and all fines have been discharged to the satisfaction of the Town.

1.17 Penalties

a. Any person, firm or corporation owning or controlling the use of any dwelling unit being built or placed in violation of this ordinance, shall be guilty of a civil infraction and may be fined not less than \$100.00 for each day said violation continues after notification by the Code Enforcement Officer.

b. If a dwelling unit has been built or placed in violation of this ordinance and is then occupied, the owner shall be guilty of a civil infraction, and shall be fined an amount equal to twenty (20) percent of the fair market value of the completed unit, including land value.

Town of Hollis
Selectmen's Office
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Town Of Hollis, Maine Dumping Ordinance Per MRSA Chapter 80

Any discarding of material on public or private land in Hollis shall be subject to a fine and community service. This ordinance is not meant to include materials properly stored or used by private landowners on their own property.

“Hazardous Dumping” is defined as the disposal of liquids, gases, biological materials or medical supplies, which cause or have the potential to cause a health risk or pollution to air, water, or soil. Examples of hazardous dumping include, but are not limited to, disposal of vehicles (which contain gas, oil, antifreeze, and/or freon), air conditioners (freon) refrigerators (freon), fuel, motor oil, herbicides, pesticides, used medical equipment or supplies, spent computer and/or other electrical or electronic equipment, dry cleaning chemicals, solvents, paints, stains, degreasers and industrial chemicals. Containers containing, and/or used to contain, any of the above chemicals shall be deemed hazardous.

The penalty for “Hazardous Dumping” shall be \$5,000 for the first offense plus 20 hours of community service plus 3 times the cost of cleanup. The penalty for each subsequent infraction shall be \$10,000 plus 20 hours of community service plus 3 times the cost of cleanup.

“Promiscuous Dumping” is defined as the disposal of more than 5 pounds or 3 cubic feet of litter, whichever is less, and which is not defined as “hazardous.” Examples include but are not limited to disposal of tires, wheels, vehicle parts, mattresses, furniture, sinks, toilets, stoves, animal carcasses, construction debris, and household waste.

The penalty for “Promiscuous Dumping” shall be \$1,000 for the first offense plus 10 hours of community service plus 3 times the cost of clean up. The penalty for each subsequent infraction shall be \$2,000 plus 20 hours of community service plus 3 times the cost of cleanup.

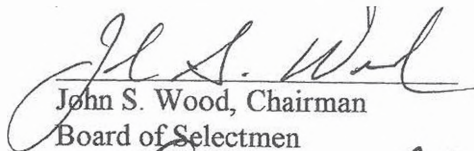
The penalty for littering of quantities defined as less than “promiscuous” and not “hazardous” shall be \$500 for the first offense and \$1,000 plus 10 hours of community services for subsequent offenses.

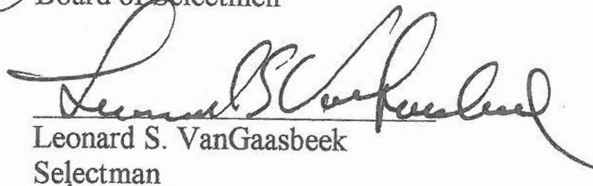
All conveyances including aircraft, trucks, watercraft, or other vehicles used to dump more than 1,000 pounds or 100 cubic feet of litter, whichever is less, shall be subject to forfeiture.

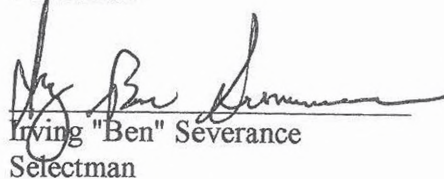
Community service shall be related to removal of litter or the restoration of an area polluted by litter. Failure to perform on town designated cleanup days within one year of conviction shall result in an additional fine of \$1,000 per 10 hours of community service due.

All legal fees and court costs sustained by Hollis or private parties in Hollis, if action results in a civil proceeding, shall be paid by the convicted offender.

Any individual or group who provides information leading to the arrest and conviction of persons violating Hollis' dumping ordinance shall receive a bounty equal to ½ of the fines collected by the Town of Hollis after costs incurred.


John S. Wood, Chairman
Board of Selectmen


Leonard S. VanGaasbeek
Selectman


Irving "Ben" Severance
Selectman

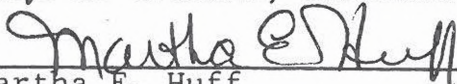
**TOWN OF HOLLIS
MUNICIPAL FIRE DEPARTMENT ORDINANCE**

Article 1 Title:

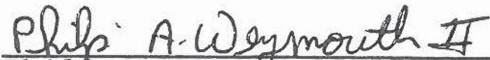
This Ordinance shall be known as the Town of Hollis Municipal Fire Department Ordinance.



Mark R. Goodwin, Chairman Board



Martha E. Huff



Philip A. Weymouth

CERTIFIED AND ATTEST TO BE A TRUE
COPY OF SAID ORDINANCE



Claire M. Dunne Town Clerk
Of

Hollis, Maine

DATED: July 7, 2000

Enacted at Town Meeting June 17, 2000

TOWN of HOLLIS
MUNICIPAL FIRE DEPARTMENT ORDINANCE

Article 1 Title:

This Ordinance shall be known as the Town of Hollis Municipal Fire Department Ordinance.

Article 2 Purpose:

The purpose of this ordinance is to:

- A. Establish a Municipal Fire Department with responsibility for preventing and extinguishing fires, providing Fire Prevention training and material, and responding to other emergency situations as deemed appropriate by the Municipal Officers and the Fire Chief.
- B. Authorize the Fire Dept. to provide aid in extinguishing fire and providing other Emergency services outside the Town of Hollis.
- C. To define the Duties, Powers and Responsibilities of the Chief, Officers and Personnel of the fire department.
- D. To provide the maximum legal protection to the Town , it's Chief, Officers and Personnel of the fire department.
- E. To assist in providing for the Health, and Safety of the residents and property owners of the Town of Hollis, from an emergency services standpoint.
- F. Abolish the Emergency Services Commission

Article 3 Authority:

This Ordinance is enacted pursuant to 30-A MRSA S 3001, 3151 thru 3157.

Article 4 Fire Department Structure and Personnel:

A. Chief

- 1. The municipal officers shall determine the qualification requirements of, and the compensation for the Fire Chief..
- 2. Employment will be for an indefinite period with annual performance reviews.

TOWN of HOLLIS
MUNICIPAL FIRE DEPARTMENT ORDINANCE

3. Responsibilities

- a. Direction and Control of all firefighting (emergency personnel) in the performance of their firefighting, prevention, and emergency duties.
- b. Personnel recruitment, training, safety and discipline
- c. Care and maintenance of all property and equipment owned or used by the Town of Hollis for the purpose of fire prevention, extinguishment, emergency treatment or training.
- d. Consultation and cooperation with the Board of Selectpersons and other municipal officials of the Town of Hollis on pertinent issues.
- e. Annual preparation and submission of a budget relating to the efficient operation of fire related activities.
- f. Suppress disorder and tumult at the scene of a fire and generally direct all operations to prevent further destruction and damage.
- g. Establish Rules and Regulations, Standard Operating Procedures and Guidelines and implement same with approval of the Board of Selectpersons.

4. Powers

- a. With the approval of municipal officers, employ all municipal firefighters, appoint a deputy and other officers as required.
- b. With the approval of municipal officers, adopt administrative regulations relating to municipal fire protection consistent with other town ordinances.

B. Firefighter

1. Duties

- a. Firefighters are under a duty to extinguish all fires to which they are called, to protect lives and property endangered by fires and to carry out all other related activities as directed by the fire chief.

TOWN of HOLLIS
MUNICIPAL FIRE DEPARTMENT ORDINANCE

C. Structure

To be set up by the Fire Chief and Municipal Officers in accordance with State and Federal Laws and town needs.

Article 5. Automotive Fire Apparatus

Apparatus purchased by the Town of Hollis must be in accordance with applicable standards for Fire Protection Apparatus which were current at the time of its construction..

Article 6. Mutual Aid

- A. The Fire Chief upon request for assistance from the duly authorized representative of another municipality may send assistance as deemed appropriate while still maintaining adequate fire protection for the Town of Hollis.
- B. The Fire Chief may request assistance from other municipalities as he deems necessary to adequately protect the Town of Hollis.
- C. Agreements will be on file and signed as required for each municipality providing or receiving mutual aid.

Article 7 Validity/Severability/Conflict

The invalidity of any provision of this Ordinance shall not invalidate any other part or provision of this Ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances and policies of the Town of Hollis, or if any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulations, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the Rules and Regulations of the Hollis Fire Department, the provisions of this Ordinance shall take precedence.

Article 9 Amendment

This Ordinance may be amended by vote of the Town Meeting of the Town of Hollis

Article 10 Effective Date

This ordinance shall take effect upon its adoption by the Town Meeting of the Town of Hollis.

Ordinance for Naming of Roads and Numbering of Properties

1. Purpose

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

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.

3. Administration

This Ordinance shall be administered by the Board of Selectmen, which is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Board of Selectman will, as required, form a committee to research, with the purpose of recommending a name for affected public roads, streets, lanes, etc. within the Town of Hollis. The committee will also provide the naming of private roads, streets, lanes, etc., if an appropriate name has not been selected by the owners or their representatives.

The Board of Selectmen shall also be responsible for maintaining the following official records of this ordinance:

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

4. Naming System

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

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (e.g., Pine Road and Pine Lane).
- b. No two roads should have similar-sounding names (e.g., Beech Street and Peach Street).

Ordinance for Naming of Roads and Numbering of Properties

- c. Each road shall have the same name throughout its entire length unless the road is exceptionally long and crosses one or more major ways.

5. Numbering System

Numbers shall be assigned every 50 (fifty) feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the numbering system:

- a. All number origins shall begin from that end of the road closest to a major thoroughfare or at that end of the road at which emergency vehicles are most likely to enter when responding to a call. 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 main drive entrance.
- c. Every structure with more than one principal use or occupancy shall have a separate number for each use or occupancy (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

6. Compliance

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

- a. **Number of the Structure or Residence:** where the residence or structure is within 50 (fifty) feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry.
- b. **Number at the Street Line:** Where the residence or structure is over 50 (fifty) feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, the mail box, or on some structure at the property line next to the walk or access drive to the residence or structure.
- c. **Size and Color of Number:** Numbers shall be displayed in a color and size approved for use by the Board of Selectmen and shall be located to be visible from the road.
- d. Every person whose duty is to display the assigned number shall remove any different number that might be mistaken for or confused with the number assigned in conformance with this ordinance.
- e. **Interior Location:** All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

Ordinance for Naming of Roads and Numbering of Properties

7. New Construction and Subdivisions

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

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

8. Effective Date

This ordinance shall become effective as of _____, 199__ (the date of enactment of this ordinance). It shall be the duty of the Board of Selectmen to notify by mail each property owner and the Post Office of a new address at least 30 (thirty) days before the effective date of its use. It shall be the duty of each property owner to comply with this ordinance, including the posting of new property numbers, within 30 (thirty) days following notification. On new structures, numbering will be installed before final inspection or when the structure is first used or occupied, whichever comes first.

SPECIAL TOWN MEETING CONTINUE
MARCH 27, 1996

\$125,000. FOR THE YEAR AND MOST TIMES IT IS ENOUGH, LAST YEAR, WE WERE UNDER. \$115,000. AND SOME YEARS IT GOES A LITTLE OVER, BUT THIS YEAR WE (THE SELECTMEN) ARE OVER DRAWN BY 15% . \$35,000. IS ADEQUATE, BOB WILL HAVE TO SAND MORE IF THEY KEEP THE FLOOD GATE OPEN.

MOTION BY BYRON W. DODGE TO VOTE ON ARTICLE AS RECOMMENDED SECOND BY LEN.

VOTE: PASSES UNANIMOUSLY FOR THE RECOMMENDED AMOUNT OF \$35,000.

ARTICLE 3: SHALL AN ORDINANCE ENTITLED " ORDINANCE FOR NAMING OF ROADS AND NUMBERING OF PROPERTIES " BE ENACTED?

MOTION BY BECKEY BOWLEY, SECOND BY LEN VANGAASBEEK.

MARK GOODWIN EXPLAINS JUST WHAT THE 1988 LAW THAT PASSED AND BROUGHT IN THE 911-E . FOR INSTANCE IF BRIAN ATKINSON CALLED 911- HIS EXACT ADDRESS WILL COME UP, ON DISPATCH SCREEN. ALL STREETS WILL HAVE TO HAVE NAMES. WE NEED THE AUTHORITY TO NAME THOSE ROADS. WE HAVE SENT OUT LETTERS TO PEOPLE WHO OWN PROPERTY ON THOSE ROADS, AND OF ALL WE SENT OUT ONLY 9 RETURNED. WE NEED TO SET A TIME LIMIT. LIKE TO ESTABLISH A COMMITTEE TO WORK AND AGREE ON NAMES.

VOTE: PASSES UNANIMOUSLY THE ORDINANCE FOR NAMING OF ROADS AND NUMBERING OF PROPERTIES.

LEN VANGASSBEEK MOTION TO AJOURNE THE MEETING SECOND BY BYRON W. DODGE, SR. AT 7:40, THE MEETING ADJOURNED.

TOWN OF HOLLIS

NO PARKING ORDINANCE

Under MRSA 30-A §3009.C, the Municipal Officers are given the exclusive authority to enact ordinances to regulate the parking of motor vehicles on any public way or public parking area.

Parking in violation of this ordinance (parking in a no parking area) is a civil violation punishable by a \$50.00 fine. Violators, which have been ticketed, that pay the fine to the Town Clerk will not be summoned to court.

No parking areas are areas in which, if vehicles were parked, they would represent a hazard to safe passage of other vehicles or block access by emergency services and/or their equipment.

The following list of areas are the areas presently defined as "No Parking" areas as other areas are defined and voted on by the Board of Selectmen, appended to the following list:

1. Within fifty (50) feet of any dry hydrant
2. Firemen vehicle lot(s) at Station(s)
3. North side of the Plains Road at the Sports Complex
4. Both sides of Route 202 within five hundred (500) feet of the Buxton-Hollis town line
5. Both sides of Route 5 the length of the Hollis Municipal Equestrian Park
6. Both sides of River Road from the double power line to Town Farm Road

This Ordinance supercedes all prior No Parking Ordinances.

Winfried W. Williams, Chair
Board of Selectmen

Date

John S. Wood
Selectman

Leonard S. VanGaasbeek
Selectman

9/5/2008

PACE

Ordinance

Town of Hollis Maine

Enacted: June 12, 2012

Attested Copy: _____

MODEL PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

Administration by the Efficiency Maine Trust

PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE.

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

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

WHEREAS, the Municipality wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

§ XX-1 Purpose

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

§ XX-2 Enabling Legislation

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

ARTICLE II - TITLE AND DEFINITIONS

§ XX-3 Title

This Chapter/Ordinance shall be known and may be cited as “the City/Town of Hollis Property Assessed Clean Energy (PACE) Ordinance” (the “Ordinance”).”

§ XX-4 Definitions

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

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

6. **PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

7. **PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

8. **PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

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

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

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

ARTICLE III - PACE PROGRAM

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

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

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

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

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

1. Program Administration

A. **PACE Administration Contract.** Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

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

B. **Adoption of Education and Outreach Program.** In conjunction with adopting this Ordinance, the Municipality shall adopt and implement an education and outreach program so that citizens of the Municipality are made aware of

home energy saving opportunities, including the opportunity to finance energy saving improvements with a PACE loan.

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

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

2. Liability of Municipal Officials; Liability of Municipality

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

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

June 12, 2012- Hollis Annual Town Meeting.

Article # 22: Shall the Town vote to adopt the "Model Property Assessed Clean Energy (PACE) Ordinance" administered by the Efficiency Maine Trust?

Yes 398, No 358 Article passed.

HOLLIS PLANNING BOARD MEMBERSHIP ORDINANCE

*voted in
March 3, 1984
Annual Town Meeting*

1. Establishment.

Pursuant to MRSA Const. Art. VIII-A and 30 MRSA # 1917, the Town of Hollis hereby re-establish the Hollis Planning Board.

2. Appointment

- A. Board members shall be appointed by the Board of Selectmen and sworn by the clerk or other person authorized to administer oaths.
- B. The Board shall consist of 7 members.
- C. The term of each member shall be five (5) years, except the initial appointments which shall be for 1,2,3,4,and 5) years respectively.
- D. When there is a permanent vacancy, the municipal officers shall within sixty (60) days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend seventy-five (75) percent of all meetings during the preceding twelve (12) months period. When a vacancy occurs, the chairman of the Board shall immediately so advise the municipal officers in writing. The Board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.
- E. A municipal officer may not be a member.

3. Organization and Rules

- A. The board shall elect a chairman and a secretary from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.
- B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
- C. The chairman shall call at least one regular meeting of the Board each month.
- D. No meeting of the board shall be held without a quorum consisting of four (4) members.
- E. The board shall adopt rules for transaction of business and the

secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. Duties; Powers;

- A. The board shall prepare a Comprehensive Plan as defined by 30 MRSA # 4961.
- B. The board shall perform such duties and exercise such powers as are provided by Hollis Zoning Ordinance and the laws of the State of Maine.
- C. The board may obtain goods and services necessary to proper function within the limits of appropriations made for that purpose.

Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

BY-LAWS
Amended July 1, 2007

ARTICLE I- OBJECTIVES, DUTIES and POWERS

The objectives and purposes of the Planning Board of Hollis, of York County, are to exercise the powers and duties delegated by the Selectmen and by the enabling of State law and local ordinances.

1. The Board shall participate in the preparation of a Comprehensive Plan as defined by 30 MRSA #4961.
2. The Board shall perform such duties and exercise such powers as are provided by Hollis Zoning Ordinance and the laws of the State of Maine.
3. The Board may obtain goods and services necessary to properly function within the limits of appropriations made for that purpose.
4. The Board may employ such staff and/or experts as it sees fit to aid the Board in its work including an Executive Secretary. Appointments, services and employment shall be made and approved by a majority vote of the entire membership.
5. The Board may employ persons to assist the Executive Secretary in the performance of the duties of the Executive Secretary.

ARTICLE II – MEMBERSHIP

1. The Board shall consist of seven (7) regular members and two (2) alternate members appointed by the Selectmen and sworn in by the Town Clerk or other person authorized to administer oaths.
2. The term of each member shall be three (3) years.
3. A member vacancy occurs upon: resignation, death, a member ceasing to be a voting resident of Hollis, or removal for cause. When a vacancy occurs, the Chairman of the Board shall immediately so advise the municipal officers in writing.

4. Failure to attend four (4) consecutive meetings without good cause or failure to attend seventy-five (75) percent of all meetings during the preceding twelve (12) month period is grounds for recommendation to the Selectmen that a member be removed from the Board. The Board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing. No vacancy shall impair the right of the remaining members to exercise all the power of the Board.
5. When there is a permanent vacancy, the municipal officers shall within sixty (60) days of its occurrence appoint a person to serve for the unexpired term.
6. A municipal officer may not be a member.

ARTICLE III – Organization and Officers:

1. The officers of the Planning Board shall consist of a Chairman and a Secretary (Vice-Chairmen). The Board shall also create, elect and fill such other offices as it may determine.
2. The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such an officer.
3. The Chairman shall have the privilege of participating in the discussion of all matters before the Board and of voting thereon.
4. The Secretary (Vice-Chairman) shall act for the Chairman in the Chairman's absence. The Secretary (Vice-Chairman) shall be a member of the Board.

ARTICLE IV – Nomination and Election of Officers

1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held on the fourth Tuesday of June in each year, and the elections shall follow immediately.
2. A candidate receiving a majority vote of the entire membership of the Planning Board shall be declared elected and shall serve for one year or until his/her successor shall take office.
3. Vacancies in offices shall be filled immediately by regular election procedure.
4. The term of all offices shall be one (1) year with eligibility for re-election.

ARTICLE V – Meetings, Organization and Standing Rules:

1. The Chairman shall call at least one (1) regular meeting of the Board each month. Regular meetings will be held on Tuesdays as required by the quantity of work in front of the board. The Board shall decide on the number of meetings to be held each month at the time and place posted as required.

2. No meeting of the Board shall be held without a quorum consisting of four (4) members. Voting shall be by roll call upon request of any Board member and such roll call shall be kept as a part of the minutes.
3. The Board shall adopt rules for conducting the business before it. The Business of the Board shall be conducted in accord with Maine Statutes, Town Ordinances and Roberts' Rules of Order. The Secretary (Vice-Chairman) shall keep or cause to have a record made of its resolutions, transactions, correspondence, findings and determinations.
4. It shall be the duty of the Chairman to call special meetings and to notify, in writing, the members of the Board. The notice of such a meeting shall specify the purpose of that meeting and no other business may be considered except by unanimous consent of the Board. The Executive Secretary shall notify all members of the Board, in writing, no less than five (5) days in advance of such a special meeting and shall notify the appropriate media.
5. All meetings, at which official action is taken, shall be open to the general public.
6. On matters involving conflict of interest a Board member may disqualify himself/herself voluntarily or a member can be disqualified from voting on a particular issue by a majority vote of the members, except the member who is being challenged.
7. The Executive Secretary shall keep the minutes and records of the Board, prepare the agenda of regular meetings and special meetings with the Chairman, provide notice of meetings to Board members, arrange proper and legal notice of hearings, attend to correspondence of the Board and such other duties as are normally carried out by an Executive Secretary as may be assigned by the Chairman of the Planning Board.
8. The order of business at regular meetings shall be:
 - (1) Chairman calls the meeting to order
 - (2) Roll call to determine a quorum is present
 - (3) Reading and approval of minutes of previous meeting
 - (4) Open Public Hearings
 - (5) Consideration of applications and other business as indicated on the published agenda
 - (6) Reports of officers and committees
 - (7) Old Business
 - (8) New Business
 - (9) Correspondence
 - (10) Adjournment – for the purpose of hearings during regular meetings, the meeting shall be adjourned and reopened

By simple majority vote, the order of business may be altered to fit the business at hand.

9. Public Statements for the Record:

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The procedure shall be:

1. At the beginning of the meeting the Chairman shall poll those in attendance as to their desire to make a public statement concerning an agenda item.
2. Individuals desiring to make a public statement shall be given an index card to fill in their name, place of residence and the agenda item unto which a public statement is to be made.
3. If the individual is not a Hollis resident, the Board shall vote to accept the public statement after determining that the individual has connection to the agenda item and if it is in the best interest of the Town of Hollis to allow said statement.
4. As each agenda item is addressed, the Chairman shall allow public statements concerning the agenda items after any applicant and/or summary statements are presented.
5. Each public statement summary shall become part of the meeting minutes. This will include name, residence, affiliation (citizen group, etc.) and a brief sentence or two on the statement.
6. Statement cards shall become part of the record.

ARTICLE VI – PUBLIC RECORD AND PROCEEDINGS POLICY:

All records shall be deemed public and may be inspected at reasonable times. The Planning Board's policy for public information shall be:

This policy is for the protection and preservation of the Public Record as well as for defining access by the Public, consistent with the Public Right to Know Law legislated in M.R.S.A. Title 1, Sections 401-410. All Planning Board meetings and records are open to the Public, except as otherwise provided by statute or by Sections 402 and 405, which state exemptions for certain confidential discussions and legal consultations.

It is the policy of the Hollis Planning Board that the minutes and any other material that is admitted as Public Record can be reviewed by the Public. The Executive Secretary of the Planning Board, as guardian and keeper of the Record, shall be present at all inspections. Said inspection shall be at the convenience of the Executive Secretary and shall take place during business hours. During the absence of the Executive Secretary, the Chairman of the Planning Board shall officiate.

It is suggested that arrangements be made in advance, due to the limited schedule of the Executive Secretary, to review the information. A record shall be kept by the Executive Secretary of all inspections. Any copies of the Record shall be made by the Executive Secretary at the expense of the individual requesting said copies.

Tape recordings of meetings shall be kept for a period of one (1) year. Tapes of hearings must be kept as a permanent record.

ARTICLE VII – COMMITTEES:

1. Special committees may be appointed by the Planning Board Chair for purposes and terms, which the Board approves.
2. Minor clerical tasks or requests for individual members to be expert on specialized aspects of Planning Board activities, preparation for regular Board meetings, and similar duties are ordinary responsibilities of Board members. These shall not be considered Committee assignments.
3. Committee assignments shall include no more than three members of the planning Board. One member shall be named as Committee Chair, as determined by the Planning Board Chair.
4. A committee assignment shall include a committee name, a start date, and proposed end date and a defined goal or product. The Planning Board Secretary shall keep records of committee assignments and results.
5. The Planning Board Chairman may reassign, dissolve, or otherwise change the membership or assigned tasks of any committee at any time.

6. Committee results may be in the form of a report of recommendations or information to the Planning Board, either written or oral, suggested articles for the Town Warrant, or similar material.
7. The Committee Chair shall keep minutes and records of Committee meetings. The Committee Chair shall regularly enter a report of Committee meetings, activity and progress into the minutes of the regular meeting of the Planning Board.
8. Compensation to the Committee members shall be at the same rate as their compensation for regular Planning Board meetings. Each member will be compensated one meeting for each report entered into the minutes of a regular Planning Board meeting. Any committee member requesting compensation must attest to his or her contribution to the progress of the committee, and have this contribution recorded in the minutes of the regular meeting of the Planning Board

ARTICLE VIII – HEARINGS:

1. In addition to those required by law, the Board may at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
2. Notice of such hearings shall be published in local newspapers and by any such other means as it generally used by the Board to make notice public at least ten (10) days before the time of the public hearing. This notice shall state the purpose of the hearing, the date, time and location of the hearing.
3. The case before the Board shall be presented in summary by the Executive Secretary, CEO, or a designated member of the Board, and parties in interest shall have privileges of the floor. Ref. Section on hearings in the Hollis Zoning Ordinance Section 3.7.4.3.
4. A record shall be kept of those speaking before the Board.

ARTICLE IX – AMENDMENTS

These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Board. The amended by-laws shall be presented at one regular meeting and shall be voted on at the next regular meeting.

Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

BY-LAWS
Amended September 18, 2007

ARTICLE I- OBJECTIVES, DUTIES and POWERS

The objectives and purposes of the Planning Board of Hollis, of York County, are to exercise the powers and duties delegated by the Selectmen and by the enabling of State law and local ordinances.

1. The Board shall participate in the preparation of a Comprehensive Plan as defined by 30 MRSA #4961.
2. The Board shall perform such duties and exercise such powers as are provided by Hollis Zoning Ordinance and the laws of the State of Maine.
3. The Board may obtain goods and services necessary to properly function within the limits of appropriations made for that purpose.
4. The Board may employ such staff and/or experts as it sees fit to aid the Board in its work including an Executive Secretary. Appointments, services and employment shall be made and approved by a majority vote of the entire membership.
5. The Board may employ persons to assist the Executive Secretary in the performance of the duties of the Executive Secretary.

ARTICLE II – MEMBERSHIP

1. The Board shall consist of seven (7) regular members and two (2) alternate members appointed by the Selectmen and sworn in by the Town Clerk or other person authorized to administer oaths.
2. The term of each member shall be three (3) years.
3. A member vacancy occurs upon: resignation, death, a member ceasing to be a voting resident of Hollis, or removal for cause. When a vacancy occurs, the Chairman of the Board shall immediately so advise the municipal officers in writing.

4. Failure to attend four (4) consecutive meetings without good cause or failure to attend seventy-five (75) percent of all meetings during the preceding twelve (12) month period is grounds for recommendation to the Selectmen that a member be removed from the Board. The Board may recommend to the municipal officers that the attendance provision be waived for cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation. The municipal officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing. No vacancy shall impair the right of the remaining members to exercise all the power of the Board.
5. When there is a permanent vacancy, the municipal officers shall within sixty (60) days of its occurrence appoint a person to serve for the unexpired term.
6. A municipal officer may not be a member.

ARTICLE III – Organization and Officers:

1. The officers of the Planning Board shall consist of a Chairman and a Secretary (Vice-Chairmen). The Board shall also create, elect and fill such other offices as it may determine.
2. The Chairman shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such an officer.
3. The Chairman shall have the privilege of participating in the discussion of all matters before the Board and of voting thereon.
4. The Secretary (Vice-Chairman) shall act for the Chairman in the Chairman's absence. The Secretary (Vice-Chairman) shall be a member of the Board.

ARTICLE IV – Nomination and Election of Officers

1. Nomination of officers shall be made from the floor at the annual organizational meeting which shall be held on the fourth Tuesday of June in each year, and the elections shall follow immediately.
2. A candidate receiving a majority vote of the entire membership of the Planning Board shall be declared elected and shall serve for one year or until his/her successor shall take office.
3. Vacancies in offices shall be filled immediately by regular election procedure.
4. The term of all offices shall be one (1) year with eligibility for re-election.

ARTICLE V – Meetings, Organization and Standing Rules:

1. The Chairman shall call at least one (1) regular meeting of the Board each month. Regular meetings will be held on Tuesdays as required by the quantity of work in front of the board. The Board shall decide on the number of meetings to be held each month at the time and place posted as required.

2. No meeting of the Board shall be held without a quorum consisting of four (4) members. Voting shall be by roll call upon request of any Board member and such roll call shall be kept as a part of the minutes.
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3. The case before the Board shall be presented in summary by the Executive Secretary, CEO, or a designated member of the Board, and parties in interest shall have privileges of the floor. Ref. Section on hearings in the Hollis Zoning Ordinance Section 3.7.4.3.
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ARTICLE IX – AMENDMENTS

These by-laws may be amended by a two-thirds vote of the entire membership of the Planning Board. The amended by-laws shall be presented at one regular meeting and shall be voted on at the next regular meeting.

TOWN OF HOLLIS

RESIDENTIAL GROWTH ORDINANCE

History

First Enacted: March 1, 1986
Amended: March 14, 1987
 June 17, 2000
 June 12, 2004

ATTEST TO BE A TRUE COPY OF
HOLLIS GROWTH ORDINANCE
VOTED AT TOWN MEETING: 12 June 2004

Hollis Town Clerk

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TOWN OF HOLLIS

RESIDENTIAL GROWTH ORDINANCE

1.1 Title

This ordinance shall be known as the " Town of Hollis Residential Growth Ordinance " and shall be hereinafter referred to as The Ordinance.

1.2 Legal Authority

a. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30 MRSA, Section 1917.

b. Appeals

1. Appeals shall be based upon a written decision of the Code Enforcement Officer.

2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

3. Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State law.

4. No appeals will be heard in regards to the controlled number of permits allotted.

1.3 Definitions

Applicant: A person, firm or corporation, who is submitting an application for a RESIDENTIAL GROWTH PERMIT.

Day: A twenty four (24) hour period, beginning at midnight on one day and ending at midnight the next day.

Dwelling Unit: A room or group of rooms designed and equipped for use as living quarters for only one family, including provisions for living, sleeping, eating and cooking. Mobile homes shall be considered dwelling units.

Family: One or more persons occupying a dwelling unit and living as

a single housekeeping unit.

Workday: A regularly scheduled workday for the Code Enforcement Office.

Non-Speculative Unit: A dwelling unit (built or placed) for a known customer who will reside therein. A notarized photocopy of a signed sales contract, or other evidence acceptable to the Code Enforcement Officer, shall be required to prove that the dwelling unit is in fact a non-speculative unit.

Residential Growth Permit: A Permit issued by the Code Enforcement Officer in accordance with the Hollis Building Code and this ordinance, to build or place an additional dwelling unit within the Town of Hollis.

Speculative Unit: A dwelling unit (built or placed) for sale to the general public, and not as part of a contractual arrangement with a known buyer who will reside therein.

1.4 Purpose

a. To protect the town against indiscriminate, uncontrolled and/or poorly planned development by establishing the constant, predictable rate of growth needed for effective capital improvement programming.

b. To provide for the current and future housing needs of existing Hollis residents and their families while accommodating Hollis' fair share of population growth in York County and the immediate sub-region. (Which has a current annual growth rate of approximately 4.9%)

c. To ensure fairness in the allocation of Residential Growth permits.

d. To ensure the continued Residential Growth of Hollis at a rate compatible with the orderly and gradual expansion of community services (including education, fire and police protection, road maintenance, waste disposal, health services, water quality and availability, etc.). And to maintain a "growth policy which will not require any further expenditures for municipal sewerage and water systems." (Planning Policy Statement, Hollis, Maine, adopted March 1979.)

1.5 Existing Structures

This ordinance shall not apply to the repair, replacement, reconstruction, or alteration of any existing structures so long as no new dwelling units are created therein.

1.6 General Requirements

a. Hollis's Residential Growth shall be such that the annual increase in dwelling units shall not exceed the average rate of expansion of the total year-round housing stock within the sub-region. Between the years of 1970 and 1980 this rate was 3.9%. During the years 1980 and 1985 this rate was increased to 4.9%. Taking into consideration this increase and the desire to have controlled growth in Hollis, the number of dwelling units allowed in Hollis in one calendar year is set at 50.

b. All proposed dwelling units within the Town of Hollis, permanent or seasonal, shall be built or placed in accordance with the provisions of this ordinance. No dwelling unit shall be built or placed which fails to meet the requirements of this ordinance.

c. Any proposed structures containing multiple dwelling units shall require one (1) Residential Growth permit for each dwelling unit in the structure.

1.7 Administration

The Code Enforcement Officer shall administer the Residential Growth Permit selection process (see sec. 1.8 of this ordinance), and shall be responsible for issuing permits only to those applicants who have satisfied the requirements of this and other Town Ordinances (building code, zoning regulations, etc.). A Residential Growth permit must be obtained before a building permit for a dwelling unit will be issued. The Code Enforcement Officer (hereinafter referred to as the CEO) shall ensure that the number of RESIDENTIAL GROWTH Permits issued during any calendar year shall not exceed 50 permits. No more than 14 of which shall be for speculative units. No more than 36 of which shall be for non-speculative units.

1.8 Selection Process

a. All applications will be filed and recorded by date and time received.

b. In the event that no growth permits are available for applications received, they will remain on file until the next issuance of growth permits and issued on a first-come, first-served basis according to date and time received. Applications will remain on file until a Growth Permit is issued, or until withdrawn by the applicant.

c. Half of the speculative and half of the non-speculative RESIDENTIAL GROWTH permits shall be available the first workday in January at 8 AM. The remaining permits will become available the first workday in July at 8 AM and shall be issued according to the provisions set down in this Ordinance. Unissued RESIDENTIAL GROWTH permits shall not carry over to a new calendar year.

d. No more than two Speculative Residential Growth permits shall be issued in any single calendar month to any person, firm or corporation, or combination thereof.

e. Beginning the third Monday of December at 8 AM, the CEO shall issue any remaining permits in the order in which applications were received, irrespective of speculative or non-speculative designations, as long as no more than 50 Residential Growth permits are issued during the calendar year.

f. A non-refundable fee as set by the Board of Selectmen, shall accompany the application. This fee will be applied toward the building permit fee when approved.

g. Issued Growth Permits must be claimed within ten (10) workdays.

1.9 Expiry of Permits

a. Growth Permits issued shall expire within sixty (60) days from the date issued, unless a building permit has been approved for that growth permit. Expired permits will be reissued.

b. Applicants applying under sub-paragraph 1.10.a, shall be allowed two (2) sixty (60) day extensions, upon providing evidence of a purchase and sales agreement for a buildable lot, or other evidence of a good faith effort to search for or negotiate for a lot. No extension shall be granted beyond the 1st day of December.

1.10 Transferability

a. A non-speculative growth permit issued to an individual shall be valid on any lot, which the individual may purchase subsequent to the issuance of the Residential Growth Permit.

A permit issued under this sub-section shall not be transferable.

b. A non-speculative growth permit may be transferred to a subsequent owner of the lot for which it was issued, provided it remains a legal non-speculative permit.

c. A speculative growth permit issued for a lot in a particular development shall be valid on any lot in that development under the same ownership as the applicant to whom it was issued.

1.11 Conflict with Other Ordinances

This Ordinance shall not repeal, annul or otherwise impair or remove the necessity of compliance with any other Maine or Hollis regulation, by-law, ordinance, or law. Where this ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of this ordinance shall prevail.

1.12 Separability

Should any section or provision of this ordinance be declared by the courts to be invalid or illegal, such decision shall not affect any other section or provision of this ordinance either singly or collectively.

1.13 Effective Date

The effective date of this ordinance shall be the date upon which it is enacted or amended.

1.14 Review By Planning Board

The Planning Board shall annually review this ordinance, and shall take recommendations (if any) for the improvement of the aforesaid procedures to the town at its next town meeting. Said review shall include at least one (1) public hearing.

1.15 Amendments

a. Amendments to the Ordinance may be initiated by:

1. The Selectmen, or
2. A majority vote of the Planning Board, or
3. The written petition of a number of voters equal to at least ten (10) percent of the number of votes cast in the town for the last gubernatorial election.

b. Amendments to the ordinance may be adopted only at a town meeting by majority vote of the registered voters present and voting.

c. For any amendments to be placed on the warrant for a town meeting, a public hearing shall be held with-in thirty (30) days of to the town meeting, for the purpose of discussing the proposed amendment. This public meeting must be posted according to town statutes.

1.16 Violations

a. Any construction or placement of any dwelling unit within the town, without benefit of a Residential Growth permit issued by the Code Enforcement Officer, shall constitute a violation of this Ordinance.

b. Any dwelling unit in violation of this ordinance may not be sold, leased, rented, occupied, or utilized in any fashion until such time as a Residential Growth permit is issued for said dwelling unit as per Section 1.8 of this ordinance, and all fines have been discharged to the satisfaction of the Town.

1.17 Penalties

a. Any person, firm or corporation owning or controlling the use of any dwelling unit being built or placed in violation of this ordinance, shall be guilty of a civil infraction and may be fined not less than \$100.00 for each day said violation continues after notification by the Code Enforcement Officer.

b. If a dwelling unit has been built or placed in violation of this ordinance and is then occupied, the owner shall be guilty of a civil infraction, and shall be fined an amount equal to twenty (20) percent of the fair market value of the completed unit, including land value.



ORDINANCE RESTRICTING VEHICLE WEIGHT ON POSTED WAYS

TOWN OF HOLLIS, MAINE

Section 1: Purpose and Authority

The purpose of this ordinance is to prevent damage to town ways and bridges in the town of Hollis which may be caused by vehicles of excessive weight, to lessen safety hazards and the risk of injury to the traveling public, to extend the life expectancy of town ways and bridges, and to reduce the public expense of their maintenance and repair.

This ordinance is adopted pursuant to 30-MRSA Sec. 3009 and 29 MRSA Sec. 902 and Sec. 1611.

Section 2: Definitions

The definitions contained in Title 29 MRSA shall govern the construction of words contained in this ordinance. Any words not defined therein shall be given their common and ordinary meaning.

Section 3: Restrictions and Notices

The Road Commissioner may, either permanently or seasonally, impose such restrictions on the gross registered weight or vehicles as may, in his/her judgment, be necessary to protect the traveling public and prevent abuse of the highways, and designate the town ways and bridges to which the restrictions shall apply.

Whenever notice has been posted as provided herein, no person may thereafter operate any vehicle with a gross registered weight in excess of the restriction during any applicable time period on any way or bridge so posted unless otherwise exempt as provided herein. (No restriction if road is solidly frozen. "Solidly frozen" means that the air temperature is below 32° F, and no water is showing in the cracks of the road.)

The notice shall contain, at minimum, the following information: the name of the way or bridge, the gross registered weight limit, the time period during which the restriction applies, the date on which the notice was posted, and the signature of the Road Commissioner.

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 travelway. Whenever a restriction expires or is lifted, the notices shall be removed wherever posted. Whenever a restriction is revised or extended, existing notices shall be removed and replaced with new notices.

No person may remove, obscure or otherwise tamper with any notice so posted except as provided herein.

Section 4: Exemptions

The following vehicles are exempt from this ordinance:

- (a) Any two-axle vehicle while delivering home heating fuel;
- (b) Any vehicle while engaged in highway maintenance or repair under the direction of the State or Town;
- (c) Any emergency vehicle (such as fire fighting apparatus or ambulances) while responding to an emergency;
- (d) Any school transportation vehicle while transporting students;
- (e) Any public utility vehicle while providing emergency service or repairs; and
- (f) Any vehicle whose owner or operator holds a valid permit from the Road Commissioner as provided herein.

Section 5: Permits

The owner or operator of any vehicle not otherwise exempt as provided herein may apply in writing to the Road Commissioner for a permit to operate on a posted way or bridge notwithstanding the restriction. The road Commissioner may issue a permit only upon all of the following findings:

- (a) No other route is reasonably available to the applicant;
- (b) It is a matter of economic necessity and not mere convenience that the applicant use the way or bridge; and
- (c) The applicant has tendered cash, a bond or other suitable security running to the town in an amount sufficient, in their judgment, to repair any damage to the way or bridge which may reasonably result from the applicant's use of same.

Even if the Road Commissioner makes the foregoing findings, he/she need not issue a permit if he/she determines the applicant's use of the way or bridge could reasonably be expected to create or aggravate a safety hazard or cause substantial damage. He/she may also limit the number of permits issued or outstanding as may, in his/her judgment, be necessary to preserve and protect highways.

In determining whether to issue a permit, the Road Commissioner shall consider the following factors:

- (a) The gross registered weight of the vehicle;
- (b) The current anticipated condition of the way or bridge;
- (c) The number and frequency of vehicle trips proposed;
- (d) The cost and availability of materials and equipment for repairs;
- (e) The extent of use by other exempt vehicles; and
- (f) Such other circumstances as may, in his/her judgment, be relevant.

The Road Commissioner may issue permits subject to reasonable conditions, including but not limited to, restrictions on the actual load weight and the number or frequency of vehicle trips, which shall be clearly noted on the permit.

Section 6: Administration and Enforcement

This ordinance shall be administered and may be enforced by the municipal officers or their duly authorized designee (such as the Road Commissioner, code Enforcement Officer or law enforcement officer).

Section 7: Penalties

Any violation of this ordinance shall be a civil infraction subject to a fine of not less than \$250 nor more than \$1,000. Each violation shall be deemed a separate offense. In addition to any fine, the Town may seek restitution for the cost of repairs to any damaged way or bridge and reasonable attorney fees and costs.

Prosecution shall be in the name of the Town and shall be brought in the Maine District Court.

Section 8: Amendments

This ordinance may be amended by the Municipal Officers at any properly noticed meeting.

Section 9: Severability; Effective Date

In the event a court of competent jurisdiction declares any portion of this ordinance invalid, the remaining portions shall continue in full force and effect.

This ordinance shall take effect immediately upon enactment.

Adopted this 13 day of June 2007

Attest: 
Claire M. Dunne
Town Clerk, Hollis, Maine


Gerald W. Gannett, Selectman


Stuart B. Gannett, Selectman


Irving "Ben" Severance, Selectman

SEAL



SEX OFFENDER ORDINANCE FOR THE TOWN OF HOLLIS

Section 1: Purpose

Acknowledging that sex offenders, who prey upon children, are at a high risk of re-offending, the Town of Hollis has a compelling interest to protect the health, safety, and welfare of its children by restricting access to areas where a high concentration of children exists.

Section 2: Definitions

Registered Sex Offender – an individual convicted of a crime against a person under the age of 16, and as a result, required to register for life pursuant to Title 34-A MRSA Chapter 15.

Premises – the building structure or area surrounding the building, playground area, playing field or courts.

Radius – Distance shall be measured from the outer property lines.

School or Daycare – Any public or private educational facility that provides services to those 17 years and younger or a licensed daycare facility.

Section 3: Restrictions

1. Any person who is a convicted sex offender involving a minor, and is required to register for life, shall not reside within a 2500-foot radius of the property line of a school, licensed daycare, any public children's camp, any public beach, any public pool, any public park and any public ball field.
2. Any person who is a convicted sex offender involving a minor, and is required to register for life, is prohibited from entering the premises of a school or licensed day care center, unless specifically authorized to do so by a person in a position of authority.

Section 4: Exceptions

A registered sex offender residing within 2500 feet of a school, licensed daycare, public children's camp, public beach, public pool, public park or public ball field is not in violation if the residency had been established prior to the date of passage of this ordinance and residency has been consistently maintained. A sex offender is not in violation of this ordinance if a school, licensed daycare, camp, public beach, public park, or public ball field is build or moved into the 2500-foot restricted area as long as the offender resided at this location prior to the new establishment and residency had been consistently maintained.

Section 5: Violation; Injunctive Relief and Penalties

Any person who, after written notice from the Town about the requirements of this Ordinance, remains in violation of the provisions of this Ordinance shall be subject to an action brought by the town in the district court or the Superior Court to enforce the requirements of this ordinance. The town may seek injunctive relief to require compliance with the provisions of this Ordinance. The Town may also seek penalties in the minimum amount of \$500 per day and a maximum of \$2500 per day for each day that a violation continues after such notice from the Town. i.e. Town shall be entitled to an award of its reasonable attorney fees, costs, and expert witness fees if it is the prevailing party in any action to enforce this Ordinance.

Section 6: Takes Effect

This Ordinance shall take effect immediately upon passage by the voters in the Town of Hollis.

This ordinance shall take effect immediately upon enactment.

Adopted this 13 day of June 2007

Attest: Claire M. Dunne
Claire M. Dunne
Town Clerk

Gerald W. Gannett
Gerald W. Gannett, Selectman
Stuart B. Gannett
Stuart B. Gannett, Selectman
Irving "Ben" Severance
Irving "Ben" Severance, Selectman

SEAL

**TOWN
OF
HOLLIS**

Shoreland

Zoning Ordinance

Newly Updated in

On February 7, 2008 the Board of Environmental Protection voted on a motion to adopt a time Deadline of July 1,2009 for municipalities to update their shoreland zoning ordinances to be consistent with the Department's Guidelines.

The Board voted pursuant to 38 M.R.S.A Section 341-D(1-B)

\$5.00 per copy for non-residents

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Chapter 1. Administration

1.1 Administering Bodies and Agents

1. Code Enforcement Officer

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

2. Board of Appeals

A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A section 2691.

3. Planning Board

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

1.2. Permits Required

After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued non-conforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed.

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

- (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
- (b) The replacement culvert is not longer than 75 feet; and
- (c) Adequate erosion control measures are taken to prevent sedimentation of the 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.

1.3 Permit Application

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Chapter 16.

2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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 or use would require the installation of a subsurface sewage disposal system.

1.4 Procedure for Administering Permits

Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Chapter 16, 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 thirty-five (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 thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

After the submission of a complete application to the Approving Authority, the Approving 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:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
6. Will protect archaeological and historic resources as designated in the comprehensive plan;
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with the provisions of Chapter 17, Land Use Standards.

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

1.5 Special Exception

In addition to the criteria specified in Chapter 1. above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a **Resource Protection District** (RPD) 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. Enacted on November 1972.
3. All proposed buildings, sewage disposal and other improvements are:
 - (a) Located on natural ground slopes of less than 20% and
 - (b) Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year floodplain.
4. The total ground-floor area, 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 waterbody, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 100 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 floodplain, and its proximity to moderate-value and high-value wetlands.

1.6 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.

1.7 Installation of Public Utility Service

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials, indicating that installation has been completed.

1.8 Appeals

1. 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:** To authorize variances upon appeal, within the limitations set forth in this Ordinance.

2. Variance Appeals

Variances may be granted only under the following conditions:

- (1) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (2) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (3) The Board shall not grant a variance unless it finds that:
 1. The proposed structure or use would meet the provisions of Section 17 except for the specific provision which has created the non-conformity and from which relief is sought; and
 2. The strict application of the terms of this Ordinance would result in undue hardship.

The term "undue hardship" shall mean:

- {1} that the land in question cannot yield a reasonable return unless a variance is granted;
- {2} that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- {3} that the granting of a variance will not alter the essential character of the locality; and
- {4} that the hardship is not the result of action taken by the applicant or a prior owner.

3. Notwithstanding Section 1.8.2.(3)2 above, The CEO may grant a permit to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling . The CEO shall restrict any permit 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 CEO may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with the disability lives on the property. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

4. The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure 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.

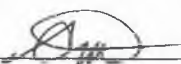
5. A copy of each permit request, including the application and all supporting information supplied by the applicant, shall be forwarded by the CEO to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the CEO. Any comments received from the Commissioner prior to the action by the CEO shall be made part of the record and shall be taken into consideration by the CEO.

3. Appeal Procedure

1. 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, except for enforcement-related matters as described in Section 1.8)1.(1). Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

2. Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:



[1] A concise written statement indicating what relief is requested and why the appeal or variance should be granted.

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

3. Upon receiving an application for an administrative appeal or a variance, 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 an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of complete written application, unless this time period is extended by the parties.

2. 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.

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

3. 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.

4. 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 to 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.

3. Appeal to Superior Court

Except as provided by 30-A M.R.S.A. section 2691(3)(F), 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.

4. Reconsideration

In accordance with 30-A M.R.S.A. section 2691(3)(F), 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.

1.9 Enforcement

1. Nuisances

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

2. Code Enforcement Officer

(1.) 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.

(2.) 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.

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

3. Legal Actions

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

Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A section 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 (38 M.R.S.A. section 4452).

Chapter 2. Definitions

Accessory Structure: a use or structure which is incidental and subordinate to the principal structure. 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.

Accessory Use: a use, which is incidental and subordinate to the principal use.

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.

Agricultural Activities: the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse 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: State of Maine Department of Conservation's Bureau of Forestry.

Campground: any premises, area, or tract of land established for overnight use for the purpose of temporary lodging for which a fee is charged, 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 elsewhere, 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 lines 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: has the same meaning as a physical or mental handicap under Title 5, Section 4553

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 waters, a profile and character altered from natural conditions.

Driveway: a vehicular access-way less serving two dwellings or units, 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, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

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

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

Family: one (1) or more persons occupying a premises and living as a single housekeeping unit,

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

Floor Area: The sum of the horizontal areas of the floor(s) measured at exterior walls plus the horizontal area of any unenclosed portion of a structure such as porches and decks.

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

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

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.

Foundation: the supporting substructure of a building or other structure, excluding wooden sill and post supports, 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 one (1) or more contiguous acres; or of less than one (1) contiguous acre and adjacent to a surface waterbody, excluding any river, stream or brook such that in a natural state, the combined surface area is in excess of one (1) acre; 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 which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site and uses that primarily provide general public access to inland waters.

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

Great Pond Classified GPA: any great pond classified GPA, pursuant to Title 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments 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.

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 carried on in a residential dwelling unit or in a building or other structure accessory to a residential dwelling unit; carried on by a member of the family residing in the residential dwelling unit with no more than two (2) people from outside the family employed; clearly incidental and compatible with, and secondary to the use of the dwelling unit, the property and surrounding residential uses.

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 a gravel pads, parking areas, fire places, or tent platforms.

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

Institutional Activities: 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, bait and tackle shops and marine fuel service facilities.

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

Minimum Lot Width: the closest distance between the side lot lines of a lot. When only two lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

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

Mineral Extraction: Any operation within any twelve (12) month period which removes more than ten (10) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

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

Native: indigenous to 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, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

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

Outlet Streams: any perennial or intermittent stream, as shown on the most recent edition of the 7.5 minute series or, if not available, a 15 minute series topographic map produced by the United States Geological Survey, that flows from a freshwater wetland.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Piers, Docks, Wharves, Bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland:

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

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

Principal Structure: the building in which the primary use of the lot is conducted.

Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

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

Recent Flood Plain Soils: the following soil series as described and identified by the National Cooperative Soil Survey

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

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

Recreational Vehicle: a vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home. In order to be considered as a vehicle and not a structure, the unit must remain with its tire on the ground, and must be registered with the State Division of Motor Vehicles.

Replacement Wastewater 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 Stand - a stand of trees remaining in the forest following timber harvesting and related activities.

Riprap: rocks, crushed stone, etc., that is irregularly shaped, and is used for erosion control and soil stabilization typically used on ground slopes.

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 vehicles.

Setback: the nearest horizontal distance from the normal high-water line of a waterbody or the upland edge of a wetland, 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.

Shoreland Zone:

The land area located within:

1. Two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river, Limited Shoreland Zone (LSZ)
2. Two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland-that is ten or more contiguous acres, Resource Protection 250 (RP250)
3. Seventy-five (75) feet, of the upland edge of a freshwater wetland- that is less than ten contiguous acres, Resource Protection 75(RP75)
4. Seventy-five (75) feet, horizontal distance, of the normal high water line of a stream, and seventy-five (75) feet from an outlet stream, and seventy-five (75) feet of the upland edge of freshwater wetlands that are between one and less than ten contiguous acres and other streams depicted on the Town of Hollis Shoreland Zoning Map, Stream Protection (SP75)

Shoreline – the normal high-water line, or upland edge of a freshwater wetland.

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.

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

Structure: anything constructed or erected, the use of which requires location on the ground or attachment to something on the ground, except a boundary wall, fence, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

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

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

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

or

2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart"

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 for the primary purpose of selling or processing forest products. 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 17.15, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

Timber harvesting and related activities: timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

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

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) foot) tall or taller.

Vegetation: all-live trees, shrubs, and other plants including without limitation, trees both over and under 4 inches in diameter, measures at 4 ½ feet above ground level.

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

Waterbody: any pond, great pond, river, stream, or outlet stream.

Water Crossing: any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland: a freshwater or coastal wetland specifically identified on the U.S. Interior, Dept. of Fish & Wildlife map as well as any other wetlands identified by the Town of Hollis.

Windfirm: the ability of a forest stand to withstand strong winds and resist windthrow, wind rocking, and major breakage.

Chapter 3. 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 and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland, resource protection, and flood hazard areas.

Chapter 4. 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.).

Chapter 5. Applicability

This ordinance applies to the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of moderate and high value freshwater wetlands; and within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, and seventy-five feet from an outlet stream, and seventy-five (75) feet of the upland edge of low value and non-rated freshwater wetlands and other streams depicted on the Town of Hollis Shoreland Zoning Map.

Chapter 6. Effective Date

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on _____, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, 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, or Ordinance Amendment, 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, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation – The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. section 438-A(5), at which time the State of Maine Department of Conservation's Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A. 438-A(5), the following provisions of this Ordinance are repealed:

Chapter 16 Land Uses, Table, , repeal Row 3 (forest activities except for timber harvesting and land management roads, and Row 4, Timber harvesting only.

Chapter 17.15 Timber Harvesting in its entirety.

Chapter 2, repeal definitions of the following terms:

- Basal area, residual
- Harvest area
- Residual stand

NOTE: The statutory date established under 38 M.R.S.A. section 438-A(5) is the effective date of state-wide timber harvesting standards. That date is "the first day of January of the 2nd year following the year in which the Commissioner of Conservation determines that at least 252 of the 336 municipalities identified by the Commissioner of Conservation as the municipalities with the highest acreage of timber harvesting activity on an annual basis for the period 1992-2003 have either accepted the state-wide standards or have adopted an ordinance identical to the state-wide standards." 38 M.R.S.A. section 438-A(5) further provides that "the Commissioner of Conservation shall notify the Secretary of State in writing and advise the Secretary of the effective date of the state-wide standards."

Chapter 7. 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.

Chapter 8. Severability

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

Chapter 9. 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.

Chapter 10. Amendments

This Ordinance may be amended by majority vote of the municipal 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.

Chapter 11. Applicable Maps

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 250, RP250
- (2) Resource Protection 75, RP75
- (3) Limited Shoreland Zone, LSZ
- (4) Stream Protection, SP75

A set of these maps are on file at the Department of Environmental Protection and at the municipal office of the Town of Hollis.

The FEMA maps will not exclude or supersede State identified wetlands within the Town of Hollis, as well as local zoning and those areas as defined in Chapter 5 of this Ordinance.

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

C. Changes to the Official Shoreland Zoning Map If amendments, in accordance with Chapter 10 are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map such changes shall be made within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Chapter 12. Interpretation of District Boundaries

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

Chapter 13. 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

Chapter 14. Non-Conformance

14.1 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 this section. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

14.2 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.

14.3 Non-conforming Structures

1. Expansions: A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (1) and (2) below.

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

If a replacement structure conforms with the requirements of Chapter 14.3.3; and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.

- (2.) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming 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, basing its decision on criteria specified in Chapter 14.3.2 Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Chapter 14.3.1(1) above, and the foundation does not cause the structure to be

elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

(3.) No structure which is less than the required setback from the normal high-water line of a water body, tributary stream., or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. **Relocation:** A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board 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 can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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 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.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than fifty (50) percent 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 14.3.1 above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume 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 a 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 14.3.2 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 14.3.2 above the physical condition and type of foundation present, if any.

4. Change of Use of a Non-conforming Structure: The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a complete 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 other functionally water-dependent uses.

14.4 Non-conforming Uses

- 1. Expansions:** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 14.3.1.1. 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.
- 3. Change of Use:** An existing non-conforming use may be changed to another non-conforming use, provided the Planning Board finds that the new use will have no greater adverse impact than the current use.

14.5 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 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 area, lot width and shore frontage, and other State and local ordinances can be met. Variances relating to setback or other requirements lot area, lot width or shore 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 (12 M.R.S.A section 4807-A through 4807-D) and the State of Maine 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 lots provided that the above referenced law and rules are complied with.

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.

The above 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 rules, and:

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

2. Any lots that do not meet the frontage and lot size requirements of Section 14.5.3.1. 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.

Chapter 15. Establishment of Zones

15.1 Resource Protection Zone - The Resource Protection Zone includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This zone shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District:

1. Areas within two hundred and fifty (250) feet, (for areas equal to or greater than ten (10 acres) and seventy five (75) feet (for areas less than (10 acres), horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of March 1, 2006 .For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

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

Habitat for species appearing on the official state or federal lists of endangered or threatened species; high and moderate value deer wintering areas and travel corridors as defined by the Department of Inland Fisheries and Wildlife; high and moderate value waterfowl and wading bird habitats, including nesting and feeding areas as defined by the Department of Inland Fisheries and Wildlife.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100-year flood plain as designated on the **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.

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

4. Areas of two 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.

Note: These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands which are subject to severe erosion or mass movement, such as steep bluffs.

15.2 Limited Shoreland Zone (LSZ)

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.

15.3 Stream Protection Zone (SPZ75)

The Stream Protection Zone includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream and seventy-five (75) feet from an outlet stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater 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.

Chapter 16 Land Uses

All land use activities in the Stream Protection, Limited Residential, and Resource Protection Zones, as indicated in Table 1, Land Uses in the Stream Protection, Limited Residential, and Resource Protection Zones, will conform with the applicable land use standards in Chapter 17 and the Hollis Zoning Ordinance.

Key to Table Use Table:

- PB = Requires Shoreland Zoning permit issued by the Planning Board
- CEO = Requires Shoreland Zoning permit issued by the Code Enforcement Officer
- P = Permitted, appropriate permits as required by town regulations
- Blank = Not Permitted

USE	SPZ75	RPZ75 <10 Acres	RPZ250 =>10 Acres	LSZ
1. Non-intensive recreational uses not requiring structures such as hunting, fishing, and hiking	P	P	P	P
2. Motorized vehicular traffic on existing road and trails (unless the use of trails is limited to certain things)	P	P	P	P
3. Forest management activities except for timber harvesting and land management roads	P	P	P	P
4. Timber Harvesting	P	CEO	CEO	P
5. Clearing or removal of vegetation for activities other than timber harvest.	CEO	CEO	CEO	P
6. Fire prevention activities	P	P	P	P
7. Wildlife management practices	P	P	P	P
8. Soil and water conservation practices	P	P	P	P
9.1 Mineral exploration equal to or less than 100 sq ft of surface area		CEO	CEO	P
9.2 Mineral exploration greater than 100 sq ft of surface area		PB	PB	CEO
10. Mineral extraction including sand and gravel extraction				PB
11. Surveying and resource analysis	P	P	P	P
12. Emergency operations	P	P	P	P
13. Agriculture	P	P	PB	P
14. Aquaculture	PB	PB	PB	PB
15. Single & two Family Residential, including driveways	PB	PB	PB-1	CEO
16. Multi-unit Residential				PB

USE	SPZ75	RPZ75 <10 Acres	RPZ250 =>10 Acres	LSZ
17. Commercial		PB-2	PB-2	PB-2
18. Industrial				
19. Governmental and institutional				PB
20. Small, non-residential facilities for educational, scientific, or nature interpretation purposes	PB	PB	PB	CEO
21. Clustered Housing				PB
22. Structures accessory to allowed uses	PB	PB	PB	CEO
23. Piers, docks, wharves, bridges, and other structures and uses extending over or below the normal high water line or within a wetland				
a. Temporary	CEO-3	CEO-3	CEO-3	CEO-3
b. Permanent	PB	PB	PB	PB
24. Conversions of seasonal residences to year-round residences	CEO	CEO	PB	CEO
25. Home occupations	P	P	PB	CEO
26. Private sewage disposal systems for allowed uses	P	P	P	P
27. Essential Services				
A. Roadside distribution lines (34.5 kV and lower)	CEO	CEO	CEO	CEO
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB	PB	PB	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB	PB	PB	PB
D. Other essential services				
28. Service drops, as defined, to allowed uses	P	P	P	P



USE	SPZ75	RPZ75 <10 Acres	RPZ250 =>10 Acres	LSZ
29. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB
30. Individual, private campsites	CEO	CEO	PB	CEO
31. Campgrounds			PB	PB
32. Road construction	PB	PB	PB	PB
33. Land management roads	P	P	PB	P
34. Parking Facilities	P	4	PB	P
35. Filling and earth moving of less than 10 cubic yards	CEO	CEO	CEO	P
36. Filling and earth-moving of more than 10 cubic yards	PB	PB	PB	CEO
37. Marinas	PB			PB
38. Signs	P	P	P	P
39. Uses similar to permitted uses	P	P	P	P
40. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO
41. Uses similar to uses requiring a PB permit	PB	PB	PB	PB

NOTES

1. Single family residential structures may be allowed by special exception only according to the provisions of Section 1.5, Special Exceptions. Two family residential structures are prohibited.
2. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
3. Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
4. Except when area is zoned for resource protection due to flood-plain criteria in which case a permit is required from the Planning Board.

6. 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.

17.2 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 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. In the Resource Protection District the setback requirement shall be 250 feet, for RP250 and 75 feet for PR75 respectively, 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.

In addition:

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

2 Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential (LSZ) and Stream Protection Zones 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 one hundred (100) year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland or Resource Protection Zones shall not exceed twenty (20) percent of the lot or a portion thereof; located within the shoreland zone.

5. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by

the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
5. No new structure shall be built on, over or abutting a pier, wharf dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the waterbody or wetland as an operational necessity.
6. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
7. 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.
8. New permanent piers and docks on non-tidal waters 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 Resources Protection Act.

NOTE: New permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.

17.4 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 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.

175 Individual Private Campsites

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
4. The clearing of vegetation for the placement of recreational vehicles, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

17.6 Commercial and Industrial Uses

The following new commercial and industrial uses are prohibited within the Shoreland, Resource Protection, and Flood Hazard zones:

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

NOTE: 22 M.R.S.A. section 1471-U requires municipal ordinances that apply to pesticide storage, distribution or use be filed with the Maine Board of Pesticides Control, 28 State House Station, Augusta, ME 04333. If a municipality's ordinance is more inclusive or restrictive than these Guidelines, as it pertains to pesticides, a copy of the ordinance must be filed with the Board of Pesticides Control.

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

17.7 Parking Areas

1. Parking areas shall meet the shoreline tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
2. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
3. In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (1) 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.
 - (2.) Internal travel aisles: Approximately twenty (20) feet wide.

17.8 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, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that

flows to a great pond classified GPA, and seventy-five (75) feet, 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 culvert 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, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Chapter 17.8.1 does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Chapter 17.8.1 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 the Resource Protection, Stream Protection and Limited Residential Zones 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 the Resource Protection, Stream Protection and Limited Residential Zones upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in the Resource Protection, Stream Protection and Limited Residential Zones the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
4. Road 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 Chapter 17.17.
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 (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:

(1) 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:

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

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

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

(4) 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.

17.9 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 pre-development conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas shall be retained in order to reduce runoff and encourage infiltration of stormwaters.

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

17.10 Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following: a) 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 a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

17.11 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, other than road-side distribution lines, is not allowed in a Resource Protection or adjacent to streams or outlet streams in the Shoreland Overlay 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.

17.12 Mineral Exploration

Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation.

All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Chapter 17.13.3 below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

NOTE: The State of Maine Solid Waste Laws, 38 M.R.S.A., section 1301 and the solid waste management rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.

- (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (4) In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

17.13 Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. 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.

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

NOTE: Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District office.

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

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 OPA; 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. 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.

NOTE: 17 M.R.S.A. section 2805(4) requires a municipality to provide the Commissioner of Agriculture, Food and Rural Resources with a copy of any proposed ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed ordinance and advise the municipality if the proposed ordinance would restrict or prohibit the use of best management practices. A copy of a shoreland zoning ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Food and Rural Resources.

17.14 Timber Harvesting

1. Within the strip of land extending seventy-five (75) feet inland from the normal high-water line in a Resource Protection Zone abutting a great pond there shall be no timber harvesting, except to remove safety hazards.
2. Except in areas as described in Chapter 17.15.1 above, timber harvesting shall conform with the following provisions:

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

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

2. At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clear-cut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clear-cut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

(2.) Timber harvesting operations exceeding the 40% limitation in Section 17.15.2.(1) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purpose of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

(3.) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, 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, or tributary stream, shall be removed.

(4.) Timber harvesting equipment shall not use stream channels as travel routes except when:

1. Surface waters are frozen; and

2. The activity will not result in any ground disturbance.
- (5.) 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.
- (6.) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- (7.) 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, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

17.15 Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection Zone abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.
 - (1.) Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district
 - (2.) Except in areas as described in Chapter 16.1, above, and except to allow for the development of permitted uses, within a strip of land extending two hundred and fifty (250) feet, horizontal distance, inland from the normal high-water line of a great pond classified (or a river flowing to a great pond classified OPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 1. There shall be no cleared opening greater than two hundred and fifty (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 tree or shrub crown.

However, a footpath not to exceed ten (10) feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.



2. 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 16.1(2)2 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 24 or more in each 25-foot by 50-foot rectangular (1250 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
<8 in.	2
8-<= 12 in.	4
12 in. or greater.	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 816 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains three four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

$$(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}$$

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;

- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 17.16.2.2 "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) 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 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

(3) 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 other permitted uses as described in Chapters 17.16.2 and 17.16.2.1 above.

(4) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

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

Chapter 17.16.2 above does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

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

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

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Chapter 17.16.

17.16 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 also 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:

- (1.) Mulching and revegetation of disturbed soil.
- (2.) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
- (3.) Permanent stabilization structures such as retaining walls or riprap.

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

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

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

- (1.) 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.
- (2.) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
- (3.) 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.

17.17 Soils

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

17.18 Water Quality

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

17.19 Archaeological Sites

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

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

TOWN
OF
HOLLIS MAINE
ORDINANCE
TO CREATE
A SINGLE ASSESSOR

Enacted: March 11, 2014

Certified Copy By: Maitha E. Dup

Ordinance to Create a Single Assessor

This Ordinance is enacted with the authority granted by 30-A M.R.S.A. § 2526(5)(B).

Effective at the close of the Annual Town Meeting of June 10, 2014, there shall be a single assessor appointed by the Board of Selectmen. The term of appointment shall be for three years (36 months). There will be a six month probationary period after the initial appointment of the Assessor. Prior to the expiration of the probationary period the Selectmen will conduct a performance review of the Assessor and may terminate the appointment with cause after notice and hearing. One (1) year after his/her initial appointment and on the first anniversary of any subsequent reappointment, the Selectmen will conduct a performance review and may terminate the contract with cause after notice and hearing. The salary, hours, and working conditions of the assessor shall be determined by the Board of Selectmen. The assessor reports to the Board of Selectmen and may be removed by the Board of Selectmen for cause after notice and hearing. Cause shall not include any disagreement with respect to an assessing practice employed by the assessor where such practice is generally accepted and lawful.

The Town Assessor is responsible for determining the valuation of all exempt and taxable, real and personal property in the municipality. This appraisal work involves gathering information by inspection, research, and examination of records, and using this information to determine the tax assessment of the property; executing official documents and assuring the accuracy and validity of the annual property tax commitment; determining the tax rate and preparing commitment; maintaining accurate assessment records; and extensive public contact.

Although appointed by the Board of Selectmen, the Assessor's duties and responsibilities are mandated by State Statute. The Assessor exercises considerable independent professional judgment and initiative in conducting work in accordance with M.S.R.S. Title 36. The position involves close cooperation with the Board of Selectmen and other Town departments concerning areas related to assessment functions.

Essential Duties and Responsibilities:

- 1) Plan, organize, direct and carry out the work of the assessing department.
- 2) Determine the assessment of taxes on properties in accordance with the laws, rules and regulations governing the assessment process.
- 3) Make inspections, as necessary, and review taxable personal property listings to determine the assessed value of machinery, equipment, furniture and fixtures.
- 4) Make on-site inspections of land and buildings.
- 5) Inspect building permit activity (e.g., new construction of homes, garages, sheds, additions, pools).
- 6) Research recorded deeds provided by the York County Registry of Deeds to establish the owner of record for the purpose of determining the correct tax liability and to certify same through commitment to the tax collector.

Ordinance to Create a Single Assessor

- 7) Maintain accurate assessment records, including data on all land, buildings and personal property.
- 8) Maintain good public relations by answering questions concerning property assessment and abatement from taxpayers, real estate brokers and appraisers, and by reviewing all valuation complaints in a professional manner.
- 9) Determine annually the status of all properties classified under the tree growth tax law, farmland and open space and properties exempted from taxation and issue correspondence and supplemental tax penalties as required by law.
- 10) Act on abatement requests and issue any supplemental assessments.
- 11) Answer questions from the public regarding assessing laws and regulations.
- 12) Adjust cards and maps to reflect transfers of real estate and adjust assessment records accordingly.
- 13) Request the services of Mapping Companies to update the Tax Maps.
- 14) Execute official documents as required by law.
- 15) Attend all Appeals to the York County Commissioners.
- 16) Submit to the Board of Selectmen the annual budget request of the department and other reports on departmental activity as required.
- 17) Continuously improve professional skills by study, membership in professional organizations, participation in seminars and conferences, and contacts with officials of other similar agencies and other knowledgeable professionals.
- 18) Operate computers, tape measures, and automobile.
- 19) Perform related work as may be required.
- 20) Ability to communicate effectively and professionally with taxpayers, Town Officials, and other agencies and members of the public.

Training and Experience Required:

- 1) Possess and maintain a valid Maine Assessor's Certificate.
- 2) Possess and maintain a valid License to Operate a Motor Vehicle.
- 3) One or more years experience in municipal assessing.

Knowledge, Skills and Abilities:

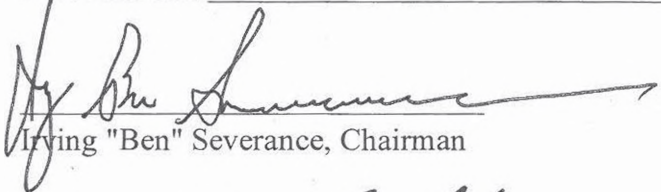
- 1) Thorough knowledge of the principles and practices of tax assessing as applied to the determination of land, building and personal property values for tax purposes.
- 2) Thorough knowledge of the laws and regulations governing assessment of property taxes for local tax purposes.
- 3) Ability to recognize and analyze factors which influence the value of properties.
- 4) Ability to successfully contact taxpayers, and to deal courteously with the public and to establish and maintain effective work relationships with Town officials, other employees, outside agencies and the public.

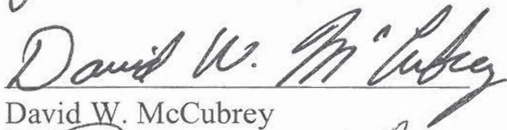
Ordinance to Create a Single Assessor

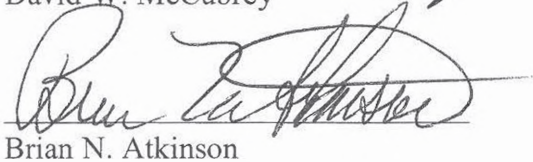
- 5) Ability to analyze and interpret laws, ordinances, rules and regulations.
- 6) Ability to keep records, to assemble and organize data, and to prepare standard reports from records.
- 7) Good judgment and decision making abilities.
- 8) Ability to communicate verbally and in writing to various and diverse groups and individuals.
- 9) Willingness to show initiative and discretion in the performance of duties.

This ordinance stands until either modified or revoked by the municipal legislative body.

Date Enacted: 3/11/14


Irving "Ben" Severance, Chairman


David W. McCubrey


Brian N. Atkinson

▼	§2526 PDF
▼	§2526 MS-WORD
▼	STATUTE SEARCH
←	CH. 121 CONTENTS
←	TITLE 30-A
	CONTENTS
←	LIST OF TITLES
▼	DISCLAIMER
←	MAINE LAW
←	REVISOR'S OFFICE
←	MAINE LEGISLATURE

A. A town may determine at a meeting of its legislative body held at least 90 days before the annual meeting whether a single assessor will be appointed under subparagraph (3) or a board of 3, 5 or 7 will be elected and the term of office of the assessor or assessors. In towns where the municipal legislative body is the town meeting, the determination is effective only if the total number of votes cast for and against the determination equals or exceeds 10% of the number of votes cast in the town at the last gubernatorial election.

(1) Once a determination has been made, it stands until revoked at a meeting held at least 90 days before the annual meeting.

(2) If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it is for one year.

(3) When a town has chosen a single assessor under this paragraph, the selectmen shall appoint the assessor for a term not exceeding 5 years. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. In addition to the method provided by paragraph A and notwithstanding the provision of any town charter to the contrary, the municipal officers of any town, or the municipal officers of 2 or more towns acting jointly, may enact an ordinance providing for a single assessor. The municipal officers shall appoint the assessor for a term not exceeding 5 years.

(1) Seven days' notice of the meeting at which the ordinance is to be proposed shall be given in the manner provided for town meetings.

(2) In towns where the municipal legislative body is the town meeting, the ordinance is effective immediately after the next regular town meeting if enacted at least 90 days before the meeting. The ordinance stands until revoked by the municipal legislative body or the municipal officers at a meeting held at least 90 days before the annual town meeting. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. When a town has not elected a full board of assessors, the selectmen shall serve as assessors as provided in Title 36, section 703. A selectman who is an assessor pursuant to this paragraph and Title 36, section 703 or any person who serves as both a selectman and a tax assessor may resign the position of assessor without resigning the office of selectman. The position of assessor must then be filled by appointment pursuant to

**SOLID WASTE ORDINANCE****1. Title and Purpose:**

This ordinance shall be known as the Solid Waste Ordinance for the Town of Hollis, Maine. This ordinance has several purposes: to preserve and protect environmental resources, to protect the health, safety and welfare of the public, to enhance the quality and character of life in the town, and to improve efforts to recover and reuse valuable resources currently being wasted.

2. Scope:

This ordinance applies to all domestic producers (residential) of solid waste in the Town of Hollis, Maine.

3. Authority:

This ordinance is adopted pursuant to the Home Rule powers granted in the Maine Constitution, 30-A M.R.S.A. 3001 et seq., and 38 M.R.S.A. 1301 et seq.

4. Definitions:

The definitions set forth in 38 M.R.S.A. } 11 03 apply to this ordinance and are incorporated herein.

For the purpose of the Ordinance, the following definitions shall be observed in the construction of this Ordinance.

- 4.1 "Acceptable Waste" shall mean ordinary household trash (See Appendix C for examples) and animal waste from household pets such as cats, dogs, and birds.

Any substances which are included as "Acceptable Waste", but which are later determined to be harmful, toxic, dangerous or hazardous by any governmental agency or unit having appropriate jurisdiction, shall not be "Acceptable Waste" under the terms of this Ordinance.

- 4.2 "Recyclable Materials" shall mean all cardboard, paperboard, plastics (# 1 thru #7), household metal cans, newspapers, magazines and glass containers.



- 4.3 "Board" shall mean the Board of Selectmen.
- 4.4 "Construction and Demolition Debris" shall mean
- a) Construction/demolition debris
 - b) Inert Fill
 - c) Land Clearing Debris
 - d) Wood waste
- 4.5 "Hazardous Waste" shall mean a waste substance or material in any physical state, designated as hazardous by the terms of the Waste Handling agreement and amendments thereto.
- 4.6 "Land Clearing Debris" shall mean solid wastes resulting from the clearing of land and consisting solely of brush, stumps, soil material and rocks.
- 4.7 "Recyclable" shall mean possessing physical and economic characteristics that allow a material to be recycled.
- 4.8 "Resource Recovery" shall mean the recovery of materials or substances that still have useful physical or chemical properties after serving a specific purpose and can be reused or recycled for the same or other purposes.
- 4.9 "Solid Waste" shall mean useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse-derived fuel, scrap materials, junk, refuse, inert fill material and landscape refuse but shall not include septic tank sludge nor agricultural, Biomedical or Hazardous Wastes; it shall include Construction and Demolition Debris as defined herein. The fact that a Solid Waste or constituent of the waste may have value or other use or may be sold or exchanged does not exclude it from this definition.
- 4.10 "Solid Waste Disposal Facility" shall mean a solid waste facility for the incineration or land filling of solid waste or refuse-derived fuel. Facilities that incinerate material-separated, refuse-derived fuel, either alone or in combination with fuels other than municipal solid waste or refuse-derived fuels, are not solid



waste disposal facilities.

4.11 "Special Waste" shall mean any solid waste generated by sources other than domestic and typical commercial establishments that exist in such an unusual quantity or in such a chemical or physical state, or any combination thereof, that may disrupt or impair effective waste management or threaten the public health, human safety, or the environment and requires special handling, transportation, and disposal procedures. Special waste includes, but is not limited to the following:

- A. Oil, coal, wood and multi-fuel boiler and incinerator ash;
- B. Industrial and industrial process waste;
- C. Waste water treatment plant sludge, paper mill sludge, and other sludge waste;
- D. Debris and residuals from non-hazardous chemical spills and the cleanup of those spills;
- E. Contaminated soils and dredge spoils;
- F. Asbestos and asbestos-containing waste;
- G. Sand blast grit and non-liquid paint waste;
- H. High and low pH waste;
- I. Spent filter media and residue; and
- J. Other waste designated by the board, by rule.

4.12 "Unacceptable Waste" shall mean that portion of Waste which is not Acceptable Waste and includes, but is not limited to, sewage and its derivatives, agricultural waste, biomedical waste, construction and demolition debris, special nuclear or by-product materials within the meaning of the Atomic Energy Act of 1954, as amended, hazardous waste, automobile parts, bicycles, tricycles, wagons, swimming pool frames, swimming pool slides, lawn furniture, household or office furniture, charcoal or gas grills, propane canisters, lawn mowers or lawn care equipment, household appliances, electronics or yard waste.

4.13 "Waste" shall mean solid waste, biomedical waste, hazardous waste, agricultural waste and septic tank sludge, and include both Acceptable and Unacceptable Wastes.



- 4.14 "Waste Oil" shall mean a petroleum-based or synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of impurities or loss of original properties. Waste oil that exhibits hazardous wastes characteristics, or has been contaminated with hazardous wastes in excess of quantities normally occurring in waste oil, is subject to the provisions of the chapter dealing with hazardous wastes.
- 4.15 "Wood Wastes" shall mean brush, stumps, lumber, bark, woodchips, shavings, slabs, edgings, slash and sawdust, which are not mixed with other waste.
- 4.16 "Yard Wastes" shall mean grass clippings, leaves and other vegetal matter other than wood wastes and land clearing debris.

5. Solid Waste Disposal

5.1 Solid waste pick-up of residential household trash, recyclables, and animal waste from household pets shall be curbside on the same day, one day per week, with that day to be determined by residence location within the Town of Hollis. At this time, the Town of Hollis is divided into four pickup zones.

*Residents on dead end roads and private ways must bring their trash to the end of the road with trash bagged and placed in barrels, recyclables in plastic containers or barrels, animal waste packaged per section 5.2C, and with residence 911 address marked on all containers.

5.1A Containers and/or bags should be placed at curbside, within four feet of the road, **NO EARLIER** than 4 PM the evening prior and **NO LATER** than 6 AM of the scheduled pick- up day.

Explanation: When trash is brought curbside too early, animals may be attracted and elemental effects occur. Precipitation increases weight, and wind can scatter debris if containers/bags are torn or open. First-time offenses will be issued warnings for littering; repeat offenses may incur citations.

5.2 The Town of Hollis requires solid waste to be separated into household trash, recyclables, and animal waste from household pets.



5.2A Household trash must be bagged and bags must be tied. Bags of trash must weigh **35** pounds or less. No loose trash will be picked up. Containers should be no larger than **32** gallons and have handles. It is recommended that bags of trash be put in containers. Multiple bags may be put in the container.

No more than six (6) 13- gallon bags or three (3) 32 gallon cans, or any combination reaching a total of 96 gallons of Acceptable Curbside Waste shall be picked up per week per household.

5.2B Recyclables need not be sorted and should be loose inside a plastic barrel or plastic container marked "recycle". Recyclables will be picked up weekly on the same day as household trash pick-up. Containers should be no larger than **32** gallons and have handles. Containers with recyclables must weigh **35** pounds or less. Recyclable items such as cardboard must be no larger than **18" X 24"**. If items are bundled, they must be **12"** thick or smaller. Shredded paper should be placed in a sealed clear or white bag.

5.2C Animal Waste must be sealed in a plastic bag and then placed in a second plastic bag in a five gallon pail with a handle. The pail of animal waste must weigh **35** pounds or less.

5.3 Household trash containing any recyclable material may not be picked up. A sticker or note may be applied to the container or contents with the reason for non-collection.

5.4 See Appendix A for list of items that are not household trash nor recyclables and where to take such items.

5.5 See Appendix B for definitions of Residential and Commercial uses.

6. Administration and Enforcement:

The Board of Selectmen, or their duly appointed agents, shall administer and enforce this ordinance. The Board shall adopt written regulations governing the curbside pick-up of both household trash and recyclables. The Board has the further authority to negotiate and contract with any person, corporation, agency, partnership, or other entity for the pick-up of household trash and recyclables.



APPENDIX A

What is NOT Residential Trash?

NO bicycles, tricycles, wagons, swimming pool frames, swimming pool slides, etc.
NO lawn furniture, tables, chairs, lounges, charcoal grills, gas grills, propane canisters, etc.

NO lawn mowers, rototillers, seed spreaders, aerators, metal rakes, metal shovels, metal hoes, hose reels, power tools of any kind, etc.

NO office furniture, chairs, bookcases, file cabinets, desks, typewriters, etc.

NO household furnishings, desks, chairs, couches, tables, end tables, lamps, rugs, wall to-wall carpeting, mattresses, box springs, bed frames, plant pots, statues, figurines, etc.

NO household appliances, stoves, refrigerators, microwave ovens, broilers, toasters, mixers, radios, vacuum cleaners, coffee makers, etc.

NO electronics, televisions, computers, printers, fax machines, telephones, monitors, photo copiers, scanners, record players, CD players, VCR's, etc.

NO building or construction debris, wood, plywood, particle board, wafer board, masonite, MDF board, sheetrock, cement, cement blocks, bricks, asphalt roof shingles, metal roofing, vinyl siding aluminum siding, asbestos siding, windows, doors, sky lights, hearths, moldings, sinks, faucets, toilets, tubs, showers, counter tops, paneling, ceramic tiles, building insulation of any kind, etc.

NO yard waste, leaves, grass clippings, brush, branches, limbs, tree trunks, roots, stumps, etc.

NO hazardous materials, this includes, but is not limited to: fluorescent light bulbs, thermometers (with mercury), thermostats (with mercury, light switches (with mercury), antifreeze, oils, and solvent, chemicals, paints, any batteries, insecticides, fertilizers, etc.

NO Automotive or any type of vehicle parts including tires.

IT'S THE LAW! Maine Revised Statutes, Title 38, Chapter 16-B, §1663. Disposal Ban. After July 15, 2002, a person may not knowingly place a mercury-added product in solid waste for disposal in a solid waste disposal facility.

This means you may not place any type of fluorescent bulb, thermostats containing mercury, thermometers containing mercury, televisions or computer monitors in our curbside, household trash.



Violations of this ordinance shall be enforced with the provisions of 30-A M.R.S.A. 4452 as land use violations. The Penalties set forth -in 30-A M.R.S.A. }4452 shall apply to violations of this ordinance. In addition to the foregoing penalty provisions, any household that fails to separate recyclables from household trash may be denied trash pick-up until recyclables are separated from household trash.

7. Amendments:

This ordinance may be amended as provided in 30-A M.R.S.A. 3004(4).

8. Severability and Effective Date:

If any provision of this ordinance is found by a court of competent jurisdiction to be unenforceable, the remaining provisions shall continue in full force and effect.

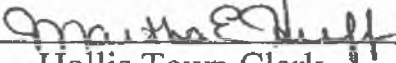
The effective date of this Solid Waster Ordinance shall be July 1, 2013.

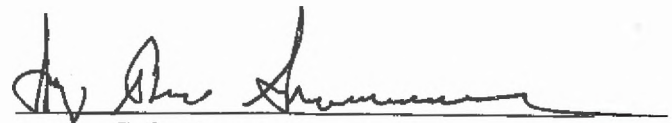
First Enacted: June 13, 2007

Amended: June 14, 2011

Amended: June 11, 2013

Adopted this 11th day of June, 2013

Attest: 
Hollis Town Clerk


Selectman


Selectman

Selectman

Appendix A (Continued)

This page supplements page 8 with updated information as of June 2014 for the website. The Waterboro Transfer Station no longer accepts waste from Hollis residents. The businesses listed below accept Solid Waste from Hollis Residents for a fee that the user pays.

Solid Waste Disposal Facilities

ECOMAINE - 773-1738

64 Blueberry Road
Portland, ME 04102

www.ecomaine.org

Commercial customers are required by ordinance to utilize ECOMAINE and purchase annually a Town of Hollis Hauler Permit, December 2014.

Riverside Recycling -797-6200

910 Riverside Street
Portland Maine

www.Riversiderecycles.com/pricing

Riverside accepts mixed loads of waste.

**Community Recycling Center-- 8 Runway Drive, Scarborough, ME
(items must be sorted) 885-9093**



APPENDIX B

Residential vs. Commercial

- A) **Apartment building:** any building with 2 or more dwelling units, none of which is the primary residence of the owner of the building. **Example:** A duplex with the owner living in half of the home, it will not be considered commercial however if the owner of the duplex is not a resident in the building it will be considered commercial. Likewise a building with 3 dwelling units or more will be considered commercial whether or not the owner lives in the building. **Commercial**
- B) **Dwelling unit:** a room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or RV's. **Residential**
- C) **Duplex:** a detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families. **May be Commercial**
- D) **Family:** one (1) or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding-house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.
- E) **Boarding House:** a residential structure providing individual sleeping accommodations but not individual kitchen facilities. Meals are prepared and served to only members in residence in a common eating area. No supervision, medical treatment or rehabilitation is provided as an accessory use. **Commercial**
- F) **Hotel:** a commercial establishment offering lodging to transients on a day to day basis, and often having as accessory uses; eating and drinking areas, public rooms, retail and service businesses that are also available to the general public. By definition, hotel shall also include motel, motor hotel, motor inn and motor lodge. **Commercial**



G) **Business:** any income producing enterprise.

H) **Home Occupation:** an occupation or profession, which is customarily carried on in a dwelling unit or accessory building by a member of the family residing in the dwelling unit. Clearly incidental and secondary to the use of the dwelling unit for residential purposes.

Home Occupations will be considered residential as long as the business portion does not create more solid waste that the dwelling unit itself creates. Example: dwelling unit with a family of three (3) creates 2-3 trash bags of waste a week--if another dwelling unit of the same size family with a home occupation creates 2-4 bags a week, it is OK, but if it creates 4-7 bags per week, the selectmen will notify that home occupation that it does not qualify, and they will have to be treated as commercial waste producers. **May be Commercial**

I) **Trailer Park** (also known as **Mobile Home Park**): a plot of land laid out to accommodate at least two (2) mobile homes. Each lot being for rent or lease to owner of mobile home. **Commercial**

APPENDIX C

Examples of Household Trash

Discarded Clothing:

Bedding, including sheets, blankets, and pillowcases, but not including mattresses or box springs.

Food Waste - if not home composted

Food Packaging Material (which cannot be recycled)

Styrofoam Packaging Material



TOWN OF HOLLIS

SPECIAL AMUSEMENT ORDINANCE

Article 1: Title, Purpose & Definition

Section 101: TITLE

This Ordinance shall be known and may be cited as the Special Amusement Ordinance of the Town of Hollis, Maine.

Section 102: PURPOSE

The purpose of this Ordinance is to control the issuance of special permits for music, dancing or entertainment in facilities licensed by the State of Maine to sell liquor as required by 29 MRSA 702.

Section 103: DEFINITIONS

103.1 – Entertainment. For the purpose of this Ordinance, “entertainment” shall include any amusement, performance, exhibition or diversion for patrons or customers of the licensed premises whether provided by professional entertainers or by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value.

103.2 – Licensee. For purposes of this Section, “licensee” shall include the holder of a license issued under the Alcoholic Beverages Statutes of the State of Maine, or any person, individual, partnership, firm, association, corporation or other legal entity, or employee of any such licensee.

Article II: General

Section 201: PERMIT REQUIRED

No licensee for the sale of liquor to be consumed on his licensed premises shall permit, on his licensed premises, any music, except radio or other mechanical device, any dancing or entertainment of any sort unless the licensee shall have first obtained from the municipality in which the licensed premises are situated a special amusement permit signed by at least a majority of the municipal officers.

Applications for all special amusement permits shall be made in writing to the municipal officers and shall state the name of the applicant; his residence address; the name of the business to be conducted; his business address, the nature of his business; the location to be used; whether the applicant has ever had a license to conduct the business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners or corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe specifically those circumstances; and any additional information as may be needed by the municipal officers in the issuing of the permit, including but not limited to a copy of the applicant's current liquor license.

No permit shall be issued for any thing, or act, or premises, if the premises and building to be used for the purposes do not fully comply with all ordinances, articles, bylaws, or rules and regulations of the municipality.

The fee for a special amusement permit shall be \$ 100.00

The municipal officers shall, prior to granting a permit and after reasonable notice to the municipality and the applicant, hold a public hearing within 15 days of the date of the request was received, at which the testimony of the applicant and that of any interested members of the public shall be taken.

The municipal officers shall grant a permit unless they find that the issuance of the permit will be detrimental to the public health, safety or welfare, or would violate municipal ordinances, or rules and regulations, articles, or bylaws.

A permit shall be valid only for the license year of the applicant's existing liquor license.

Section 202: INSPECTIONS

Whenever inspections of the premises used for or in connection with the operation of a licensed business which has obtained a special amusement permit and reasonably necessary to secure compliance with the ordinance or any rules and regulations established pursuant to it, it shall be the duty of the licensee, or the person in charge of the premises to be inspected, to admit any officer, official or employee of the municipality authorized to make the inspection at any reasonable time that admission is requested.

In addition to any other penalty which may be provided, the municipal officers may revoke the special amusement permit of any licensee in the municipality who refuses to permit any such officer, official, or employee to make an inspection, or who interferes with such officer, official, or employee while in the performance of his duty. Provided, that no license or special amusement permit shall be revoked unless written demand for the inspection is made upon the licensee or person in charge of the premises, at the time it is sought to make the inspection.

Section 203: SUSPENSION OR REVOCATION OF A PERMIT

The municipal officers may, after a public hearing preceded by notice to the interested parties, suspend, or revoke any special amusement permits which have been issued under this Ordinance on the grounds that the music, dancing, or entertainment so permitted constitutes a detriment to the public health, safety, or welfare, or violates any municipal ordinances, articles, bylaws, or rules and regulations.

Section 204: RULES

The municipal officers are hereby authorized, after public notice and hearing, to establish written rules and regulations governing the issuance, suspension and revocation of special amusement permits, the classes of permits, the music, dancing, or entertainment permitted under each class, and other limitations on these activities required to protect the public health, safety and welfare. These rules and regulations may specifically determine the location and size of permitted premises, the facilities that may be required for the permitted activities are permitted. Such rules and regulations shall be additional to and consistent with all sections of this Ordinance.

Section 205: PERMIT AND APPEAL PROCEDURES

- 205.1 Any licensee requesting a special amusement permit from the municipal officers shall be notified in writing of their decision no later than twenty (20) days from the date his request was received. In the event that a licensee is denied a permit, the licensee shall be provided with the reasons for the denial in writing. The licensee may not reapply for a permit within 30 days after an application for a permit which has been denied.
- 205.2 Any licensee who has requested a permit and has been denied or whose permit has been revoked or suspended may within 30 days of the denial, suspension or revocation, appeal the decision to the municipal board of appeals as defined in 30 MRSA 2411. The municipal board of appeals may grant or reinstate the permit if it finds that the permitted activities would not constitute a detriment to the public health, safety, or welfare, or that the denial, revocation or suspension was not based on a preponderance of the evidence of a violation of any ordinance, article, bylaw or rule or regulation of the municipality.

Section 206: ADMISSION

A licensed hotel, Class A restaurant, Class A tavern or restaurant malt liquor licensee who has been issued a special amusement permit may charge admission in designated areas approved by the municipal special amusement permit.

Article III: Penalty, Separability and Effective Date

Section 301: PENALTY

Whoever violates any of the provisions of this Ordinance shall be punished a fine of not more than One Hundred Dollars (\$100) for the first offense, and up to Two Hundred Dollars (\$200) for the subsequent offenses, to be recovered, on complaint, to use the Town of Hollis.

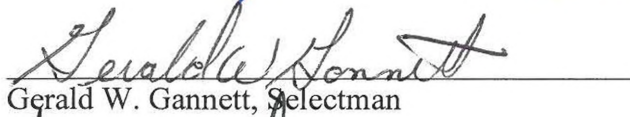
Section 302: SEPARABILITY

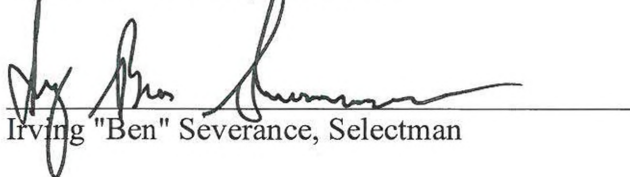
The invalidity of any provision of this Ordinance shall not invalidate any other part.

Section 303: EFFECTIVE DATE

The effective date of this Ordinance shall be June 10, 2008


Stuart B. Gannett, Selectman


Gerald W. Gannett, Selectman


Irving "Ben" Severance, Selectman

Enacted at Town Meeting
June 10, 2008


Claire M. Dunne, Town Clerk

Article 40: Shall the Special Amusement Ordinance of the Town of Hollis be amended as follows:

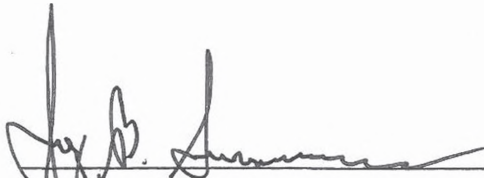
Article II: General, Section 201, Paragraph 4 reads:

The fee for a special amusement permit shall be \$10.00.


PROPOSED:

The fee for a special amusement permit shall be \$100.00.

DATED: APRIL 30, 2008



Irving B. Severance



Stuart B. Gannett, Sr.

Cerald W. Gannett

A Majority of the Selectmen

Attest to be a true copy

Subdivision Regulations of the Town of Hollis, Maine

History:

First Adopted: 1990

Revised and Adopted:

March 28, 2006

September 18, 2007

June 16, 2009

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Article 1. PURPOSES

The purposes of these regulations are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Hollis, to protect the environment, and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Hollis, Maine, the Planning Board shall consider the following criteria, and before granting approval, shall make findings of fact that the provisions of these regulations have been met and that the proposed subdivision will meet the guidelines of Title 30-A M.R.S.A., §4404 (see Appendix A). The subdivision:

- 1.1 Will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal, the slope of the land and its effect on effluents, as well as any applicable State and local health and water resource rules and regulations;
- 1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;

- 1.3 Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- 1.4 Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water;
- 1.5 Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- 1.6 Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways and existing or proposed public roads in Hollis, and in an adjacent town where a proposed subdivision crosses municipal boundaries;
- 1.7 Will provide for adequate solid and sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized;
- 1.8 Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat, or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline, as identified in the Comprehensive Plan;
- 1.9 Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan or land use plan;
- 1.10 Will be developed by a subdivider with adequate financial and technical capacity to meet the standards and requirements in the Subdivision Regulations;
- 1.11 Is in conformance with the Town of Hollis Shoreland Zoning Ordinance;

- 1.12 Will be developed so that all principal structures within the subdivision shall be constructed with their lowest floor, including the basement, at least *one foot* above the 100-year flood elevation in accordance with Hollis Ordinances;
- 1.13 Will provide for adequate storm water management.

Article 2. AUTHORITY AND ADMINISTRATION

2.1 Authority

- A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. These standards shall be known and may be cited as "Subdivision Regulations of the Town of Hollis, Maine"

2.2 Administration

- A. The Planning Board of the Town of Hollis, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all property proposed for subdivision, as defined in Title 30-A M.R.S.A., §4401, within the boundaries of the Town of Hollis.

2.3 Approval of Regulations

- A. These Regulations are written to be adopted as Regulations by the Hollis Planning Board under the provisions of Title 30-A M.R.S.A., §4403

Article 3. DELETED

This section is intentionally blank

Article 4. ADMINISTRATIVE PROCESS

- 4.1 Purpose. The purpose of this Article is to establish an orderly, equitable, and expeditious procedure for reviewing subdivision applications.
- 4.2 Agenda. In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda by contacting an agent of the Board. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. New applicants' requests shall be considered on a first-come basis as they are received as New Business, and as the agenda allows. Old Business takes priority over New Business.
- 4.3 Complete Application. The responsibility for submitting a complete application is with the applicant. The responsibility for finding the application complete is with the Planning Board. If the Board finds an application incomplete, it may, at its own discretion, decide to either remand the application back to the applicant, or accept it as meaningfully complete, with the condition that any incomplete items be remedied prior to any future hearings on that application.
-
- 4.4 Site Walk, Site Visit, or On-Site Inspection, these are considered public meetings requiring public notice. These are for observation and informational fact-finding. Because these are not regularly scheduled meeting; public notice shall include posting in three conspicuous locations around town and one publication in a local newspaper at least 7 days prior to the inspection. During such visits, the Board Secretary shall make notes of comments of fact or observations by the Board Members or others attending, to be entered into record and copied to the applicant. During a site visit, no deliberations on the status of the application shall be entered into the record, and such conversation should be avoided.
- The site visit is intended to acquaint the Board with site conditions. Once the ground is covered with snow, site walks will not be performed.
- 4.5 Input solicited from the various boards and departments (e.g., the Board of Selectmen, Fire Department, Road Commissioner, etc.) is important to the meaningful processing of applications. If the Board determines that such information is critical to making a well-reasoned decision, inaction by another board or department is not cause to make a decision without the information. It is the responsibility of the applicant to procure the response, whether through direct contact with the board or department, or through a complaint to the Selectmen, or, as a last resort, through a mutually agreed upon independent consultant. The Board shall not unreasonably deny approval if this situation cannot be resolved.
- 4.6 The responsibility for proving that an application conforms to the requirements of these regulations and all other town ordinances and regulations rests with the applicant. If the Board determines that there is a preponderance of evidence either in favor of or against an application, it shall rule in such direction.

- 4.7 Goals of the procedure for minor subdivisions. Below are the goals of each level of application, and are presented as an overview of the application and review process. They are not intended to be binding requirements on the Board.

A. Sketch Plan for Minor Subdivisions

1. Confirm that the application is complete , and that the fee has been paid, and that the Treasurer has established an escrow account .
2. Notify the abutters that an application for subdivision had been received.
3. Present the Board with a sketch plan showing the geometry of the development.
4. Establish whether the development will be a cluster, PUD, or standard subdivision, or a combination thereof.
5. Confirm the status as a minor subdivision.
6. Identify any major impacts that affect the planning, layout, and development of the land.
7. Identify special submittals that will be required for the next level of application.
8. Identify the level of review that will be required for the next level of application.
9. Advise the applicant whether to prepare alternative development scenarios before proceeding to the next level of review, or to prepare an application.
10. Schedule an on-site inspection, and forward the comments from Board members to the file and to the applicant.

B. Optional Plan Review Meeting for Minor Subdivisions

1. Review the applicant's plans for the final submission, and discuss implementation of comments from the Sketch Plan review.
2. This meeting is informational and for coordination only.
3. If the Board advises the applicant that the plans do not meet the intent of the comments made at the Sketch Plan meeting, they may schedule an additional Final Plan Review Meeting prior to accepting an application for Final Plan.

C. Final Plan for Minor Subdivisions

1. Confirm that the application and submittals are complete and timely.
2. Schedule a public hearing. Notify the public, that an application is under review and that a public hearing is scheduled.
3. Notify the officers and committees of the Town that the application is under review and that their comments are invited.
4. Engage third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.
5. Receive and review comments from a public hearing.
6. Receive and review comments on the application by individual members of the Board.
7. Receive and review comments from the officers and committees of the Town.
8. Receive and review comments from third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.

9. Receive and review requests for waivers from the applicant, and approve, deny, or table any such requests.
10. Receive, review, and comment on a plan for performance guarantees from the applicant.
11. Confirm that the applicant is not in violation of a previously approved plan.
12. Review and confirm that the information the applicant has provided is accurate, complete, and conforms to the Town ordinances and regulations, and any other laws applicable to the application and the review process.
13. Present the applicant with conditions required upon approval.
14. Approve or deny the plan, with a finding of fact supporting the Board's decision.

4.8 Goals of the procedure for major subdivisions. Below are the goals of each level of application, and are presented as an overview of the application and review process. They are not intended to be binding requirements on the Board.

A. Sketch Plan for Major Subdivisions

1. Confirm that the application is complete, and that the fee has been paid, and that the Treasurer has established an escrow account.
2. Notify abutters that an application for a subdivision has been received.
3. Present the Board with a sketch plan showing the geometry of the development.
4. Establish whether the development will be a cluster, PUD, or standard subdivision, or a combination thereof.
5. Confirm the status as a major subdivision.
6. Identify any major impacts that affect the planning, layout, and development of the land.
7. Identify special submittals that will be required for the next level of application.
8. Identify the level of review that will be required for the next level of application.
9. Advise the applicant whether to prepare alternative development scenarios before proceeding to the next level of review, or to prepare an application.
10. Schedule an on-site inspection, and forward the comments from Board members to the file and to the applicant.

B. Preliminary Plan for Major Subdivisions

1. Confirm that the application and submittals are complete and timely.
2. Schedule a public hearing. Notify the public, including abutters, that an application is under review and that a public hearing is scheduled.
3. Notify the officers and committees of the Town that the application is under review and that their comments are invited.
4. Engage third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.
5. Receive and review comments from a public hearing.
6. Receive and review comments from the individual members of the Board.

7. Receive and review comments from the officers and committees of the Town.
8. Receive and review comments from third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers, and State agencies.
9. Review and confirm that the information the applicant has provided is accurate, complete, and conforms to the Town ordinances and regulations, and any other laws applicable to the application and the review process.
10. Receive and review requests for waivers from the applicant, and approve, deny, any such requests.
11. Receive review, and comment on a plan for performance guarantees from the applicant.
12. Discuss conditions that may be required upon approval of a final plan.
13. Approve or deny the plan, with a finding of fact supporting the Board's decision.
14. If approved, the board shall present the applicant with a list of comments, suggested changes and submittals required for the final plan. Such a list does not preclude the board from later revisiting any material item already considered in this level of application.

C. Final Plan for Major Subdivisions

1. Confirm that the application and submittals are complete and timely.
2. Confirm and review approvals from higher reviewing departments, and agencies at County, State and Federal levels.
3. Receive and review the applicant's responses to the Board's comments, and suggested changes and submittals from the Preliminary Plan review.
4. Determine whether an additional public hearing is warranted, if so, hold a public hearing.
5. Notify adjacent towns of the public hearing, and meet with adjacent towns, if warranted.
6. Confirm that the applicant has met performance guarantee requirements.
7. Confirm that the applicant is not in violation of a previously approved plan.
8. Review and confirm that the information the applicant has provided is accurate, complete, and conforms to the Town ordinances and regulations, and any other laws applicable to the application and the review process.
9. Approve or deny the plan, with a finding of fact supporting the Board's decision.

4.9 Departures

- A. If there are any meaningful departures from these goals resulting from changes desired by the applicant or as a result of necessary information not made available to the Board at any level of application, the Board may return the application to the previous level approved by the Board, or delay the final decision date by the Board. This determination is at the discretion of the Board in conformance with these regulations.

B. The guidelines established above are goals to be achieved through cooperation of the applicant, and are set out as a guide to both the applicant and the Board through the review process. They are not necessarily binding or complete, and the Board may depart from them in conformance with these regulations.

Article 5. SKETCH PLAN FOR ALL SUBDIVISIONS

The Sketch Plan stage is prior to the application. This is an informal presentation of the subdivision, and is intended to allow the applicant to present general information regarding the proposed subdivision layout and concepts to the Board and receive the Board's comments prior to the expenditure of substantial sums of time and money on surveying, soils identification, and engineering by the applicant. This is a time for casual discussion, to test the possibility of creative ideas being accepted, and for feedback from the Board on suggestions about alternative designs and interpretation of the Regulations and Ordinances.

It is suggested that the applicant bring alternative designs, and be prepared to alter the layout on the basis of these conversations.

5.1 Procedure

- A. An Applicant's request to be on the agenda must be accompanied by a complete Application and payment of all fees. Upon request of an application, the Board shall issue an dated receipt to the applicant and notify all owners of abutting property that an application for a subdivision has been received.

- B. The fees shall be deposited into an escrow account, as established by the Treasurer. Expenses will deducted from this account as they are incurred. If the account drops below the threshold, as established by the Selectmen, the project will be tabled until the escrow account is replenished. The Selectmen shall set the initial payment, minimum account balance, and replenishment rate.
- C. Applicant presentation and submission of a Sketch plan expressing the applicant's concept of the subdivision. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
- D. Scheduling of on-site inspection by the Board, if desired.

5.2 Submission.

- A. The applicant shall demonstrate proof of ownership or interest in the property. If an agent or representative of the owner or subdivider is presenting the application, that representative shall present to the Board authorization signed by the applicant.
- B. The Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan may be a freehand penciled sketch. It should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. The sketch plan must be clearly labeled "Sketch Plan" and "dated".
- C. The sketch plan shall be accompanied by a copy of the Assessor's Map(s) on which the land is located.

- D. The Sketch Plan shall be accompanied by a copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision.
- E. A copy of the soil map from the USDA Soil Conservation Service survey.
- F. All subsequent submissions shall contain annotations listing the revisions made.
- G. Ten (10) copies of the sketch plan and all supporting materials must be submitted ten (10) days prior to a regularly scheduled Planning Board meeting, in order to be placed on the Board's agenda.
- H. The sketch plan shall show, as a minimum, in simple sketch form, the proposed layout of the streets, lots, buildings and other features in relation to existing conditions. The sketch plan, which does not have to be engineered and may be a free hand penciled sketch, shall show site conditions such as steep slopes, wet areas and vegetative cover in a general manner. The sketch plan shall be supplemented with a written project narrative, with general information to describe or outline the existing conditions of the site and a full description of the proposed development. The narrative should include general proposals for how any common areas and infrastructures will be managed and maintained. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The sketch plan shall be accompanied by:

5.3 Contour Interval and On-Site Inspection.

- A. Within thirty days of the approved sketch plan meeting, the Board shall schedule a site walk and determine and inform the applicant of the required contour interval to be included on the preliminary Plan Submittal.
- B. The Board may hold an on-site inspection of the property. Prior to the on-site inspection, the applicant shall place 'flagging' at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. If the proposed project includes buildings, the approximate corners of the building footprints shall be "flagged." The Board may choose not to conduct on-site inspections when there is inclement weather or snow on the ground. On-site inspection notices shall be posted with regular Board meeting agenda. A summary of the site-walk and attendees will be placed in the applicants file as noted.
- C. Test pits, site features and items listed in item 5.3B above shall be clearly flagged to coincide with the information submitted.

~~5.4 Rights not Vested. The submittal or review of the Sketch Plan 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.~~

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

Article 6. FINAL PLAN FOR MINOR SUBDIVISIONS

- 6.1 General. The Board may require, where it deems it necessary for the protection of public health, safety, and welfare, that a Minor Subdivision comply with all or any of the submission requirements for a Major Subdivision.
- 6.2 Procedure.
- A. Within six months after the submission of the Sketch Plan to the Board, the subdivider shall submit an application for approval of a Final Plan at least fourteen days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. Prior to the submission and presentation of the Final Plan to the Board for final approval, the subdivider, or his duly authorized representative, shall attend a Final Plan Review meeting of the Board to present implementation of ~~comments from the Sketch Plan review, findings of fact and conditions.~~ The Board may waive this step at the request of the applicant.
- C. Within thirty days of receipt of the Final Plan submittal, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- D. Upon determination that a complete application has been submitted for review, the Board shall hold a public hearing on the application submittal. The Board shall hold the public hearing within thirty days of this determination. The Board shall publish 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 shall be at least seven days prior to the hearing.
- E. Within thirty days of a public hearing, or within sixty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions.

- A. For review, paper "blue line" or photocopies of the plan are acceptable. If approved, the final plan for a Minor Subdivision shall consist of a reproducible, stable based transparent original to be recorded at the Registry of Deeds and three copies to be filed at the Municipal Office. The Plan shall be drawn to a scale of not more than one hundred feet to the inch. The Board may allow plans for subdivisions containing more than one hundred acres to 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 border on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Ten copies, of the plan and all information accompanying the plan, shall be submitted.

- B. The application for approval of a Minor Subdivision shall include the following information:
 1. A location map 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:~~
 - a. Existing subdivisions in the proximity of the proposed subdivision.
 - b. Locations and names of existing and proposed streets.
 - c. Boundaries and designations of zoning districts.
 - d. An outline of the proposed subdivision and any remaining portion of the owner's property if the plan submitted covers only a portion of the owner's entire contiguous holding.
 2. Proposed name of the subdivision, or identifying title, and the name of the Town of Hollis, plus the Assessor's Map and Lot numbers.
 3. Verification of right, title, or interest in the property.
 4. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument to be set or found at each lot corner.
 5. A copy of the deed from which the survey was based. A copy of all covenants, easements, rights-of-way, or other encumbrances currently affecting the property. Deed restrictions shall not be added to the plan.
 6. A copy of all covenants and deed restrictions intended to cover all or part of the lots in the subdivision. The plan shall reference these covenants and deed restrictions, and include the statement, "The Town of Hollis is not responsible for enforcing covenants and deed restrictions."
 7. 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 pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted. Test pits must be marked with semi permanent markers i.e., pipes, stakes, etc.

8. Indication of the type of water supply system(s) to be used in the subdivision.
 - a. 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.
 - b. If a common water supply is used, the Board will require additional information from the applicant.
9. The date the Plan was prepared, true and magnetic north points, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.
10. A copy of the portion of the York County Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, wetlands and other essential existing physical features shall be delineated on plan.
12. Contour lines at a five-foot interval showing elevations in relation to Mean Sea Level, unless otherwise specified by the Board.
13. The boundaries of any flood hazard areas and the 100-year flood elevation, all wetlands regardless of size, all slopes in excess of 20%, and all land in a Resource Protection Zone shall be delineated on the plan.
14. 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 the 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, Map No.4; or
 - b. The subdivision has an average density of less than 80,000 square feet per dwelling unit.
15. A soil erosion and sedimentation control plan shall be submitted.
16. If required by the Board, a storm water management plan shall be prepared by a Professional Engineer. (See Article 12).
17. Road construction and storm drainage design shall be in accordance with Article 12.
18. At the discretion of the Board, but in all cases where road construction is proposed (other than driveways), the applicant shall submit a proposal to provide performance guarantees to meet the requirements of Article 13 of these regulations.

6.4 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan.
- 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 members voting to approve the subdivision shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board, as part of its permanent records, shall retain one copy of the signed plan. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. 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 X10. The Board shall make findings that the revised plan meets the standards of Title 30-A M.R.S.A., §4404, and 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.
- D. The approval, by the Board, of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- E. All copies of the Final Plans for Approval and signature must contain the following note:
- 1. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.*

Article 7. SKETCH PLAN FOR MAJOR SUBDIVISIONS

7.1 Procedure.

- A. The subdivider shall all necessary materials and request to be on the agenda at least 7 days to a scheduled meeting of the Board.
- B. Within thirty days of receipt of a Preliminary Plan application form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- C. . The Board shall determine whether to hold a public hearing on the Sketch Plan application. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining a complete application has been submitted. Notice of the Public Hearing date, time, and place shall appear 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. ~~When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least ten days prior to the hearing.~~
- D. The Board shall, within thirty days of a public hearing, or within sixty days of determining a complete application has been submitted, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- E. 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, in the Board's, opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 3. The amount of all performance guarantees which it will require as a prerequisite to the approval of the Final Plan;
- H. Approval of a Preliminary Plan shall not constitute approval of 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 of the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision or as a result of new information received.

7.2 Submissions.

- A. Location Map. The Preliminary Plan shall be accompanied by ten copies of a Location Map 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.
- B. Preliminary Plan. The Preliminary Plan shall be submitted in ten 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. The Board may allow plans for subdivisions containing more than one hundred acres to be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. . The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:
1. Proposed name of the subdivision and the Town of Hollis, plus the Tax Assessor's Map and Lot numbers.
 2. Verification of right, title, or interest in the property.
 3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments.
 4. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision. This includes plans for open space maintenance and proposed homeowners' association bylaws.

6. Contour lines at five-foot intervals, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features.
8. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of a minimum of two test pits per lot dug on the site shall be submitted.
9. Indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by public water supply, a letter from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.
 - b. 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.
 - c. If a common water supply is used, the Board shall require additional information from the applicant.
10. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. If the subdivider is not the owner of the property, evidence of the subdivider's right, title or interest to the property.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
12. The location of any zoning boundaries affecting the subdivision.
13. The location and size of existing and proposed water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
15. The width and location of any streets or public improvements shown upon the Official Map and the Comprehensive Plan, if any, within the subdivision.
16. The proposed lot lines with dimensions and lot areas shall be numbered.
17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication in accordance with an approved landscape plan.
18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. A copy of that portion of the county Soil Survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a high intensity soil survey or a report by a Registered Soil Scientist or Registered Professional Engineer experienced in geotechnics, indicating the suitability of soil conditions for those uses.
20. The boundaries of any flood hazard areas and the 100-year flood elevation, all wetlands regardless of size, all slopes in excess of 20%, and all land in a Resource Protection Zone shall be delineated on the plan.
21. A hydrogeologic assessment, prepared in accordance with Section 11.10.A by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer; and

- a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydrogeologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, Map No.4; or
 - b. The subdivision has an average density of less than 80,000 square feet per dwelling unit.
22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
 23. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
 24. The Planning Board shall notify the Road Commissioner, School Superintendent, and Fire Chief, and the Conservation Committee 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 Planning Board shall request that these officials comment within thirty days, or at the public hearing, upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
 25. At the discretion of the Board, but in all cases where road construction is proposed, the applicant shall submit a proposal to provide performance guarantees to meet the requirements of Article 13 of these regulations.

Article 8. FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure.

- A. The subdivider shall, within six months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan at least fourteen days prior to a scheduled meeting of the Board. Extensions in six-month increments may be allowed to the subdivider if he can prove he requires the time for other approvals required by these regulations, i.e. DEP approval. If the application for the Final Plan is not submitted within six months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board. If the Board deems a public hearing necessary, an additional fee shall be required to cover the costs of advertising and postal notification.
- B. Prior to submittal of the Final Plan application, the following approvals shall be obtained in writing, where appropriate:
 1. ~~Maine Department of Environmental Protection, under the Site Location of~~ Development Act, Natural Resources Protection Act, or if a Waste Water Discharge License is needed.
 2. Maine Department of Human Services, if the subdivider proposes to provide a central water supply system.
 3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
 4. Saco River Corridor Commission.
- C. Prior to the submission and presentation of the Final Plan, to the Board for final approval, the subdivider or his duly authorized representative shall attend a meeting of the Board to discuss implementation of comments from the Preliminary Plan Review, findings of fact and conditions.
- D. Upon receipt of the Final Plan submittal, the Board shall issue a dated receipt to the applicant.
- E. Within thirty days of receipt of a Final Plan submittal form and fee, the Board shall notify the applicant in writing whether or not the application is complete and what, if any, additional submissions are required for a complete application.
- F. Upon determination that a complete submittal for a Final Plan has been submitted for review, the Board shall hold a public hearing. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of this determination. The Board shall publish 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.

- G. When a subdivision is located within 500 feet of a municipal boundary and a public hearing is to be held, the Board shall notify the Clerk and the Planning Board of the adjacent municipality involved at least ten days prior to the hearing.
- H. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article 13.
- I. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- J. The Board shall, within thirty days of a public hearing, or within sixty days of determining a complete application has been submitted, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, make findings of fact, and conclusions relative to the standards contained in Title 30-A, M.R.S.A. §4404 and in these regulations. If the Board finds that all standards of the Statute and these regulations have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or 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.

8.2 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 could 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 border on the left side for binding and a one-inch margin outside the border along the remaining sides. There shall be space reserved on the Plan for the Board's endorsement. Two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three copies of the plan shall be submitted. The subdivider may instead submit one reproducible stable based transparent original of the Final Plan and one Recording Plan with three copies of the Final Plan.

The application for approval of the Final Plan shall include the following information in addition to that required for the preliminary plan:

- A. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- B. The location, names, and present widths of existing and proposed streets, highways, easements, building lines, 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 length of all-straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included.

- C. A soil erosion and sedimentation control plan and soil suitability plan will be prepared and reviewed by a qualified Engineer or the Soil and Water Conservation District at the expense of the developer.
 - D. A stormwater management plan prepared by a Registered Professional Engineer may be required.
 - E. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public 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 open space 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 of cession shall be included.
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- F. If requested by the Board, a list of construction items, with cost estimates, will be completed by the developer prior to the sale of lots. The Board may request a separate list of construction and maintenance items, with both capital and annual operating cost estimates, which must be financed by the municipality, or quasi-municipal districts. These lists may include but not be limited to:
 - 1. Schools, including busing
 - 2. Street maintenance and snow removal
 - 3. Police and fire protection
 - 4. Solid waste disposal
 - 5. Recreation facilities
 - 6. Storm water drainage
 - 7. Waste Water treatment Water supply
 - G. If requested by the Board, the developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
 - H. 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 may 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.

8.3 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the subdivider is in violation of the provisions on a previously approved Plan.
- 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 members voting to approve the subdivision shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board as part of its permanent records shall retain one copy of the signed plan. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. 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 10. The Board shall make~~ findings that the revised plan meets the standards of Title 30-A M.R.S.A., §4404, and 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.
- D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.

E. All Copies of the Final Plans for approval and signature must contain the following note:

1. The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by this applicant concerning the development and use of the property which appear in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approvals is permitted unless an amended plan is first submitted to and approved by the Planning Board.

Article 9. REVISIONS TO APPROVED PLANS

9.1 Procedure.

- A. An applicant for a revision to a previously approved plan shall, at least fourteen days prior to a scheduled meeting of the Board, submit supporting materials and request to be placed on the Board's agenda.
- B. If the revision involves very minor modifications, the Code Enforcement Officer may authorize them under the authority of Article 10.
- B. If the revision involves only modifications of the approved plan without the creation of new lots or dwelling units, the procedures for final plan approval may be followed.
- C. If the revision involves the creation of additional lots, dwelling units, or rights of way, the procedures for preliminary plan or final plan approval shall be followed, as determined by the Board.
- ~~D. Where a proposed revision is not similar to the above, the Board will determine the level of application and review required, based on the above guidelines.~~

9.2 Submissions.

The applicant shall submit a copy of the approved plan, as well as ten 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.

9.3 Scope of Review.

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

Article 10. ENFORCEMENT

10.1 Inspection of Required Improvements.

- A. At least five days prior to commencing each major phase of construction of required improvements, as determined by the Planning Board, the subdivider or builder shall:
 - 1. Notify the Code Enforcement Officer in writing of the time when construction is proposed to begin so the Municipal Officers may inspect the project. Inspections assure that all municipal specifications and requirements are met during the construction, and assure the Board that improvements and utilities have been satisfactory completed
 - 2. A major phase may include, but is not limited to, road and drainage, foundations, plumbing, septic, wells, electrical and landscaping.
- B. If the inspecting official finds that any of the required improvements have not been constructed in accordance with the plans and specifications, the inspecting official shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. ~~The Municipal Officers shall take any steps necessary to preserve the municipality's rights.~~
- C. If at any time before or during the construction of the required improvements, it appears to be necessary or desirable to modify the required improvements, the Code Enforcement Officer is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The Code Enforcement Officer 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 Town. 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 to modify the plans from the Board.
- D. At any time during the construction of the infrastructure improvements, the Planning Board may request the subdivider or developer to meet with the Board for informational questions and answers. This may be either scheduled as a condition of approval, or, as needed, through written notice to the developer at least 20 days prior to the scheduled meeting.

The purpose of such a meeting is to assist the Board in understanding the impacts of its planning decisions, and to guide deliberations in future applications. This in no way conveys any enforcement authority on the Board. Although violations may be discussed, this is not intended to suggest the Board interrogate or criticize the developer about violations. Inspection and enforcement are the duties of the Code Enforcement Officer.

- E. At the close of each construction season, the site shall be inspected by the Code Enforcement Officer. By December 1 of each year during which construction was done on the site. The Code Enforcement Officer shall submit a report to the Board based on that inspection, addressing whether storm water and erosion

control measures appear adequate, and recommendations on any problems encountered.

- F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit acceptance of a proposed town way to a town meeting, a written certification signed by the Road Commissioner shall be submitted to the Municipal Officers certifying that the proposed town way meets or exceeds the design and construction requirements of these regulations. 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.
- G. The subdivider, builder, or homeowner's association shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality.

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. No person, firm, corporation or other legal entity may 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. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by these regulations shall be fined not less than \$100 and not more than \$2,500 for each such conveyance, offering or agreement. The Municipality may institute proceedings to enjoin the violation of this section and may collect attorneys' fees and court costs if it is the prevailing party.
- E. 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.
- F. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings that require a Final Plan approved as provided in these regulations and recorded in the Registry of Deeds.
- G. 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 contents of the approved Final Plan and/or the phased construction sequence plan. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with the approved Final Plan.

Article 11. GENERAL STANDARDS

In reviewing applications for subdivision, the Board shall consider the following general standards and make findings that each has been met prior to the approval of a Final Plan. In all instances the burden of proof shall be upon the applicant.

- 11.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan or policy statement of the municipality and with the provisions of all-pertinent state and local codes and ordinances.
- 11.2 Retention of Open Spaces and Natural or Historic Features.
 - A. The plan shall, by notes on the final plan and deed restrictions, prohibit the clearing of trees from those areas designated on the plan.
 - B. The Board may require the reservation of up to ten percent of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the ~~proximity of the subdivision to neighboring dedicated open space or recreation facilities~~; the needs identified in the municipal comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development. The developer may instead make a payment in-lieu-of dedication into a municipal open space or recreation land acquisition fund.
 - C. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
 - D. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.
 - E. Where land within the subdivision is not suitable or is insufficient in amount or where the applicant prefers a payment-in-lieu of dedication, payment shall be calculated at the market value of the developed land at the time of the subdivision, as determined by a state licensed real estate appraiser, and deposited into a municipal land acquisition or improvement fund.
 - F. If the proposed subdivision contains any identified historical or archeological sites, or any areas identified in the Comprehensive Plan or by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be included in the open space and suitably protected by appropriate covenants and management plans.
 - G. Any 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.

11.3 Lots.

- A. All lots shall meet the minimum requirements of the Zoning Ordinance for the zoning district in which they are located. The proposed road right-of-ways shall not be included in calculating lot sizes. The lot configuration should be designed to maximize access to solar energy on building sites with suitable orientation.
- B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.
- C. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions, shall indicate vehicular access shall be located only on the less traveled way.
- D. Wherever possible, side lot lines shall be perpendicular to the street.
- E. 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 re-subdivision. Where public utilities could be extended to the subdivision in the foreseeable future, the subdivision shall be designed to accommodate the extensions of utilities.
- F. If a lot on one side of a 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 road or similar barrier to meet the minimum lot size.
- G. The ratio of lot length to width shall not be more than three to one to meet the minimum requirements for space and bulk. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- H. Where a major subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the Plan and in the deed of any lot with frontage on the arterial street.

11.4 Utilities.

- A. The size, type and location of public utilities such as streetlights, electricity, telephones, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road.

11.5 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of these regulations.

A. Monuments.

1. The Board may require stone monuments to be set for the corners and angle points.
2. Stone monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at 4" above final grade level. After they are set, drilled holes, 1/2 inch deep, shall locate the point or points described above.
3. All other subdivision boundary corners and angle points, as well as all lot boundary corners, street corners and angle points shall be marked by suitable monumentation.

B. Water Supply.

1. When a subdivision is to be served by a public or private water system, the complete supply system, including fire hydrants, shall be installed at the expense of the subdivider. 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.
2. The Board shall allow the use of individual wells or a private community water system.
 - a. Dug wells shall be permitted only if it is demonstrated not to be economically feasible to develop other ground water sources, and shall be constructed so as to prevent infiltration of surface water into the well. Unless otherwise permitted by the Board, the subdivider shall prohibit dug wells by deed restrictions and a note on the plan.
 - b. If a central water supply system is provided by the subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.
 - c. The subdivider may be required to construct ponds and dry hydrants to provide for adequate water storage for fire-fighting purposes. An easement shall be granted to the municipality granting access to and maintenance of the dry hydrants where necessary. The Board may waive the requirement for fire ponds only upon submittal of evidence that the soil types in the subdivision will not permit their construction.

C. Sewage Disposal.

1. In addition to test pit analyses, the applicant may be required to submit plans for sewage disposal designed by a Maine-licensed site evaluator, in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules, i.e. if providing homes on the lots, design shall be required.
2. In addition, on lots in which the limiting factor (i.e. water table level) 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.
3. In no instance shall a disposal area be permitted on soils or on a lot, which requires a New System Variance from the Subsurface Wastewater Disposal Rules.

D. Surface Drainage.

The storm water management plan submitted in accordance with applicable portions of Article 12 shall be installed.

11.6 Land Features.

- A. 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, except those activities permitted by zoning ordinances.
- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion and to minimize storm water runoff.
- C. To prevent soil erosion in shoreline areas, tree cutting in the strip extending one hundred feet inland from the normal high water mark of any water body shall be limited in accordance with the following:
 - 1. No more than 30% of the total length of the strip on each lot shall be cleared.
 - 2. The removal of trees shall not create any single, clear-cut opening greater than thirty feet wide. A distance of at least 70 feet shall separate adjacent openings.
 - 3. In the remaining 70% length of the strip, no trees larger than four inches diameter at breast height shall be cut, and sufficient cover to preserve natural beauty and control erosion shall remain.
 - 4. If any part of the subdivision falls within a shoreland zone, the shoreland zoning standards shall be adhered to.

11.7 Cluster Developments.

A. Purpose.

The purpose of these provisions is to allow for innovative concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no greater than is permitted in the Zoning District in which the development is proposed. To this end, the layout and dimensional requirements of the Zoning Ordinance apply.

11.8 Dedication and Maintenance of Common Open Space and Services.

- A. All common land, facilities and property shall be owned jointly or in common by the owners of the dwelling units by means of a homeowners association, by an association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.

- B. Further subdivision of the common land or its use for other than non-commercial recreation 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.
- C. The common open space shall be shown on the Final Plan with appropriate notation on the plan to indicate that:
 - 1. It shall not be used for future building lots; and
 - 2. A part or all of the common open space may be dedicated for acceptance by the municipality.
- D. The by-laws of the proposed homeowners association shall specify maintenance responsibilities and shall be submitted to the Board prior to Final Plan approval. Changes to the by-laws do not require re-approval of the Final Plan. Changes shall be submitted to the Board for approval.
- E. Covenants for mandatory membership in the homeowners association setting forth the owners' rights, interests, and privileges in the association and the common property, shall be reviewed by the Board and included in the deed for each lot or dwelling.
- F. The homeowners association shall have the management and financial responsibilities of maintaining the common property or facilities.
- G. 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.

11.9 Construction in Flood Hazard Areas.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principal structures on lots in the subdivision shall be constructed in accordance with current Hollis Zoning Ordinances. Any restrictions shall be included in the deed to any lot, which is included or partially included in the flood hazard area.

11.10 Impact on Ground Water.

- A. When a hydrogeologic assessment is submitted, the assessment, if required by the Board, may contain any of the following information:
 1. A map showing the basic soils types.
 2. The depth to the water table at representative points throughout the subdivision.
 3. Drainage conditions throughout the subdivision.
 4. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 5. 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, at the subdivision boundaries, and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance. For subdivisions within the watershed of a lake, projections of the subdivision's impact on ground water phosphate concentrations shall also be provided.
 6. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.
- B. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- C. 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.
- D. 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.
- E. 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.
- F. Subsurface wastewater 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 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.

11.11 Access Control and Traffic Impacts.

A. **General.** Provisions shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to safeguard against hazards to traffic, bicycles, and pedestrians in existing streets and within the subdivision to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the subdivision. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

1. The vehicular access to the subdivision shall be arranged to connect to existing local residential streets to permit convenient movement of traffic between residential neighborhoods, but such connections shall not be permitted where the effect would be to encourage the use of such streets by substantial through traffic.
2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is less potential for traffic congestion and for hazards to traffic and pedestrians.
3. The street giving access to the subdivision and neighboring streets, which can be expected to carry traffic to and from the subdivision, shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed subdivision.
4. Where necessary to safeguard against hazards to traffic, bicycles and pedestrians and/or to avoid traffic congestion, provisions shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, pedestrian paths, bicycleways and traffic controls within public streets.
5. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
6. Where topographic and other conditions allow, provision shall be made for circulation access connections to adjoining lots of similar existing or potential use:
 - a. when such access connection will facilitate fire protection services as approved by the Fire Chief; or
 - b. when such access will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.
7. Traffic volume estimates shall be defined by the latest edition of the *Trip Generation Manual* published by the Institute of Transportation Engineers.
8. 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 Board. No street name shall be the common given name of a person. The developer shall install street name, traffic safety and control signs meeting municipal specifications. Street lighting shall be installed as approved by the Board.
9. During street construction, the entire right of way shall not be cleared unless clearing is necessary for utilities, drainage or other infrastructure necessities beyond the clear zone. Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire right of way created during the street construction process. If on-site disposal of the stumps and organic debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

B. Subdivision Access Design.

Accesses connecting to any state or state aid highway shall first acquire a Driveway or Entrance Permit from the Maine Department of Transportation prior to the Planning Board's review. When the access to a subdivision is a street, the street design and construction standards of Article 12 shall be met. Where there is a conflict between the standards in this section and the standards of Article 12, the stricter or more stringent shall apply.

1. **General.** Access design shall be based on the estimated volume using the access classification defined below.
 - a. Low Volume Access: Less than 40 vehicle trips per day.
 - b. Medium Volume Access: Any access with greater than 40 trips per day and less than 100 trips during the peak hour.
 - c. High Volume Access: Peak hour volume of 100 vehicle trips during the peak hour or greater.
2. **Sight Distances.** Minimum sight distance requirements for all subdivision accesses connecting to external streets shall be contingent on the posted speed of the external street connecting to the subdivision access. Accesses shall be designed in profile and grading and located to provide the required sight distance. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. For accesses that are expected to carry primarily passenger vehicles, the standards in the second column in the table below shall apply. On roads that are designated by the Maine Department of Transportation as Mobility or Retrograde Arterials, the second column in table below shall apply. The required sight distances are listed below for various posted speed limits.

Table 11.11.B.1 Minimum Sight Distance Standards for Subdivision Access

Posted Speed (MPH)	Sight Distance Standard Vehicles (Feet)	Sight Distance Mobility Corridors (Feet)
20	155	Not applicable
25	200	Not applicable
30	250	Not applicable
35	305	Not applicable
40	360	580
45	425	710
50	495	840
55	570	990
60	645	1,150

3. **Vertical Alignment.** Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume accesses shall slope upward or downward from the gutter line on a straight slope of 2 percent or less for at least 25 feet followed by a slope of no greater than 10 percent for the next 50 feet. The maximum grade over the entire length shall not exceed 15 percent. Medium and high volume accesses should slope upward or downward from the gutter line on a

straight slope of 2 percent or less for at least 25 feet. Following this landing area, the steepest grade on the access shall not exceed 8 percent.

4. **Basic Access Design Standards for Low and Medium Volume Accesses**

The following minimum access design standards shall apply to all low and medium volume accesses connecting to external streets:

Table 11.11.B.2 Access Design Standards for Low and Median Volume Accesses

<i>Basic Standards</i>	<i>Low Volume</i>	<i>Medium Volume</i>	
	(feet)	(feet)	
Minimum Access Width:*	18	18	
Minimum Curb Radius:	10	15	
Minimum Corner Clearance to:**	<i>Unsignalized Intersection</i>	75	100
	<i>Signalized Intersection</i>	125	125
Minimum Access Spacing***:	<i>MPH of External Road</i>		
	<i>35 or less</i>	No Requirement	No Requirement
	40	175	175
	45	265	265
	50	350	350
	<i>55 or more</i>	525	525

*Minimum widths for low or medium volume accesses shall be either the minimum cross section width of the internal subdivision street or the minimum access width in Table 12.2.-2, whichever width is greater.

**Minimum corner clearance shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of an external street excluding radii.

***Minimum access spacing shall be the distance measured from the edge of an internal subdivision access excluding radii to the edge of a neighboring access excluding radii.

5. **High Volume Accesses:**

All high volume accesses shall meet the requirements of the Maine Department of Transportation’s “Rules and Regulations Pertaining to Traffic Movement Permits.” If required, a copy of the Maine Department of Transportation’s required traffic study shall be submitted to the Board. An approved MaineDOT Traffic Movement Permit shall be a required submittal for the Preliminary Plan for Major Subdivisions.

The Board shall develop design standards for the proposed subdivision access based on the findings of the traffic study submitted to the Maine Department of Transportation. The design standards shall be compatible with the performance standards cited in Article 12 of the Subdivision Regulations.

6. **Special Case Accesses:**

Special Case Accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised

median may be provided to protect left turning vehicles and separate opposing traffic flows.

- a. The Board shall determine if one two-way or two one-way access(es) will be required for the proposed subdivision. If a one-way system is required and the predominant traffic volume is truck traffic, the entrance will be configured on the minimum angle that permits the truck to enter or leave the highway safely and conveniently. Otherwise all one way accesses will be configured perpendicular to the highway for at least the length of the design vehicle.
- b. For one-way access systems, the Board shall determine if a physical separation of curbing, ditching, grass or other landscaping must be used between the two one-way accesses. Both portions of a one-way access must be separated from another one-way access by at least 12 feet.

7. Number of Accesses.

- a. No low volume traffic generator shall have more than one, two-way access onto a single roadway.
- b. No medium volume traffic generator shall have more than two, two-way accesses onto a single roadway.

8. Paving.

All accesses shall be paved within 30 feet of the street right of way, unless the external street is not paved. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.

Article 12. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

12.1 General Requirements.

- A. The Board shall not approve any subdivision plan unless proposed streets and storm water management systems are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the Final Plan by the Board, shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- B. Applicants shall submit to the Board, as part of the Final Plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plans shall include the following information:
 1. Date, scale, and magnetic or true north point.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 5. Complete curve data shall be indicated for all horizontal and vertical curves.
 6. Turning radii at all intersections.
 7. Centerline gradients.
 8. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.

- C. Upon receipt of plans for a proposed public street the Board shall forward one copy to the Municipal Officers, the Road Commissioner, and the Municipal Engineer for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall also be sent from the Board to the Municipal Engineer for review and comment.
- D. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the Road Commissioner or the Maine Department of Transportation, as appropriate.
- E. Where a subdivision has access on to an existing substandard road (below the standards set in Table 12.12.G) the developer shall, at no cost to the Town, improve the existing roadway or intersection at least 50 feet beyond the access. The Board may require further improvement of the existing roadway to provide for public health, safety, and welfare.

F. Private Roads.

The following standards shall apply to all proposed private roads:

1. All private roads shall be designated as such and will be required to have adequate signage indicating the road is a private road and not publicly maintained.
2. Except for sidewalk, bicycle provisions and minimum grade requirements stipulated in this Section, all private roads shall adhere to the road design standards of this Section.
3. All properties served by the private road shall provide adequate access for emergency vehicles and shall conform to the approved local street numbering system.
4. All private roads shall have adequate provisions for drainage and stormwater runoff as provided in Article 12.4.
5. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan and as a covenant on the deed of each property in the subdivision:

"All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."

- G. Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require an utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway.

12.2 Street Design Standards.

- A. These design standards shall be met by all streets within subdivisions and shall control the roadway, shoulders, clear zones, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street.
- B. Streets shall be designed to discourage substantial through traffic on minor streets within a residential subdivision.
- C. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.
- D. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.

- 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 indicates 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 of the Zoning Ordinance. When such widening or realignment is indicated on the Official Map, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- F. Any subdivision expected to generate average daily traffic of 200 trips per day or more, shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more, shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- G. The following street class definitions and design standards apply according to expected traffic generated by the subdivision as defined in Section 11.11.B (1).

Table 12.2.G Hollis Street Design Standards

Description	TYPE OF STREET			
	Low Volume* (up to 8 dwelling units)	Medium Volume	High Volume	Industrial / Commercial
Minimum Right-of-Way Width	50'	50'	50'	60'
Minimum Width of Traveled Way	18'	20'	24'	30'
Sidewalk Width (if required)	5'	5'	5'	8'
Minimum Grade	0.50%	0.50%	0.50%	0.50%
Maximum Grade**	8%	6%	5%	5%
Minimum Centerline Radius	100'	140'	350'	350'
Minimum Tangent between curves of reverse alignment	50'	100'	200'	200'
Roadway Crown	¼"/ft	¼"/ft	¼"/ft	¼"/ft
Minimum angle of street intersections***	75°	90°	90°	90°

Maximum grade w/in 75 ft. of intersection	2%	2%	2%	2%
Minimum curb radii at intersections	15'	20'	30'	30'****
Minimum r.o.w radii at intersections	10'	10'	20'	20'
Clear Zone Width (each side)	7'	7'	7'	7'
Minimum width of shoulders (each side)	1'	2'	3'	5'
Minimum Aggregate Subbase***** Course without base gravel	18"	18"	18"	18"
with base gravel	15"	15"	15"	15"
Minimum Crushed Aggregate***** Base Course (if necessary)	3"	3"	3"	3"
Hot Bituminous Pavement Total Thickness		3"	3"	3"
Surface course		1.25"	1.25"	1.25"
Base course		1.75"	1.75"	1.75"

* Refer to minimum standards for acceptance as a Town Way

** Maximum grade may be exceeded for a length of 100 feet or less.

*** Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

**** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

***** MaineDOT spec 703.06 (a) Type A and MaineDOT spec 703.06 (b), Type D.

- H. The centerline of the roadway shall be the centerline of the right-of-way.
- I. Dead End Streets. In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac or, at the discretion of the Board, a hammerhead turn-around. A cul-de-sac shall have the following requirements for radii: all residential cul-de-sacs the minimum radius shall be 40 feet and all commercial/industrial cul-de-sacs the minimum radius shall be 50 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board may require the reservation of a twenty-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible.
- J. 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 listed in Table 12.2.G.

2. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. Where necessary, corner lots shall be cleared of sight obstructions, including ground excavation, to achieve the required visibility.

3. Sight Distances:

Posted Speed (MPH)	Sight Distance (Feet)
20	155
25	200
30	250
35	305
40	360
45	425
50	495
55	570
60	645

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

K. Sidewalks shall be installed within all subdivisions within an urban compact area. Where installed, sidewalks shall meet these minimum requirements.

1. Bituminous Sidewalks.

- a. The crushed aggregate base course shall be no less than eight inches thick.
- b. The hot bituminous pavement surface course shall be no less than two inches after compaction.

2 Portland Cement Concrete Sidewalks.

- a. The sand base shall be no less than six 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 inches thick.

L. The Board may require additional shoulder lengths in any situation where the proximity of the proposed subdivision to future or existing neighborhoods, businesses, schools, community facilities, or other bicycle traffic generators suggest that additional shoulder widths will be needed for bicycle traffic. In situations where additional shoulder lengths are required for bicyclists, the minimum width of a paved shoulder shall be at least 2 feet on either side of the traveled way. Paved

shoulder widths for low and medium volume streets in the Hollis Center Zone, the North Hollis Village Zone, and the West Buxton Village Zone shall be a minimum of 2 feet on either side of the traveled way.

12.3 Street Construction Standards.

A. Preparation.

1. Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at fifty-foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, clear zones, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps shall be removed from the cleared area.
3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub-grade of the roadway. On soils, which have been identified by the Town Engineer as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the sub-grade and replaced with material meeting the specifications in Table 12.2.G, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. All streets constructed as part of a Major Subdivision shall be improved based on the standards included in Table 12.12.G.
5. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge, a side slope no steeper than four feet vertical to one-foot horizontal is permitted.
6. 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.

All material utilized in construction of subdivision roads shall conform to the current Maine Department of Transportation Standard Specifications; Section 304 – Aggregate Base and Subbase Course, Section 401 – Hot Mix Asphalt Pavement, and Section 700 – Materials.

12.4 Storm Water Management Design Standards.

- A. Adequate provision shall be made for disposal of all storm water generated within the subdivision and any drained ground water through a management system of swales, culverts, under drains, and storm drains. The storm water management system shall be designed to conduct storm water flows to existing watercourses or storm drains. The storm water management plan shall be reviewed by the Town Engineer at the cost of the developer.

1. Where a subdivision is traversed by a stream, river, or surface water drainage way or where the Board feels that surface water runoff to be created by the subdivision should be controlled, 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. This storm water management system shall be designed by a Registered Professional Engineer.
 2. Drainage easements for existing water courses or proposed drainage ways shall be provided at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
 3. All components of the storm water management system shall be designed to limit peak discharge to predevelopment levels for every storm between the 2-year and the 25-year, 24-hour duration, frequencies based on rainfall data for Portland, Maine. When the subdivision discharges directly to a major water body, peak discharge may be increased from predevelopment levels provided downstream drainage structures are suitably sized.
 4. The minimum pipe size for any storm drainage pipe shall be twelve inches. 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 3 inches, lumps of clay, or organic matter reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
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- B. The storm water management system shall be designed to accommodate upstream drainage, taking into account existing conditions and approved or planned developments not yet built, and shall include a surplus design capacity factor of 25% for potential increases in upstream runoff.
- C. Downstream drainage requirements shall be studied to determine the effect of the proposed subdivision. The storm drainage shall not overload existing or future planned storm drainage systems downstream from the subdivision. The subdivider shall be responsible for financing any improvements to existing drainage systems required to handle the increased storm flows.
- D. Catch basins shall be installed where necessary and located at the curb line.
- E. Outlets shall be stabilized against soil erosion by stone rip-rap or other suitable materials to reduce storm water velocity. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
- F. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

12.5 Storm Drainage Construction Standards.

A. Materials.

1. Reinforced Concrete Pipe. Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTO M 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70 or of an approved preformed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTO M 175 for the appropriate diameters.
2. Asbestos Cement Pipe. Asbestos Cement Pipe shall meet the requirements of ASTM Designation C428 (AASHTO M 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63 or of an approved preformed plastic sleeve type.
3. Corrugated Metal Pipe. Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. ABS Pipe. ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTO M 264 and AASHTO M 265. Perforated pipe shall conform to the requirements of AASHTO M 36, Type III.
5. Corrugated Plastic Pipe. Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.
6. Manholes shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of pre-cast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.
7. Catch Basins. Catch Basins shall be of pre-cast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or pre-cast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Castings shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTO M 103 for carbon steel castings, AASHTO M 105, Class 30 for gray iron castings or AASHTO M 183 (ASTM A 283, Grade B or better) for structural steel.

- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.
- C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
- D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.6 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 cleanup stages. This plan shall be reviewed by Soil and Water Conservation District at the cost of the developer.
- B. Cleanup. Following street construction, the developer or contractor shall conduct a thorough cleanup 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 or bear phonetic resemblance to the names of existing streets within the Town of Hollis and 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.

12.7 Certification of Construction.

"As built" plans shall be submitted to the Municipal Officers. 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.

Article 13. IMPROVEMENT GUARANTEES

- 13.1 Purpose. Improvement guarantees shall be provided to ensure the proper installation and maintenance of required street, utility, and other improvements required by these regulations and approved plans. The nature and duration of the guarantee shall be structured to achieve this goal without adding unnecessary costs to the developer.
- 13.2 Application. The Board, with the advice of the Town Engineer, Road Commissioner, Town Officers, professional engineers/consultants and/or Town Attorney, shall determine the conditions, duration and amount of the Improvement Guarantee. Before the Board's Approval of the Final Plan and as a condition of final approval, the Board shall require and accept the Improvement Guarantee in accordance with these regulations.
- 13.3 Contents of Guarantee. The performance guarantee shall contain:
- A. Performance guarantee shall equal one hundred and twenty-five per cent (125%) of the cost of installation for the proposed public or quasi-public improvements,
 - B. Construction schedule,
 - C. Cost estimates for each major phase of construction taking into account inflation,
 - D. Provisions for inspections of each phase of construction,
 - E. Provisions for the release of part or all of the performance guarantee to the developer,
 - F. Date after which the developer will be in default and the Town shall have access to the funds to finish construction.
 - G. Provisions for a maintenance guarantee for a period not to exceed two (2) years after final acceptance of the non-road improvements, i.e. fire tank inspection and maintenance.
- 13.4 Types of Guarantees. Performance and maintenance guarantees shall be provided by a variety of means including, but not limited to, the following, which must be approved as to form and enforceability by the Town Officers and Town Attorney.
- A. Escrow Account: The applicant may deposit cash, certified check, certificate of deposit, or other instruments readily convertible into cash at face value to the establishment of an escrow account. For any account opened by the subdivider, the Town shall be named as owner or co-owner and the consent of the Town shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider unless the Town 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 subdivider and the amount withdrawn to complete the required improvements.
 - B. Performance Bond: A Performance Bond, payable to the Town, issued by a surety company, and approved by the Town Officers. The Bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the Town. The bond

documents shall specifically reference the subdivision for which approval is sought.

- C. Letter of Credit: An irrevocable letter of credit reviewed and approved (see Appendix B for sample) from a financial, or other reputable lending institution establishing funding for the construction of the subdivision improvements, from which the Town may draw if construction is inadequate. The letter of credit shall indicate that funds have been set aside for the construction of the subdivision under consideration and may not be used for any other project or loan.
- D. Phasing of Subdivision Improvements; Conditional Approval: The Board may approve plans to develop a major subdivision in separate and distinct phases. A Conditional Approval, if acceptable in lieu of another Improvement Guarantee, shall be endorsed by the Planning board on the Final Plan. The conditional approval will take into consideration the form and substance of the proposing phasing plan. This may be accomplished by a number of methods of which the following are a few:
 - 1. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.
 - 2. Limiting final approval to those lots abutting that section of the proposed subdivision street, which is covered by a performance guarantee.
 - 3. Limiting building permits and occupancy permits.
 - 4. No permit may be issued by the town for any building or structure of any portion of the development until the completion of all improvements are completed as stipulated.

Each separate phase shall be designed and constructed in such a way that, at the end of construction of each phase, the development will be complete and in conformance with the requirements of these regulations.

In all cases when a development is phased, road construction shall commence from an existing public way, safety improvements shall be installed and fire tanks etc. will be operational prior to any occupancy permit being issued.

- 13.5 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 whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

Upon substantial completion of all required improvements, the developer shall notify the Planning Board of the completion or substantial completion of improvements, and shall send a copy of such notice to the appropriate Town Officials: Fire Chief, CEO, Town Engineer, Road Commissioner, Selectman, etc. The respective Town Officials shall inspect all improvements of which such notice has been given and shall file a report with the Planning Board indicating approval, partial approval, or rejection. The cost of the Improvements as approved or rejected shall be set forth.

The Planning Board shall approve, partially approve, or reject the improvements on the basis of the report of the Town Officials and/or their designees.

Where partial approval is granted, the developer shall be partially released for that portion of the improvements not yet approved.

- 13.6 Default. If, upon inspection by Town Officials and/or their designees, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, they shall so report in writing to the Planning Board, Code Enforcement Officer, the Town Officers, and the developer, subdivider and/or builder. The Town Officers shall take the steps necessary to preserve the Town's rights.

Article 14. WAIVERS

- 14.1 Where the Board makes written findings of fact that there are special circumstances of a particular lot proposed to be subdivided, it may waive portions of the submission requirements or the standards unless otherwise indicated in the regulations, to permit a more practical and economical development provided 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 Official Map, the Comprehensive Plan, the Zoning Ordinance, or these regulations and provided the criteria of the State Subdivision Law are met.
- 14.2 Where the Board makes written findings of fact, that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions.
- 14.3 In granting waivers to any of these regulations in accordance with Sections 14.1 and 14.2, the Board shall require such conditions as will assure the objectives of these regulations are met.
- 14.4 Waivers shall be shown on Final Plan. When the Board grants a waiver to any of the standards of these regulations, the Final Plan shall indicate the waivers granted and the date on which they were granted.

Article 15. APPEALS

15.1 Within thirty days, an aggrieved party may appeal any decision of the Board under these regulations to York County Superior Court.

Appendix A

Title 30, M.R.S.A. Chapter II Subchapter IV
Subdivisions

deleted: Inserted by Reference; see current State Law

Appendix B
(SAMPLE LETTER OF CREDIT)

Date

Jane Planner, Chairman
Hollis Planning Board
Hollis, ME 04042

Re: *Letter of Credit for:*
Developer, Inc.
Sunshine Estates
Your Town, Maine

Dear Ms. Planner:

This letter will confirm to the Town of Hollis that the Big Town Savings Bank has issued a loan commitment to Developer, Inc. for the purpose of constructing all required improvements in the Sunshine Estates subdivision.

Below is a cost estimate prepared by Accurate Engineers. It includes a complete estimate of all elements of hard construction costs anticipated with this project. Prices are based on known costs from recent, similar projects in the area. The 125% premium is based on the requirements of the *Hollis Subdivision Regulations* Article 13 Section 3 Subsection A.

Approximate Length of road 2,350 feet:

A. Grub roadways full width of 50 feet @ \$4/ft.	\$9,400
B. Shape sub-base and grade it @ \$4/ft.	9,400
C. Install underdrain culverts @ \$16/ft.	37,600
D. Apply and shape 18" gravel base @ \$8.30/ft x 2,350 feet	19,500
E. Apply and shape 3" of crushed gravel; apply 1 3/4" of base course bituminous concrete to width of 24 feet, apply bituminous curb and 2" of bituminous concrete to a width of 5 feet @ \$10/ft. x 2,350 feet	23,500
F. Apply 3/4" of surface bituminous concrete to width of 24 feet @ \$5/ft	11,800
Total All Construction Costs	\$111,200
Premium for Improvements Guarantee	x 125%
Total Amount of Improvements Guarantee	\$139,000

Big Town Savings Bank will set aside \$139,000 in a Construction Escrow Account for completion of the required improvements. This account can be drawn upon by the Town of Hollis in the event that Developer, Inc. fails to complete steps A through F listed below for Windy Road on or before [required completion date from date of Final Plan approval].

Big Town Savings Bank understands that Developer, Inc., or the contractor, will notify the Town Engineer or Code Enforcement Officer before any of the above work has begun and obtain his approval in writing as he completes each phase of the road construction.

This Account will expire when the Town of Hollis acknowledges in writing to Developer, Inc. that the work outlined in Steps A through F has been completed in accordance with the Hollis Subdivision Regulations and street acceptance ordinance, and the approved plans of Sunshine Estates. Any funds remaining in the account on [date specified above] for work outlined in Steps A through F which has not been completed and approved by the Town on that date will be released to the Town to complete such work. As the Town Engineer or Code Enforcement Officer issues his written approvals for each step above to Developer, Inc. the funds in this Account will be released based upon the schedule above.

Drafts drawn upon this account must be for this particular subdivision and to complete any work which is outlined above. Furthermore, drafts must be accompanied by itemized statements showing costs of work to be completed and must be submitted prior to [six to nine months following date specified above]. The Town of Hollis will not be responsible for repayment or interest cost for any funds released to the Town for work not completed on or before [date specified above].

Very Truly Yours,

Bob Banker
Loan Officer

SEEN AND AGREED TO: _____
Developer, Inc.

Your Town hereby accepts this original letter as evidence of Developer, Inc.'s obligation to be performed.

Chair of the Board of Selectmen

Appendix C

Sample storm drainage easement: **DELETED**



Town of Hollis Subdivision Application

Subdivision Name: _____

File Number: _____ (note: the file number will be the agenda item for sketch plan review)

APPLICANT INFORMATION:

1. Name of Property Owner:
Address:

-
2. Name of Applicant:
Address:

Telephone:

3. If applicant is a corporation, check if licensed in Maine: sole proprietorship
 partnership
 EIN # _____

4. Name of applicant's authorized agent:
Address:

Telephone:

5. Name of Land Surveyor, Engineer,
Architect or other preparing plan:
Address:

Telephone:

6. Person and Address to whom all correspondence should be sent:

7. What legal interest does the applicant have in the property to be developed
(ownership, option, Purchase & Sales contract, etc.)?

8. What interest, if any, does the applicant have in the abutting property?

LAND INFORMATION:

9. Location of Property: (County Registry of Deeds) Book: _____ Page _____

(from tax maps) Map _____ Lot _____ Sub _____

10. Current zoning of property:

11. Is any portion of the property within the watershed of a pond or within 250 feet of the high water mark of a pond, river or stream? Yes No

12. Is any portion of the property within the Resource Protection District?

Yes No

13. Acreage to be developed:

14. Indicate the nature of any restrictive covenants to be placed in the deeds:

15. Has this land been part of a prior approved subdivision? Yes No

16. Identify existing use(s) of land (farmland, wood lot, etc.)

17. Does the parcel include any water bodies? Yes No

18. Is any portion of the property within a special flood hazard area as identified by the Federal Emergency Management Agency? Yes No

19. Is any portion of the property within a resource protection area? Yes No

20. List below the names and mailing addresses of abutting property owners and owners across the road:

NAME

ADDRESS

GENERAL INFORMATION:

21. Proposed name of development:
22. Number of lots or units:
23. Anticipated date of construction:
24. Anticipated date of completion:
25. Does this development require extension of public infrastructure? † Yes † No

Roads Storm Drainage
 Sidewalks Water Lines
 Sewer Lines Fire Protection Equipment

26. Estimated cost for infrastructure improvements: \$

27. Identify method of water supply to the proposed development?

individual wells
 central well with distribution lines
 connection to public water system
 other, please state alternative

28. Identify method of sewage disposal to the proposed development?

individual septic tanks
 central on site disposal with distribution lines
 connection to public water system
 other, please state alternative

29. Identify method of fire protection for the proposed development?

hydrants connected to the public water system
 dry hydrants located on an existing pond or water body
 existing fire pond
 other, please state alternative

30. Does the applicant propose to dedicate to the public any streets, recreation or
Common lands? Street(s) † Yes † No Estimated Length _____
 Recreation Area(s) † Yes † No Estimated Acreage _____
 Common Land(s) † Yes † No Estimated Acreage _____

31. Does the applicant intend to request waivers of any of the subdivision submission requirements? If yes, list them and state reasons for the request.

32. An application fee of \$ _____ is attached.

To the best of my knowledge, all the above stated information submitted in this application is true and correct.

(signature of applicant)

(date)

Application and Fee Receipt

(signature)

(date)

Appendix E
(RECEIPT OF SUBDIVISION APPLICATION)



**Town of Hollis
Planning Board**

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____
Address _____

Dear: _____

The Planning Board of the Town of Hollis has received your application for a _____
lot/unit subdivision at _____.

In accordance with Title 30-A M.R.S.A., §4403, sub-§3, the Board will, within 30 days,
notify you in writing either that the application is a complete application, or if the
application is incomplete, the specific additional material needed to make a complete
application.

After the Board has determined that a complete application has been filed, it will notify
you and begin its full evaluation of the proposed subdivision.

Sincerely,

Chairman
Hollis Planning Board

Appendix F
(MODEL NOTICE TO ABUTTERS OF RECEIPT OF APPLICATION)



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____

Address _____

Dear: _____

The Hollis Planning Board has received an application for a ____ lot/unit subdivision at
_____.

Our records indicate that you own property abutting the parcel proposed to be subdivided. In accordance with Title 30-A.M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application. We have not yet determined that the application is complete and have not reviewed the application.

The application is available for your review at the Town Hall. The next scheduled meeting to discuss the application is _____.

Sincerely,

Hollis Planning Board



**Town of Hollis
Planning Board**

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____
Address _____

Dear: _____

The Hollis Planning Board has received an application for a _____ lot/unit subdivision at _____

In accordance with Title 30-A M.R.S.A., §4403, sub§3, the Planning Board is required to notify you it has received this application, because it abuts or crosses the municipal boundary (*if the proposed subdivision crosses municipal boundaries*). Title 30-A M.R.S.A., §4403, sub§3 requires a joint meeting between the two Planning Boards. Please contact me at (*phone number*) to set up such a meeting.

The application is available for your review at the Town Hall. The next scheduled meeting of the Hollis Planning Board to discuss the application is _____

Sincerely,

Chairman
Hollis Planning Board

Appendix H
(NOTICE OF INCOMPLETE APPLICATION)



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date _____

Name _____
Address _____

Dear _____:

The Planning Board of the Town of Hollis has reviewed your application for a _____ lot/unit subdivision at _____ and found it to be incomplete.

In order to be considered a complete application the following materials must be submitted:

- a.
- b.
- c.

Sincerely,

Chairman
Hollis Planning Board

Appendix I
(NOTICE OF COMPLETE APPLICATION)



Town of Hollis
Planning Board

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date _____

Name _____
Address _____

Dear _____:

The Planning Board of the Town of Hollis has reviewed your application for a _____ lot/unit subdivision at _____ and found it to be complete.

The Board has scheduled a meeting for *(date)* at *(time)* at which time your application will be reviewed for conformance with criteria of Title 30-A M.R.S.A., §4404 and the standards of the Hollis Subdivision Regulations. You or your authorized representative are encouraged to attend the meeting.

At that time the Board will determine whether to hold a public hearing.

Sincerely,

Chairman
Hollis Planning Board

Appendix J
(MODEL NOTICE OF PUBLIC HEARING)



Town of Hollis
Planning Board

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

The Hollis Planning Board will hold a Public Hearing on an application for the proposed _____ lot/unit subdivision at *(location)*, as requested by

The Public Hearing will take place on *(date)* at *(time)* in the *(place)*.

(for newspaper use only)

Publish the above notice on the following dates: _____

Charge to: _____



Appendix K
(AGREEMENT TO EXTEND SUBDIVISION REVIEW PERIOD)

**Town of Hollis
Planning Board**

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

WHEREAS The State Subdivision Law, Title 30-A M.R.S.A., §4403, requires that the municipal reviewing authority approve, approve with conditions, or deny an application for subdivision review within 60 days of having determined a complete application had been submitted, or within 30 days of a public hearing if one is held; and

WHEREAS The complete subdivision application submitted by the undersigned applicant can not be adequately reviewed in the specified time period because of the complexity of the application, and would therefore have to be denied and resubmitted; and

WHEREAS It would be mutually advantageous to the undersigned parties to extend the review period; and

WHEREAS Title 30-A M.R.S.A., §4403 stipulates that the time period within which a subdivision application must be reviewed may be extended by mutual agreement;

NOW THEREFORE the undersigned parties mutually agree that:

1. The subdivision review period shall be extended to _____
2. The decision on the subdivision shall be rendered by that date, unless the review period is again extended by mutual agreement.

Chairman, Hollis Planning Board

Date

Applicant's Signature

Date



**Town of Hollis
Planning Board**

34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

Date: _____

Name _____
Address _____

Dear _____:

This letter is to inform you that on *(date)*, the Hollis Planning Board approved your preliminary plan application for the proposed _____ subdivision.

In accordance with Section ____ of the Hollis Subdivision Regulations, the Planning Board has granted approval with the following conditions:

- 1.
- 2.
- 3.

The Final Plan application must include cost estimates and proposed performance guarantees for the following improvements:

- 1.
- 2.
- 3.

In addition, you should be aware that Section ____ of the Subdivision Regulations requires that the Final Plan application is submitted within six months of this decision.

Sincerely,

Chairman
Hollis Planning Board

Cc: Code Enforcement Officer
Municipal Officers



Town of Hollis
Planning Board
34 Town Farm Road
Hollis, ME 04042
(207) 929-8552 Fax: (207) 929-3686

DATE

APPLICANT
ADDRESS
ADDRESS

RE: NAME OF SUBDIVISION

Dear APPLICANT:

This letter is to inform you that the Hollis Planning Board has acted on your application for a subdivision. The Findings of Fact, Conclusions, Board Decision and Conditions of Approval are contained within.

Findings of Fact:

1. The owner of the property is _____.
2. The property is located on _____ Road in the _____ Zone. It is identified as Map _____ Lot _____ and contains a total of _____ acres.
3. The applicant is _____, and the applicant has demonstrated a legal interest in the property by providing a copy of a deed. (Book _____, Page _____)
4. The applicant is represented by _____.
5. The applicant proposes to subdivide the property in to _____ lots ranging in size from _____ square feet to _____ square feet.
6. The Application was determined to be complete on _____.
7. A public hearing was held on _____. The minutes of the hearing are available with the records of the Hollis Planning Board.
8. A preliminary Plan was approved with conditions on _____. This approval is available with the records of the Hollis Planning Board.
9. A Final Plan was submitted on _____. The Planning Board determined the plan to be complete and notified the applicant that a meeting to review and consider the plan would be held on _____.
10. Water is to be supplied by _____.
11. Sewage is to be disposed of by _____. Test pits for each lot, meeting the requirement of the Maine Subsurface Sewage Disposal Rules, were completed by _____ on _____.
12. A storm water drainage plan that includes adequate provision for storm water management has been prepared by _____.

13. A hydrogeological and nitrate impact assessment was prepared by _____.
14. Test pits for each lot, meeting the requirement of the Maine Subsurface Sewage Disposal Rules, were completed by _____.
15. A professional engineer has designed a road that meets the construction and design standards of the Hollis Subdivision Regulation.
16. The Applicant proposes to construct a street of approximately ___ ft. in length, that is proposed to (be dedicated as a public way, remain as a private way).
17. The subdivision will not result in undue water or air pollution. In making this determination, the Board shall at least consider the elevation of the land above sea level and its relation to the flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents.
18. The subdivision will have sufficient water available for the reasonably foreseeable needs of the subdivision.
19. The subdivision will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
20. The subdivision will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed.
21. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare irreplaceable natural areas or any public rights for physical or visual access to the shoreline.
22. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan development plan or land use plan.
23. The subdivider has adequate financial and technical capacity to meet the standards in the Hollis Subdivision Regulations.
24. Whenever situated entirely or partially within the watershed of any pond or lake or within 250 feet of any wetland, great pond or river as defined in Title 38 MRSA 436A, will not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.
25. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

Conclusions:

1. The criteria of 30-A MRSA 4404 have been met.
2. The standards of the Town's Subdivision Regulation have been met, with the exception of the following items that have been waived by the Planning Board:

a) LIST ITEMS

Decision:

Based on the above facts and conclusions, the Hollis Planning Board voted to (*approve/deny*) the subdivision application on _____.

Conditions of Approval:

In order to promote the purposes of the State Subdivision Statutes, the Town's Subdivision Regulation, Zoning Ordinance and Comprehensive Plan, the Planning Board has imposed the following conditions on the approval of this subdivision.

1. Hours of operation will be from 7AM to 6PM, Monday through Friday, and 7AM to 3PM on Saturday.
2. The premises shall be kept free and clear of debris at all times during construction.
3. All required permits, federal, state and local are to be current.
4. Prior to roadway construction, the subdivider shall provide the following performance guarantee to the town: The applicant shall post the required surety for this project at the time of roadway construction. The applicant shall submit to the Selectmen and engineer's cost estimate or awarded construction contracts as evidence that the surety amount is adequate. If desired, the Selectmen may have the proposal reviewed by an independent engineer and/or attorney for adequacy. The bond proposal submitted to the Selectmen shall comply with all relevant provisions of Article 13 of the Town of Hollis Subdivision Regulations, with specific attention to 13.1B, 13.4 and 13.8 through 13.10. The Hollis Planning Board shall be copied on all correspondence between the applicant and the Selectmen on this matter and shall have the authority to release the guarantee under Section 13.8.
5. Any damage to public road shall be repaired before issuance of final occupancy permit.
6. All principal structures within the 100-year flood plain shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation in accordance with the Hollis Zoning Ordinance.
7. This approval is dependent upon, and limited to, the proposals and plans contained in this application and supporting documents submitted and affirmed by the applicant and that any variation from the plans, proposals and supporting documents is subject to review and approval by the Planning Board.
8. Prior to any occupancy within the subdivision, a structure shall be properly numbered with the number visible from the street year round.
9. The applicant shall be responsible for the cost and installation of all required street signs to be placed in locations approved by the Road Commissioner and/or Fire Chief.
10. The applicant's engineer shall certify that the streets or ways have been constructed in accordance with the specifications of the Town of Hollis' road construction standards and in accordance with the plans and specifications approved by the Planning Board. Furthermore, the applicant's engineer will be responsible for providing record "as built" drawings accurately reflecting these improvements. This shall be done prior to issuance of building permits.
11. These conditions of approval and the Final Plan shall be recorded at the York County Registry of Deeds within ninety (90) days of the date of written notice of approval by the Planning Board. A dated copy of the recorded Decision Document shall be returned to the Code Enforcement Officer prior to issuance of any building permits for any of the lots within the subdivision.
12. Prior to the sale of any lot, the sub-divider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.

13. The town roads commissioner shall inspect the roadway construction in accordance with the Article 12.3 of the Subdivision Regulation.
14. At least five days prior to commencing each major phase of construction of required improvements, the subdivider or builder shall notify the Code Enforcement Officer, in writing, of the time when he proposes to commence construction of the improvements, so that inspections can be made.
15. The applicant may be required to update the Planning Board on the progress of the project.

Violations, Fines & Appeals:

1. Violations of any of these conditions shall be a violation of the Ordinance. Any expansion or change requires reapplication to the Hollis Planning Board.
2. FINE – Any person, firm or corporation being the owner of or having control or use of any buildings or premises who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor or on conviction shall be fined not less than \$100 nor more than \$2,500. Each day such a violation is permitted to exist after notification shall constitute a separate offense.
3. The applicant has the right to appeal this decision to the Hollis Zoning Board of Appeals within thirty (30) days of this decision.

Sincerely,

_____, Chairman
Hollis Planning Board

Notary

/jr

cc: Selectmen
Code Enforcement Officer
Fire Chief
Road Commissioner
Applicant's File

Town of Hollis

Checklist for Major Subdivision - PRELIMINARY PLAN

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of **Article 7** of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a *preliminary plan for major subdivision*. It does not address the standards that the preliminary plan must meet. There are two other checklists (Articles 11 and 12) which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived Plannin Board
7.2.A	Four copies of application plus accompanying information					
7.2.B.	LOCATION MAP					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's remaining contiguous land					
7.2.C.	PRELIMINARY PLAN					
C.	Four copies of all maps and/or drawings printed or reproduced on paper					
C.	Scale not smaller than 1"= 100'; for subdivision more than 100 acres, not smaller than 1"= 200'					
7.2.D.	APPLICATION REQUIREMENTS					
D.1.	Name of subdivision, name of town and assessor's map and lot number(s)					
D.2.	Verification of right, title or interest in property					
D.3.	Standard boundary survey with bearings and distances					
D.4.	Copy of most recently recorded deed; all restrictions, easements, rights-of-way and other encumbrances					
D.5.	Deed restrictions on proposed new lots or dwellings					
D.6.	Type of sewage disposal					
D.6.a	Written statement from Sewer District					
D.6.b	Test pit analyses by Site Evaluator and test sites location map					
D.7.	Type of water supply system(s)					

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.7.	Water Department letter re: capacity					
D.8.	Date plan prepared, north point and graphic map scale					
D.9.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					
D.10.	High intensity soil survey by Certified Soil Scientist					
D.10.	All wetlands identified (required by statute)					
D.11.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
D.12.	All rivers, streams and brooks within and adjacent to subdivision; designation of great pond watershed					
D.13.	Topographic contour lines specified by Planning Board					
D.14.	Zoning district(s) and boundaries					
D.15.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision					
D.16.	Location, name and widths of existing streets and highways					
D.17.	Proposed lot lines, approximate dimensions and lot areas					
D.18.	Parcels of land proposed to be dedicated to public use; condition of such dedication					
D.19.	Open space to be preserved; proposed ownership, improvements, management					
D.20.	Area of each lot permitting forest clearing and lawn planting					
D.21.	100-year flood elevations in flood prone areas					
D.22.a.	Hydrogeologic assessment for subdivision not served by sewer and if any part of subdivision is over a sand and gravel aquifer, or (See 22.b)					
D.22.b.	Hydrogeologic assessment if average density is more than one dwelling unit per 100,000 sq. ft.					
D.22.b.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality					
D.23.	Vehicular trip generation rates					
D.24.	Traffic impact analysis for 40 or more parking spaces or for 400 vehicle trips per day or more					
D.25.	High or moderate value wildlife habitat within or adjacent to the subdivision					
D.26.	If the proposed subdivision is within the direct watershed of a great pond AND it qualifies, then the simplified phosphorus control review procedure is required, including a long term maintenance program for phosphorus control. See Article 10.16.A.2					
D.27.	Areas within or adjacent to subdivision eligible to be listed on National Register of Historic Places					
ADDITIONAL INFORMATION						
Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.						

Town of Hollis

Checklist for Major Subdivision - FINAL PLAN

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of **Article 8** of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a *final plan for major subdivision*. It does not address the standards that the final plan must meet. There are two other checklists (Article 11 and Article 12) which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
8.1.	PROCEDURE					
A.	Submittal of Final Plan within 6 months of approval of the Preliminary Plan OR submittal of request for an extension to the filing deadline					
B.	Filing of appropriate Final Plan application fee					
C.	Prior to submittal of Final Plan application, the following approvals shall be obtained where applicable:					
C.1.	Maine DEP permit(s)					
C.2.	Maine DEP permit(s) under Natural Resources Protection Act					
C.3.	Maine DHS permit(s) if public water system					
C.4.	Maine DHS permit(s) if engineered subsurface wastewater disposal system					
C.5.	Army Corps of Engineers if Section 404 permit required					
8.1.D.	Maine Historic Preservation Commission contacted if areas are eligible to be listed on the National Register of Historic Places					
8.1.J.	Comment from municipal department heads re: existing capital facilities					
8.1.K.	Performance Guarantee specified in Article 13					
8.2.	SUBMISSIONS					
8.2.	Two reproducible and three copies of one or more maps at scale of not more than 1"=100'; for more than 100 acres, not more than 1"=200'					
8.2.	Plans not larger than 24" x 36" with 2" border on binding side; 1" for borders elsewhere					
8.2.	Block for Planning Board signatures					

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
8.2.	FINAL PLAN INFORMATION					
A.	Name of subdivision, name of town and assessor's map and lot number(s)					
B.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features					
C.	Type of sewage proposed					
C.	Written statement from Sewer District indicating approval of the sewerage design					
D.	Type of water supply system(s)					
D.1.	Water Department approval of water system design					
D.1.	Fire Chief letter on hydrants					
D.2.	Well driller or hydrologist letter on ground water supply and quality					
E.	Date plan prepared, north point, graphic map scale					
F.	Names and addresses of record owner, subdivider, plan preparer(s)					
G.	Location of any zoning boundaries affecting the property					
H.	If different than Preliminary Plan submittal, any deed restrictions on proposed new lots or dwellings					
I.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to proposed subdivision					
J.	Location, name and widths of existing and proposed streets, easements, building lines, parks and open spaces on or adjacent to subdivision tied to survey points and certified by a registered land surveyor					
J.	Original plan embossed with the seal of registered land surveyor and signed by that individual					
K.	Street designs, plans meeting requirement Article 12					
L.	Storm water management plan by professional engineer					
M.	Erosion and sedimentation control plan					
N.	Parcels proposed for dedication to public use; condition(s) of dedication; written documentation of management of subdivider-retained parcels; legal sufficiency to convey title(s) to Town					
O.	100-year flood elevations					
P.	Phosphorus control plan for subdivision in direct watershed of great pond					
P.1.	Phosphorus impact analysis and control plan					
P.2.	Long-term maintenance plan					
P.3.	Contour lines five feet or closer					
P.4.	25%+ slopes covering more than one acre on phosphorus plans					
Q.	List of items to be constructed before sale of lots; evidence subdivider can cover their costs					
R.	Location and method of disposal for land clearing and construction debris					

Town of Hollis

Checklist for Minor Subdivision

Subdivision Name _____ Date _____

This checklist has been prepared to assist applicants in developing their applications. It should be used as a guide in assembling the information necessary for a complete application. However, the checklist does not substitute for the requirements of **Article 6** of the Subdivision Regulations. The Planning Board also will be using the checklist to make sure that your application is complete. Indicate if the information has been submitted or if it is requested to be waived. If you feel that information is not applicable to your project, please indicate in the second column. The perimeter survey, subdivision plan and engineering plans may be contained on the same drawing. However, detailed engineering drawings such as road profiles, drainage swales and erosion/sedimentation plans may best be presented on a separate sheet or sheets.

Note that this checklist only covers the submission requirements for a *final plan for minor subdivision*. It does not address the standards that the final plan must meet. There are two other checklists (Article 11 and Article 12) which address the performance standards and the design guidelines which the applicant may find of assistance.

Shaded boxes indicate that the action is not recommended to be taken by the Applicant.

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
6.3.A.	Four copies of application plus accompanying information					
6.3.B.	LOCATION MAP					
B.1.	Existing subdivisions in the proximity of proposed subdivision					
B.2.	Locations and names of existing and proposed streets					
B.3.	Zoning boundaries and designations					
B.4.	Outline of proposed subdivision and owner's remaining contiguous land					
6.3.C.	FINAL PLAN					
C.	Two reproducible and three copies of all maps and/or drawings at a scale of 1" = 100'; for more than 100 acres, scale not smaller than 1" = 200'					
C.	On sheets not larger than 24" x 36" with 2" border on binding side; 1" for borders elsewhere					
C.	Block for Planning Board signatures					
C.	Four copies of all information accompanying the plan					
6.3.D.	APPLICATION REQUIREMENTS					
D.1.	Name of subdivision, name of town and assessor's map and lot number(s)					
D.2.	Verification of right, title or interest in property					
D.3.	Standard boundary survey with bearings and distances					
D.4.	Copy of most recent deed and all restrictions, easements, rights-of-way and other encumbrances					
D.5.	Deed restrictions on proposed new lots or dwellings					

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived by Planning Board
D.6.	Type of sewage proposed					
D.6.a.	Written statement from Sewer District					
D.6.b.	Test pit analyses by Site Evaluator and test sites location map					
D.7.	Type of water supply system(s)					
D.7.a.	Water Department letter re: capacity					
D.7.a.	Fire Chief letter on hydrants					
D.7.b.	Well driller or hydrologist letter on ground water supply and quality					
D.8.	Date plan prepared, north point and graphic map scale					
D.9.	Names and addresses of record owner, subdivider, plan preparer(s) and adjoining property owners					
D.10.	High intensity soil survey by Soil Scientist					
D.10.	All wetlands identified (required by statute)					
D.11.	Total acres in subdivision; location of property lines, existing building(s), vegetative cover type and other essential physical features; i.e., rock outcrops, etc.					
D.11.	Location of trees more than 24" in diameter					
D.11.	On wooded sites, clearings for lawns and structures; areas restricted from the clearing of vegetation					
D.12.	All rivers, streams and brooks within and adjacent to subdivision					
D.12.	Within the direct watershed of a great pond					
D.13.	Topographic contour lines specified by Planning Board					
D.14.	Zoning district(s) and boundaries					
D.15.	Location and size of existing and proposed sewers, water mains, culverts and drainageways on and adjacent to subdivision					
D.16.	Location, name and widths of existing streets and highways					
D.16.	Location, name and widths of existing and proposed easements, building lines, parks and open spaces on or adjacent to subdivision tied to survey reference points					
D.17.	Location of open space to be preserved, any improvements; the management of the open space					
D.18.	Parcels dedicated to public use; condition of such dedication; written documentation of ownership of public use parcels; legal sufficiency to convey title(s) to Town					
D.19.	100-year flood elevations in flood prone areas					
D.20.a.	Hydrogeologic assessment for subdivision not served by sewer and if any part of subdivision is over a sand and gravel aquifer, or (See 20.b)					
D.20.b.	Hydrogeologic assessment if average density is more than one dwelling unit per 100,000 sq. ft.					
D.20.b.	Hydrogeologic assessment if Board determines potential adverse impacts on ground water quality					
D.21.	Vehicular trip generation rates					

SUBDIVISION REGULATIONS		Submitted by Applicant	Not Applicable	Applicant Requests to be Waived	Received by Planning Board	Waived Plannin Board
D.22.	Traffic impact analysis for 40 or more parking spaces or for 400 vehicle trips per day or more					
D.23.	Storm water management plan by registered professional engineer					
D.24.	Erosion and sedimentation control plan					
D.25.	High or moderate value wildlife habitat within or adjacent to the subdivision					
D.26.	Phosphorus control plan for subdivision in direct watershed of great pond					
D.26.a.	Simplified review procedure					
D26b.1	Phosphorus impact and control plan					
b.2.	Long-term maintenance plan					
b.3.	Five feet or closer topographic contour lines					
b.4.	25% slopes covering more than one acre					
D.27.	Areas within or adjacent to subdivision eligible to be listed on National Register of Historic Places					
D.28.	Location and method of disposal for land clearing and construction debris					
ADDITIONAL INFORMATION						
Planning Board may require additional information where it is determined necessary by the Board to meet criteria of the State Subdivision Statute Title 30-A M.R.S.A., §4404.						

Town of Hollis

Planning Board

34 Town Farm Road

Hollis, ME 04042

(207) 929-8552 Fax: (207) 929-3686

Shoreland Zoning Permit Review Checklist

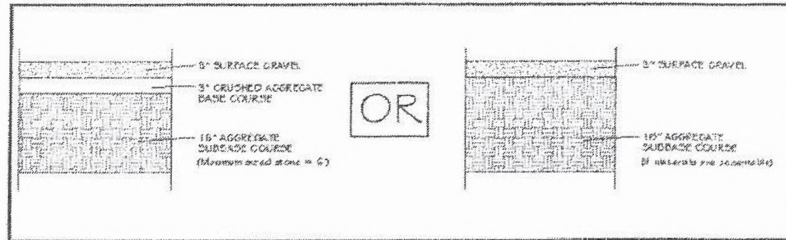
The proposed use:

1. Will maintain safe and healthful conditions
2. Will not result in water pollution, erosion, or sedimentation to surface waters

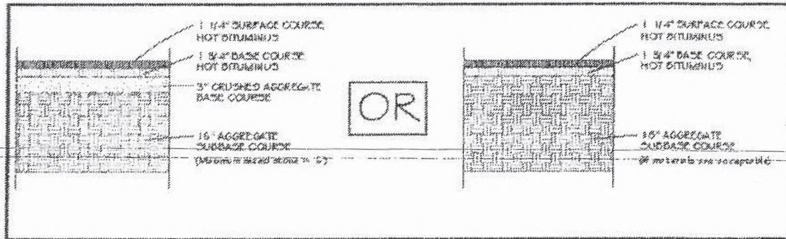
3. Will adequately provide for the disposal of all wastewater
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat
5. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters
6. Will protect archaeological and historic resources as designated in the Comprehensive Plan
7. Will avoid problems associated with flood plain development and use; and
8. Is in conformance with provisions of Chapter 17, Land Use Standards

Appendix Q
Street Design Standards and Cross Section Examples

Minimum Thickness for Materials (Table 12.2.G)

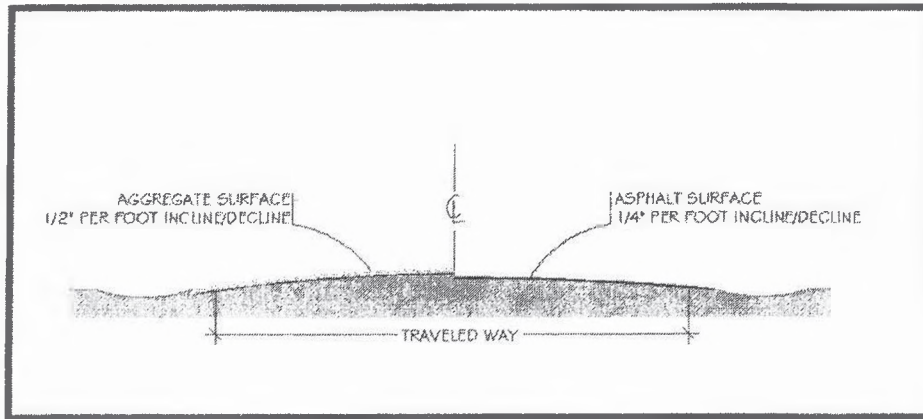


Gravel Road Construction

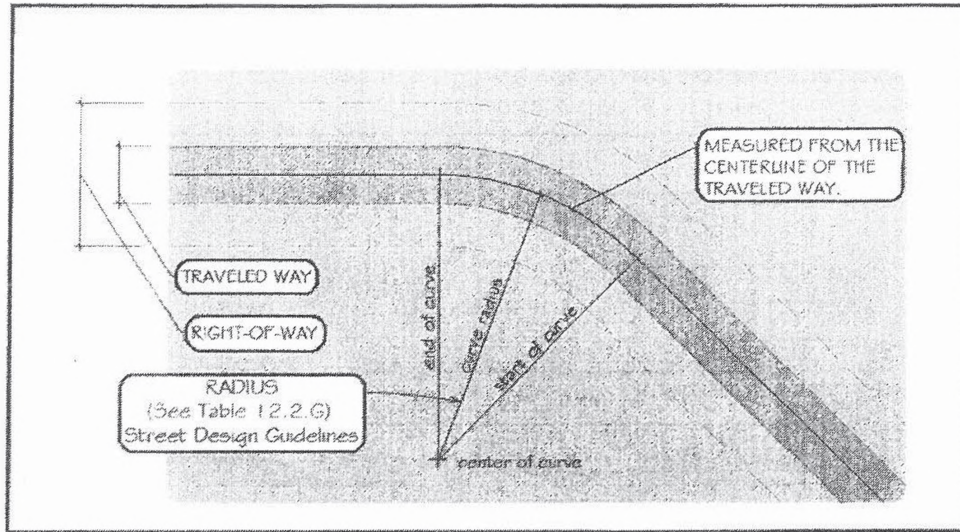


Asphalt Road Construction

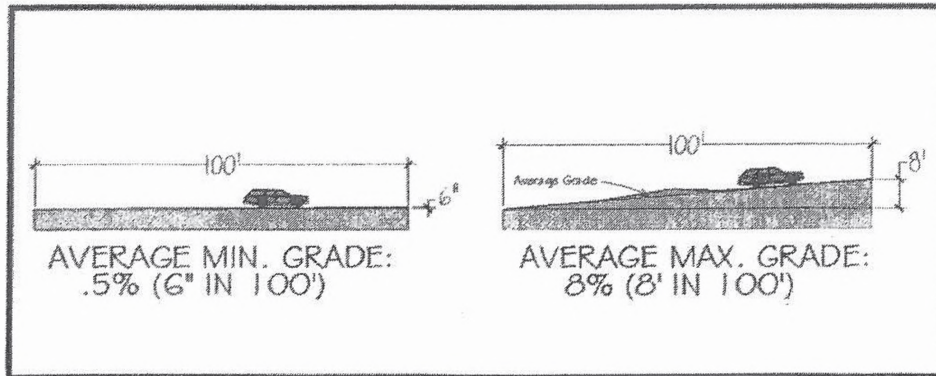
Roadway Crown



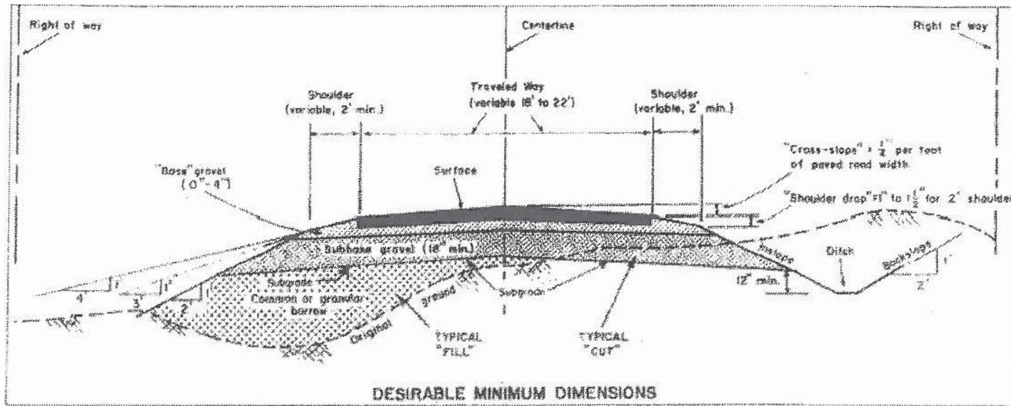
Minimum Centerline Radius (Table 12.2.G)



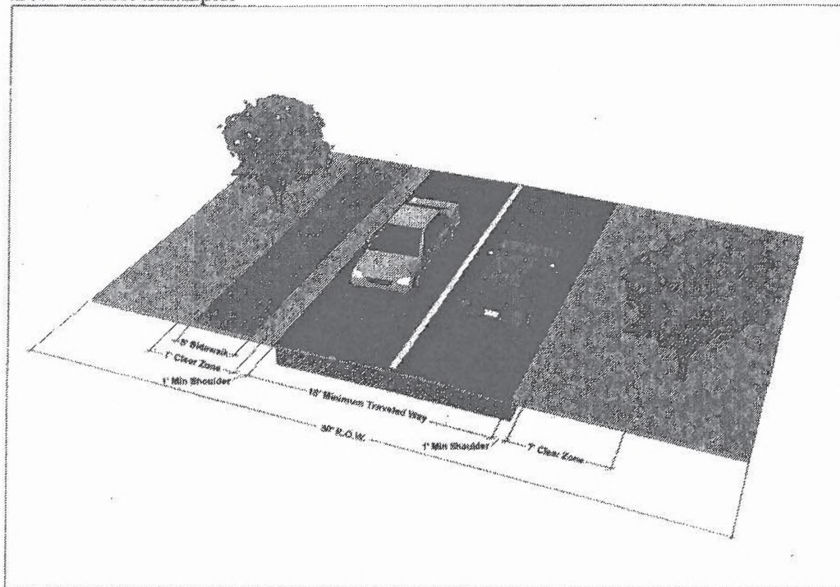
Minimum/Maximum Grade (Table 12.2.G)



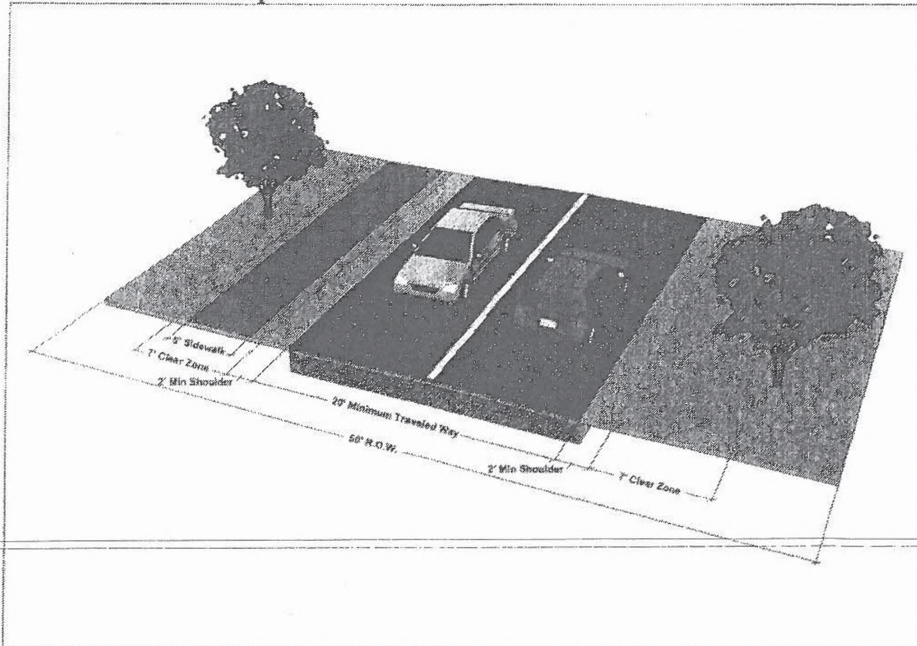
Typical Street Cross Section



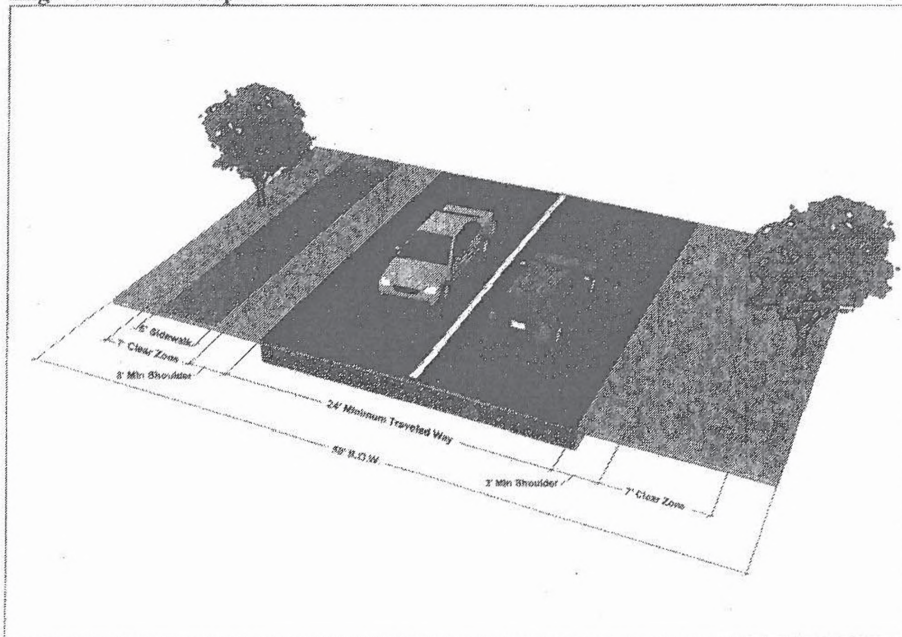
Low Volume Example:



Medium Volume Example:



High Volume Example:





Underground Fire Suppression Storage Tank Requirements

HOLLIS FIRE-RESCUE
34 TOWN FARM ROAD
HOLLIS, MAINE 04042

Fire Protection Cistern Tanks

- Capacity:** Minimum of 10,000 gallons.
- Number of Tanks:** One 10,000-gallon tank may be used to serve up to 16 dwellings and may serve no more than 3000 ft of road length. For developments exceeding 16 dwellings or 3000 ft of road length, design shall be at the discretion of the Fire Chief
- Construction Type:** Concrete or Fiberglass
- Plans:** One set of plans shall be submitted to Hollis Fire-Rescue and one to the Hollis Code Enforcement Officer for approval prior to start of any work on-site.
- Installation:** All installation shall be done to manufacturer's specifications and good engineering practices as approved on the plans and specifications.
- Piping:** Shall be PVC. Drafting pipe shall be minimum of 6" diameter and be schedule 80 PVC with a 6" NST female thread connection with cap and chain, installed 90 degrees to vertical. Pipe not to exceed 36" from finished grade. The bottom of the drafting pipe shall be parallel to the bottom of the tank and shall allow a flow of 500 gpm minimum.
- Vent pipes shall meet manufacturer's specifications.
- Fill pipe shall be minimum 4" diameter schedule 80 PVC with a 5" Strotz fitting cap and chain set at 45 degrees to fill. Pipe not to exceed 36" from finished grade. Fill pipe shall be as close to drafting pipe as allowed by the manufacturer.
- Water Level Gauge:** Each tank shall have a tank level indicator that can be seen from the road that indicates water level in the tank. This indicator may be incorporated in the vent pipe if allowed by the manufacturer.

The tank indicator will have a three-color indicator:

- Green = Full Tank, 95% or higher
- Yellow = Water Level Below 75%
- Red = Water Level Below 50%

Multiple Tanks: Shall be installed per manufacturer's specifications in reference to internal and interconnecting piping and venting. There shall be only one drafting and fill pipe per installation.

Protections: Draft and fill pipes shall be protected from damage using good engineering practices.

Access: All installations shall be made accessible for fire department operations, consideration of length of trucks and solid surface for trucks to drive on. This surface shall be within 6 ft. of the drafting pipe. Review and approval of construction and materials by the Planning Board and Road Commissioner is required.

Tank Placement: Shall have the approval of the Planning Board, Hollis Code Enforcement Officer and the Hollis Fire-Rescue.

Acceptance: The Hollis Code Enforcement Officer and the Hollis Fire-Rescue must accept an installation prior to the Town's acceptance. There will be no acceptance of any installation until the tank installation meets the approved drawings and specifications. A satisfactory flow test must be completed. (500 gpm minimum)

Warranty: All installations will have a minimum of a two-year warranty on all materials and workmanship. Any tank found to be defective in the two-year period shall be repaired and a one-year extension of the warranty period shall be initiated if the remaining period is less than one year.

Documentation: Any operation and maintenance manuals, preventative maintenance information from the manufacturer, replacement parts lists, or similar data shall be turned over to the Fire Chief upon completion of the installation.

Appendix S - Y
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Appendix Z Definitions

The definitions below are intended to be the same as those in the Hollis Zoning Ordinance. Should there be any discrepancy, those in the Hollis Zoning Ordinance shall take precedence.

Abutter: “One whose property is contiguous to the perimeter of the tract developed or proposed for development. A private or public road shall not prevent the abutting property from bordering upon and being contiguous with the tract being developed or proposed for development.”

Acre: builder’s acre, forty thousand (40,000) sq. ft.

Accessory Dwelling Unit: a room or suite of rooms used by a one, two or three member family which is separated from other existing suites or rooms which comprise the principal living space or the home, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities.

Accessory Structure: a structure which is incidental and subordinate to the principal structure. 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.

Accessory Use: a use, which is incidental and subordinate to the principal use.

Agent of the Planning Board: the municipality planner(s) or other persons designated by the Town to perform administrative functions for the Planning Board

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.

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

Alteration: any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.

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

Aquifer: an underground body of earth, sand, gravel, or rock that contains sufficient saturated permeable material to yield groundwater to wells and springs.

Aquifer-Dependent Industry: a commercial or industrial use involving the extraction of ground water or the use of surface water in an amount greater than 1000 gallons in any day. This use includes but is not limited to accessory uses such as wells, springs, water storage tanks, water treatment, packaging, and shipping and all structures and utilities needed to house or accommodate the accessory uses.

Auto Sales: a place in which automobile sales is the primary use, this does not include the accessory sale of vehicle not to exceed three vehicles.

Auto Service Garage: a place where general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles occurs. To include the sale of minor accessories, servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame or fender straightening and repair or the dispensing of fuel.

Auto Service Station: > two (2) Service Islands: a major business selling gasoline, diesel or propane fuel, with more than two (2) pump islands or with a capacity to fuel more than six (6) vehicles simultaneously and/or providing repair services including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities.

Auto Service Station: one (1) Service Island: a minor business selling gasoline, diesel or propane fuel with not more than one (1) pump island, provided that no more than a total of six (6) vehicles may be fueled simultaneously. Repair services including but not limited to tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities shall be permitted provided that there shall be no more than two (2) service bays.

Auto Washing Facility: a place which offers automobile washing stalls, bays or areas for the washing of more than one vehicle by the general public.

Automobile Graveyard: a yard, field or other area used as a place of storage for three (3) or more unregistered, discarded, worn-out or junked motor vehicles. (See Automobile Graveyard Ordinance)

Back Office Use: an office-related use providing support services to a primary or headquarters use, with minimal public visitation and no direct in-person sales or services to the general public. Back office uses may include data processing, or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social service agencies as long as no direct in-person services to the general public are provided.

Basement: the part of a building that is wholly or partly below ground level.

Bed and Breakfast: a building in which one (1) or more guestrooms is used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guestrooms. The only meal, which may be offered, is breakfast, which shall be offered only to overnight guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the Town, unless such a facility is authorized, under the applicable provisions of Hollis' Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

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.

Boathouse: a non-residential structure designed for the purposes of protecting or storing boats for non-commercial purposes.

Buffer: vegetation, fences, and other means used to form a visual separation of one use from another, or to shield or block noise, lights, or other nuisances. Buffer strips may be required to

include, but are not limited to, berms, fences, trees, shrubs or other material, as required by the governing section of these standards, by the board, or by the zoning ordinance.

Building: a structure built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.

Building Height: the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Business: any income producing enterprise.

Business service: establishments primarily engaged in rendering services to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar businesses.

Campground: any premises, area, or tract of land established for overnight use for the purpose of temporary lodging for which a fee is charged, to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

Channel: a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel flow: is water flowing within the limits of the defined channel.

Clinics: Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists, or social workers, etc.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests, including fraternities, sororities, and social organizations

Cluster Subdivision: a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in, in return for provision of open space owned in common by lot/unit owners, The Town, or a land conservation organization.

Code Enforcement Officer (CEO): the Code Enforcement Officer of the Town of Hollis.

Commercial Recreation: any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to, racquet clubs, health facilities, and amusement parks, but no including amusement centers.

Commercial Use: The use of lands, buildings or structures, other than a "home occupation," defined elsewhere, 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.

Common areas: portions of a lodging house, which are available for use by of the lodging house. Common areas shall include, but are not limited to, one (1) or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways and storage areas shall not be counted as common areas.

Complete Application: an application shall be considered complete upon the Planning Board's decision that all information required by these regulations has been submitted and the required fee

under the town's cost recovery ordinance has been submitted. When the Planning Board votes that the application is complete, if the required fee has been submitted, the Board shall issue a receipt to the applicant.

Community Center: a building used for inside and/or outside mixed recreational, social, educational, health, culture, or similar activities, and services.

Community Hall: a building or portion of a building, used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Community Septic System: a subsurface septic system which is not administered by the Town of Hollis, and which serves more than two dwelling units

Comprehensive Plan or Policy Statement: any part or element of the over-all plan or policy for development of the municipality as defined in Title 30 M.R.S.A.

Conditional Use: a use allowed by permit only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be allowed if specific provision for such conditional use is made in this Ordinance.

Conditional Use Permit: a permit issued by the Planning Board for a conditional use. A conditional use permit may be issued only after the applicant has followed the procedures of this Ordinance (Section 3.7.4.).

Conforming Use: a use of buildings, structures or land, which complies, with all applicable provisions of this Ordinance.

Constructed: includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of construction.

Convenience Store: a store intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, other household items, and/or fuel products.

Day Care Center: an establishment, including a private residence, where three or more individuals are cared for in return for compensation.

Developed Area: any area on which a site improvement or change is made, including, but not limited to, buildings, landscaping, parking areas, and streets

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

Disability Variance: The Appeals Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Appeals Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability with the exception of Hollis Zoning Ordinance Section 6.21. Wheelchair Ramps. The Appeals Board may impose conditions on the variance,

including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, Section 4553 and the term “structures necessary for access to or egress from the property” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

District: a specified portion of the Town of Hollis, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Disturbed Area: all land areas that are stripped, graded, or grubbed at any time during the site preparation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance

Drive-Through and Take-Out Facilities: a commercial facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical

Driveway: a vehicular access-way serving two dwelling units or less.

Dwelling: a fixed structure, containing at least one (1) but not more than two (2) dwelling units.

Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

Earth: topsoil, sand, gravel, clay, peat, rock, or other minerals.

Economic Development Overlay Zone (EDZ): this zone provides areas within the Town of Hollis for manufacturing as well as wholesale and retail distribution of products and services and to provide standards for these uses which will produce a healthy, safe environment for the economic well-being of the municipality. This includes land, which abuts major arterial highways in the Town of Hollis. Care is taken within the Economic Development Overlay Zone to prevent over development that might create unsafe traffic, septic conditions or endanger fresh water supplies.

Elderly Housing: a building or buildings containing dwelling units constructed or reconstructed specifically for occupancy by families, without children, in which at least one member is 55 years of age or older. This includes assisted living, ADA requirements, and physically challenged family members.

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

Essential Services: the construction, alteration, or maintenance of gas, electrical communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Eutrophication: the process of nutrient enrichment of water bodies.

Excavation: any removal of earth or earth material from its original position.

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

Expansion of Existing Use(s): the addition of weeks or months to an existing use(s) operating season, additional hours of operation, or the use of more floor area or ground area devoted to an existing use(s) or similar in character to these.

Fabrication: manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects requiring some assembly.

Family: one (1) or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.

Filling: depositing or dumping any matter on or into the ground or water.

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

Flea Market: any recurring use or activity of the sale of miscellaneous items commonly known as garage sales, yard sales, porch sales, flea markets, tag sales, etc. Exceptions: said activity is not classified as a flea market if the following conditions are met - Activity does not exceed three (3) consecutive days and does not occur on more than three (3) occasions per year on the same site.

Flood: a temporary rise in stream flow or tidal surge that results in water overstepping its banks and inundating adjacent areas.

Flood Plain: the lands adjacent to a water body, which have been or may be covered by the regional flood.

Flood Proofing: a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Flood, Regional: the maximum known flood on a water body; either the one hundred (100) year frequency flood, where calculated, or the flood of record.

Floodway: the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood flows of any river or stream.

Floor Area, Gross: The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from exterior walls.

Food Service Establishment, Restaurant, Lounges, Cafes, etc.: an establishment where food, beverages and meals are prepared and served to the public for consumption on the premises entirely within and enclosed building.

Food Service Establishment, Take Out/Drive In: an establishment where food, beverages and meals are prepared and served directly to the public from an exterior service opening or counter (or any combination). The public is encouraged by the design of the physical facilities, advertising, packaging, etc. to consume the food outside the building.

Forest Management Activities: Activities in the forest include cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads.

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

Freshwater Wetland: freshwater swamps, marshes, bogs, open or closed canopied areas (wooded) which display at least two (2) of the three (3) identification criteria -soils, vegetation, or hydrology and similar areas, which are:

1. Of one (1) or more contiguous acres; or of less than one (1) contiguous acre 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 one (1) acre; 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.

Front Setback: fifty (50) feet from the right-of-way or seventy-five (75) feet from the center line of a three rod road or eighty-three (83) feet from the center line of a four rod road. Front setbacks shall be met for all abutting streets.

Frontage: the linear distance of the line separating a lot from a publicly or privately maintained thoroughfare open to the public, but not including private driveways.

Frontage, Lot: the horizontal distance between the intersections of the side lot lines. (See Frontage, Street)

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

Frontage, Street: the horizontal distance between the intersections of the side lot lines with the front lot line.

Garage and Yard Sale: all general sales, open to the public, conducted on a residential premises, typically on a week-end, and not more than four (4) times per year, for the purpose of disposing of personal property.

Grade: in relation to buildings, the average of the finished ground level at the center of all walls of a building.

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

Ground Water: the supply of fresh water under the earth's surface in an aquifer or soil that forms a natural reservoir for potable water.

Ground Water Yield: water recharge rate.

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 point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Home Occupation: an occupation or profession, which is customarily carried on in a dwelling unit or accessory building by a member of the family residing in the dwelling unit. Clearly incidental and secondary to the use of the dwelling unit for residential purposes, including realtors, surveyors, tradesmen and other professions that carry their business outside the home are permitted as a home occupation, as long as the business complies with the above definition and the performance standards as outlined in this Ordinance.

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

Impervious Area: the area that is or will be covered by: 1) buildings and associated constructed facilities, 2) a low-permeability material such as asphalt or concrete, and/or 3) gravel roads and parking areas that will be compacted through use or design so as to reduce their permeability. Common impervious areas include, by way of example, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, compacted gravel, packed earthen materials, macadam, and other surfaces that impede the natural infiltration of stormwater.

Industrial Park or Commercial Development: an area zoned and planned for varied industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Junkyard: a yard, field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material; and
4. Garage dumps, waste dumps and sanitary fills.

Kennel: a location where animals are bred or boarded for commercial purposes.

Lagoon: an artificial enlargement of a water body, primarily by means of dredging and excavation.

Land Locked: a parcel of land without street frontage.

Lot: a parcel of land as described on a deed, plot or similar legal document.

Lot Area: the total surface area within the lot lines.

Lot, Corner: a lot with at least two (2) contiguous sides, each abutting upon a street.

Lot, Coverage: the percentage of the plot or lot covered by all buildings and impervious surfaces.

Lot, Interior: any lot other than a corner lot or rear lot.

Lot Lines: the lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the line separating the lot from the public way, on a corner or through lot, the line separating the lot from either public way. On a rear lot, the lot line closest and most parallel to a public way.

Rear Lot Line: the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: any lot line other than the front lot line or rear lot line.

Lot Length: starting at the mid-point of the front lot line, the longest straight line wholly within the property.

Lot Width: the horizontal distance between the side lot lines, measured at the setback line.

Lot of Record: a parcel of land, the dimensions of which are shown on a document or map on file with the county Registry of Deeds or in common use by the Town of Hollis or county officials.

Lot, Rear: a lot without frontage on a street.

Lot, Shorefront: any lot abutting a water body.

Lot, Through: any interior lot having frontages on two (2) more or less parallel streets, or between a street and a water body, or between two water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Manufactured Housing: Manufactured Housing - a Structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. Two types of manufactured housing are included. Those two types are "newer mobile homes" and "modular homes".

1. **New Mobile Homes:** are units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the U.S. Dept. of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.
2. **Modular Homes:** are units that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951 (Section 9001 et seq.), and rules adopted under that chapter, meaning structures transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained in the unit.

Marina: a shorefront commercial facility with provisions for one (1) or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

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

Mineral Extraction: any operation within any twelve (12) month period which removes more than ten (10) 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. It does not include ground water or surface water extraction.

Mixed Commercial Use: two or more of the following commercial uses combined under one ownership or management, planned and developed as a whole according to comprehensive and detailed site, business and building plans. (1) Retail Business (2) Professional Business and General Offices (3) Food Service Establishment, Restaurant, Lounges, Cafes, etc., (4) Personal Service Business (5). Rental and (6) Food Service Establishments, Take Out/Drive In (7) Tradesman activities and (8) General Store.

Mobile Home: a structure designed as a dwelling unit containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than four hundred and eighty (480) square feet of gross floor space.

Mobile Home Park: a plot of land laid out to accommodate at least two (2) mobile homes.

Multi-Family Dwelling: a fixed structure containing three (3) or more dwelling units.

Net Residential Area: the buildable area of a parcel determined by subtracting unusable area from total acreage.

Net Residential Acreage: the gross acreage available for development, excluding the area for streets or access.

Net Residential Density: the number of dwelling units allowed per net residential acre.

Non-Conforming Building or Use: a building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance, which does not conform to all applicable provisions of this Ordinance or which is made so by public easement or taken by eminent domain.

Normal High-Water Elevation of Inland Waters: the line on the shores or banks of non-tidal waters, which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is the line where the vegetation changes from predominantly terrestrial to predominantly aquatic (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples.) In places where a shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

Normal High-Water Line: that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of

wetlands adjacent to rivers and great ponds, the normal high-water line is the upland edge of the wetland, and not the edge of the open water.

Nursing Home: any dwelling in which three or more aged, ill, chronically ill or incurably ill persons are housed and furnished with meals and nursing care for compensation.

100 Year Flood: the highest level of flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring in any year).

Official Submittal Date: the date upon which the Board issues a receipt indicating that a complete application has been submitted

Open Space Use: a use not involving a structure, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: a minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

Performance Guarantee: a guarantee provided by an applicant to cover any costs to meet the requirements of the approved plan.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Personal Service Business: a retail business which predominately provides services and the sale of goods is clearly incidental to the service(s) provided, such as consulting, stock brokerage, barbers, realty, insurance, hairdressers, training, shoe repair, tanning, fitness facility, etc.

Piers, Docks, Wharves, Bridges: structures which extend over or beyond the normal high-water line or within a wetland.

Planned Unit Development (PUD): a development under common control and developed as a whole for a mix of residential, commercial, and industrial uses according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all building intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: the Planning Board of the Town of Hollis. (alternatively referred to as “the Board”)

Preapplication: the period before a formal subdivision application is filed. A sketch plan may be submitted for staff and Planning Board comments during this period.

Preliminary Subdivision Plan: the preliminary drawings indicating the proposed layout of the subdivision to be submitted in accordance with the Subdivision Regulations

Premises: one or more lots, which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Principal Structure: the building in which the primary use of the lot is conducted.

Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

Profession: a vocation or occupation requiring specialized education, study or training and often requiring licensing, accreditation, certification, testing, etc.

Professional, Business and General Offices: a place of business for one or more of the following:

Doctors, lawyers, accountants, financial advisors, architects, engineers, surveyors, real estate brokers, psychiatrists, counselors, etc.

Banking, stock brokerage, realty, insurance and the like

General business of conducting administrative, financial or clerical, support operations but specifically excluding retail sales, manufacturing, fabrication, industrial activities, etc., as part of the Office Operations.

Professional Office: the office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

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.

Public Notice: The publication of the time, date, and place of all non-scheduled non-emergency meetings to be placed in a weekly newspaper one week prior to such meetings in order to reach most of the people in the community far enough in advance of the meeting to allow the public to make plan and attend.

Public Utility: any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Public Way: a state or town way existing on the effective date of this definition

Recording Plan: a copy of the Final Plan recorded at the Registry of Deeds and which needs not show information not relevant to the transfer of interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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 vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

Resource Protection Zone: see Shoreland Zoning.

Restaurants: shall be divided into four categories:

1. Establishment in a permanent building in which preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the food;
2. Establishments in mobile units, either towed or self propelled, preparing and serving food products on a particular site; and
3. Establishments in mobile units, either towed or self propelled, serving prepared food products, and traveling to selected locations on a daily basis, and remaining on –site for

limited time periods i.e., during lunch breaks, etc. Such units are often referred to as catering services or food services.

4. Establishments involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring a short amount of time between the period of ordering and serving of the food, which is served in edible or disposable containers.

Retail Business: a business establishment engaged in the sale, rental, or lease of goods to the end consumer for direct use or consumption and not for resale.

Riprap: rocks, crushed stone, etc., that is irregularly shaped, and is used for erosion control and soil stabilization typically used on ground slopes.

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 vehicles.

Rooming unit: a room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room which provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

Satellite Receiving Dish: an antenna designed to receive signals from satellites.

Self-storage facility: fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: the minimum horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

Shoreland Zone: see Shoreland Zoning.

Sign: a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Sketch Plan: a conceptual plan for a subdivision prepared and submitted as part of the pre-application process.

Solar Collector: a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a building's energy supply.

Solar Energy System: a complete design or assembly consisting of solar energy collector, an energy storage facility (when used), and components for a distribution of transformed energy

Spring water: ground water that comes to the surface under natural hydraulic pressures.

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

Street: public or private ways such as, but not limited to, alleys, avenues, boulevards, highways, roads and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classification: (See Subdivision Review Standards for details)

Stormwater Best Management Practices (BMP'S): methods, techniques, designs, practices, and other means to control the quality and quantity of stormwater that are approved by the Maine Department of Environmental Protection. Stormwater BMP'S are identified in "Stormwater Management in Maine: Best management Practices" which is published periodically by the Maine Department of Environmental Protection.

Structure: anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Subdivision: subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period 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 or parcel of land into 3 or more dwelling units within a 5-year period, the construction 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.

Subdivision, Major: any subdivision containing five (5) or more lots or dwelling units, or any subdivision containing a new public street extension.

Subdivision, Minor: any subdivision containing (4) four or less lots or dwelling units or less.

Subdivision Revision: any administrative change to an approved plan.

Sub-Standard Lot: one that does not meet zoning standards.

Subsidized Housing: a housing project that is subsidized by a Federal or State Funding Program.

Substantial Completion: completion of eighty (80) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart."

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

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions;
or

2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart."

Subsurface Sewage Disposal System: as defined by the Maine State Plumbing Code.

Swimming Pool:

1. Permanent: an in-ground swimming pool, regardless of size, or an aboveground swimming pool of one thousand two hundred (1,200) gallons or greater capacity.
2. Portable: an aboveground swimming pool with a side height of thirty (30) inches or more and less than one thousand two hundred (1,200) gallons capacity.

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

Tract or Parcel of Land: for the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, whether or not the tract is separated at any point by: (1) intermittent or non-navigable stream, (2) tidal waters where there is no flow at low tide, or (3) a private road established by the abutting land owners.

Trailer, Utility: a vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

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

Upland Edge: the boundary between upland and wetland.

Use: a purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied. See Section 3.7.4.7, factors to consider, in determining principal and accessory uses.

Variance: a relaxation to the terms of this Ordinance where such variance would not be contrary to the public interest. Except as provided in the definitions for Disability Variance and Set-back Variance for Single-family Dwellings, the Appeals Board may grant a variance only when strict application of the Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The land in question cannot yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general condition in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality; and

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

Vegetation: all live trees, shrubs, ground cover, and other plants without limitation.

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

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.

Water body: any pond, great pond, river, or stream.

Water Table: the surface of the top of the ground water in the uppermost aquifer of ground water body and the surface at which the pressure is equal to that of the atmosphere. The water table position changes throughout the year in response to precipitation recharge and the level of nearby surface water bodies.

Wetland: a freshwater or coastal wetland specifically identified on the U.S. Interior, Dept. of Fish & Wildlife map as well as any other wetlands identified by the Town of Hollis.

Wetlands: are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have all of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

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

Wholesale: sale for resale, not for direct consumption.

Yard: the area of land on a lot not occupied by the principal building.

Yard, Front: the area of land between the front lot line and the nearest part of the principal building.

Yard, Rear: the area of land between the rear lot line and the nearest part of the principal building.

Town of Hollis

Traffic Crosswalk Ordinance

Article I. Establishment.

This ordinance is enacted pursuant to 30-A M.R.S.A. 3001 and in accordance with Title 29-A Subsection 2056.4.

Article II. Applicability.

This ordinance applies to any designated crosswalk in the Town of Hollis on either a State highway, State aid road, or Town road.

Article III. Requirements.

1. All crosswalks shall meet the latest Manual on Uniform Control Devices (MUTCD) standards and a minimum of six (6) feet wide.

2. All crosswalks shall meet the criteria of the American's with Disabilities Act (ADA).

3. A crosswalk should extend from one safe landing zone to another. Provisions should be made for winter maintenance of landing zones, including but not limited to snow and ice removal.

4. Crosswalks shall, to the extent practical, be perpendicular to the highway and in no case be more than 30 degrees perpendicular to the highway.

5. Crosswalks shall be installed in areas where the speed limit is 35 mph or less.

6. Crosswalks shall be placed in areas where there is sufficient stopping sight distance for the posted speed limits as set forth below measured from a 3.5 foot driver eye height to a 3.5 foot pedestrian height.

Posted speed (MPH)	Sight Distance (Feet)
20	155
25	200
30	250
35	305

7. Crosswalks shall have the appropriate signage (W11-2 series from the Manual on Uniform Control Devices). These signs shall be a black symbol on yellow background or a black symbol on fluorescent yellow-green background. Sign colors should not be mixed in any area.

8. Crosswalks should be located a minimum distance of 500 feet apart.

9. No parking shall be allowed within 20 feet of any non-signalized crosswalk and 30 feet at a crosswalk at a signalized intersection.

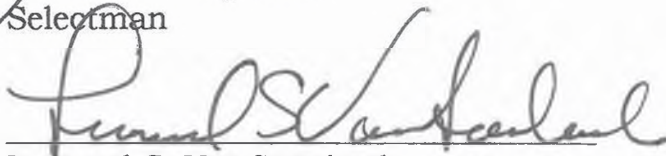
10. School crosswalks should be at roadway intersections.

Approval IV. Any crosswalk installed in the Town of Hollis shall have the approval of the Selectmen and the Road Commissioner as well as the State Traffic Engineer if appropriate.

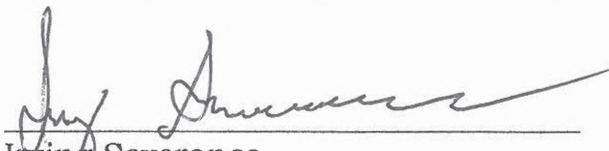
In accordance with M.R.S.A. Title 38 §3009
Enacted the 6th day of July, 2005 by:



John S. Wood, Chair
Selectman

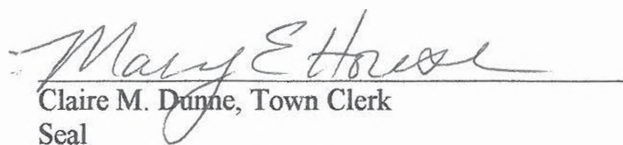


Leonard S. VanGaasbeek
Selectman



Irving Severance
Selectman

Attested By:



Claire M. Dunne, Town Clerk
Seal

“Town of Hollis Ordinance Regulating Trucks on the North end of Killick Pond Road”

Authority: This regulatory ordinance is adopted pursuant to 30-A M.R.S.A Section 3009.

Purpose: This ordinance is designed to protect public health and welfare by regulating motor vehicles on certain public ways.

Definitions:

“*Public Way*” means any town way or public easement as defined in 23 M.R.S.A. Section 3021 and any portion of any State or State-aid highway located within the town. This term includes ways commonly designated as streets, lanes, roads and avenues and includes paved or unpaved shoulders of such ways.

“*Motor Vehicle*” is any vehicle defined in 29 M.R.S.A Section 1

Any other term used in this ordinance shall have its common, ordinary meaning unless otherwise indicated.

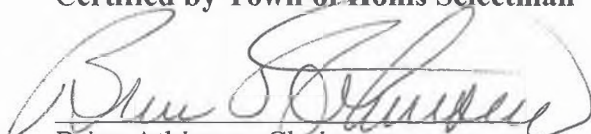
Regulated Areas: When signs are erected giving notice thereof, persons shall not operate any motor vehicle having more than three(3) axles at any time on the Killick Pond Road from the ‘water plant’ truck entrance to Route 35.

Enforcement: This ordinance shall be enforced by the Municipal Officers or their duly appointed designee. Violations of this ordinance shall be traffic infractions and shall be prosecuted, if necessary, in the appropriated District Court.

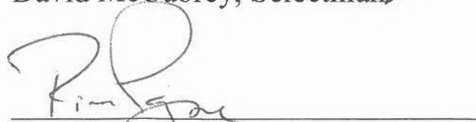
Severability: In the event that any portion of this ordinance is found by a Court to be invalid, the remaining provisions shall continue in full force and effect.

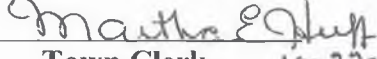
Effective Date: This ordinance was adopted by a majority of the Municipal Officers effective date October 22, 2014.

Certified by Town of Hollis Selectman


Brian Atkinson, Chairman


David McCubrey, Selectman


River Payne, Selectman

Attested: 
Town Clerk 10-22-2014

Wireless

Telecommunications

Facilities

Ordinance

Town of Hollis Maine

Enacted: November 4, 2008

Amended: _____

Attested Copy: 

WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

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WIRELESS TELECOMMUNICATIONS FACILITIES ORDINANCE

1. Purpose:

The purpose of this ordinance is to provide a uniform and comprehensive set of performance standards and requirements to be used by the Planning board when it reviews an application for the placement and construction of wireless telecommunication facilities. These standards and requirements are intended to:

A. Implement a municipal policy concerning the provision of wireless telecommunications services, and the siting of their facilities;

B. Establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities;

C. Allow competition in telecommunications service;

D. Encourage the provision of advanced telecommunications services to the largest number of businesses, institutions and residents of the Town of Hollis;

E. Permit and manage reasonable access to the public rights of way of the Town of Hollis for telecommunications purposes on a competitively neutral basis;

F. Ensure that all telecommunications carriers providing facilities or services within the Town of Hollis comply with the ordinances of the Town of Hollis;

G. Ensure that the Town of Hollis can continue to fairly and responsibly protect the public health, safety and welfare;

H. Encourage the co-location of wireless telecommunications facilities, thus helping to minimize adverse visual impacts on the community;

I. Enable the Town of Hollis to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development;

J. Further the goals and policies of the comprehensive plan, while promoting orderly development of the Town with minimal impacts on existing uses; and

K. Protect the scenic and visual character of the community.

1.1 Definitions: The terms used in this ordinance shall have the following meanings:

Accessory facility or structure: An accessory facility or structure serving or being used in conjunction with wireless Telecommunications facilities, and located on the same property or lot as the wireless telecommunications facilities, including but not limited to utility or transmission equipment storage sheds or cabinets.

Antenna: means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

Antenna Height: means the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

Co-location: means the use of a wireless telecommunications facility by more than one wireless telecommunications provider. Specifically, it is the sharing by two or more service providers of the structure, tower or facility that supports the antennas and other equipment, where feasible. It does not mean merely sharing of the site, compound or ground area in which a Wireless Telecommunication Facility is located. Further, "collocation" does not mean the construction of additional separate towers or other structures that support wireless telecommunication equipment within one compound, leased area or site.

Communication tower: A guyed, monopole or self supporting vertical structure, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

FAA: means the Federal Aviation Administration, or its lawful successor.

FCC: means the Federal Communications Commission, or its lawful successor.

Historic or Archaeological Resources: means resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08

Amended: _____

Attested: 

Copy: _____

programs that have been certified by Secretary of the Interior through the Maine Historic Preservation Commission; or

5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Historic District: means a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

Historic Landmark: means any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

Line of sight: means the direct view of the object from the designated point such as a scenic resource.

Modification of Existing Facilities: any change, or proposed change in power input or output, number of antennae, in antennae type or repositioning of antennae, or change in dimensions of an existing and permitted tower or structure designed to support telecommunication equipment.

Monitoring: The measurement, by use of instruments in the field, of non-ionizing radiation exposure from telecommunications facilities, towers, antennas, or repeaters.

Monopole: A single self-supporting vertical pole with no guy wire anchors with below grade foundations.

Parabolic Antenna: (also known as a satellite dish antenna) means an antenna which is bowl-shaped, designed for the reception and or transmission of radio frequency communication signals in a specific directional pattern.

Pre-existing towers and antennae: Any tower or antennae for which a permit has been issued prior to the effective date of this Ordinance.

Principal Use: the primary use to which the premises are devoted, and for the main purpose for which the premises exist.

Public Recreational Facility: means a regionally or locally significant facility, as defined and identified either by State statute or in the municipality's adopted comprehensive plan, designed to serve the recreational needs of municipal property owners.

Designated Scenic Resource: means that specific location, view, or corridor, as identified as a scenic resource in the municipally adopted comprehensive plan or by a State or federal agency that consists of:

1. A three dimensional area extending out from a particular viewpoint on a public way or within a public recreational area, focusing on a single object, such as a mountain, resulting in a narrow corridor, or a group of objects, such as a downtown skyline or mountain range, resulting in a panoramic view corridor; or
2. Lateral terrain features such as valley sides or woodland as observed to either side of the observer, constraining the view into a narrow or particular field, as seen from a viewpoint on a public way or within a public recreational area.

Targeted Market Coverage Area: means the area which is targeted to be served by this proposed telecommunications facility.

Unreasonable Adverse Impact: means that the proposed project would produce an end result which is:

1. Excessively out-of-character with the designated scenic resources affected, including existing buildings structures and features within the designated scenic resource, and
2. Would significantly diminish the scenic value of the designated scenic resource.

Viewpoint: means that location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

Wireless Telecommunications Facility or Facilities: means 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 phone services, specialized mobile radio communications (SMR), common carrier wireless exchange access services, and personal communications service (PCS) or pager services. This includes without limit, Towers of all types and kinds and structures that employ camouflage technology, including but not limited to structures such as a multi-story building, church steeple, silo, water tower, sign or other structures that can be used to mitigate visual impact of an Antenna and a tower or functional equivalent of such, including all related facilities such as cabling, equipment shelters and other structures associated with the site.

Wireless Telecommunications Facility includes a structure and facility intended for transmitting and/or receiving radio, television, cellular, paging, 911, personal Telecommunications services, commercial satellite services, microwave services and services not licensed by the FCC, but not expressly exempt from the Town's siting, building and permitting authority, excluding those used exclusively for the Town's fire, police or exclusively for private, non-commercial radio and television reception and private citizens band, amateur radio and other similar non-commercial Telecommunications where height of the facility is below the height limits set forth in this ordinance.

2. Authority:

This ordinance is adopted/ Amended pursuant to the enabling provisions of Article VIII, 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 Regulation Act, Title 30-A M.R.S.A. Section 4312 et seq. In addition, Local zoning of Wireless Telecommunication Facility's and related buildings are authorized by The Telecommunications Act of 1996.

2.1 Relief, Waiver, or Exemptions

Any applicant desiring relief, waiver or exemption from any aspect or requirement of this may request such at the pre-application meeting, provided that the relief or exemption is contained in the original application for either a Conditional Use Permit, or in the case of an existing or previously granted Conditional Use Permit a request for the modification of its tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. The applicant shall bear all costs of the Town in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, the relief, waiver or exemption is necessary.

3 Administration:

3.1 The Hollis Planning Board shall be responsible for the review of applications and issuance of Conditional Use Permits for construction or expansion of Wireless Telecommunication Facilities as defined in this ordinance.

A. Expansion of an Existing Facility and Co-location. Conditional Use Permit Approval by the Planning Board is required for any expansion of an existing wireless telecommunications facility that increases the height of the facility by no more than 20 feet; accessory use of an existing wireless telecommunications facility; or co-location on an existing wireless telecommunications facility.

B. New Construction Conditional Use Permit and Site Plan Approval by the Planning Board is required for construction of a new wireless telecommunications facility and any expansion of an existing wireless telecommunications facility, which increases the height by more than 20 feet.

3.2 The Code Enforcement Officer (CEO) shall be responsible for ensuring the conditions of the permit are enforced.

3.3 Appeal

Appeal from the decision of the Planning Board shall be to Superior Court, according to state law.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08

Amended: _____

Attested: [Signature]

Copy: _____

3.4 Amendment of this Ordinance

3.4.1 Procedure : In all cases of proposed amendments the Planning Board shall:

3.4.1.1 Hold at least two public hearings within sixty days and thirty days prior to the meeting of the governing body.

3.4.1.1.1 Notice of Public Hearings shall be:

A. Posted in the Municipal Office 14 days prior to the hearing; and

B. Published at least twice in a newspaper of general circulation in the area. The date of the first publication must be at least 14 days prior to the first public hearing and the date of the second publication must be at least 7 days prior to the first public hearing.

3.4.2 Proposed amendments may be brought to the planning Board by:

The Planning Board,
Board of Selectmen,
Petition of citizens or
Other means allowed by law

3.4.3 Approval of amendments:

3.4.3.1 By a majority vote of ballots cast at a Town Meeting if the proposed amendment is recommended by the Planning Board; or

3.4.3.2 By a two-thirds majority vote of the ballots cast at a Town Meeting if the proposed amendment is not recommended by the Planning Board;

3.4.2.1 For zoning changes involving only clerical errors the Planning board has the Authority to make only non-substance clerical corrections that do not alter the meaning to the ordinance that are administered by the Planning Board of the Town of Hollis.

4. Applicability:

4.1 All wireless telecommunication facilities existing on or before the effective date of this ordinance shall be allowed to continue as they presently exist, providing they remain unmodified

4.2 Except as otherwise provided in this section, this ordinance shall apply to all construction or expansion of Wireless Telecommunication Facilities (towers, antennas, satellite devices, and the like including all supports and guy wires) and associated buildings for the re-transmission and/or amplification of Communication Services (cellular, radio, satellite, television, and the like) located within the Town of Hollis.

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08 Amended: _____ CR tested

Copy: _____

4.3 Wireless Telecommunication Facilities are permitted as a Conditional Use in the Town providing they meet all applicable standards set forth in the Hollis Zoning Ordinance (HZO) unless specifically noted otherwise in this ordinance; current Federal Aviation Administration (FAA), Federal Communications Commission (FCC) and any other applicable Federal or State agency requirements; and comply with the additional standards set forth in this section.

4.4 The following are exempt from the provisions of this ordinance:

4.4.1 Emergency Wireless Telecommunications Facility. Temporary wireless communication facilities for emergency communications by public officials. Amateur (ham) radio stations. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).

4.4.2 Parabolic antenna. Parabolic Antennas less than seven (7) feet in diameter, that are an accessory use of the property.

4.4.3 Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

4.4.4 Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of one hundred eighty days.

4.4.5 Antennas as Accessory Uses. An antenna that is an accessory use to a residential dwelling unit.

5. Performance Standards:

5.1 General: In addition to the findings required by this Ordinance, the Planning Board shall find its decision on an application to be consistent with the provisions of the Federal Telecommunications Act of 1996 or most current edition; the Hollis Zoning Ordinance; the Hollis Shoreland Zoning Ordinance; and other land use ordinances that may apply.

The applicant shall provide the Town with registered notification ninety (90) day prior to abandonment of the facility.

5.2 Infrastructure: All roads, buildings, etc. associated with the Wireless Telecommunication Facility must comply with the standards set forth in all other applicable Hollis zoning ordinances, and to the extent possible blend with the type of environment surrounding them.

5.3 Height: Wireless Telecommunication Facilities and all equipment located thereon shall not exceed 195 feet in height above the existing ground level, and shall be galvanized or painted a neutral color so as to be non-reflective and to reduce visual obtrusiveness.

5.4 Lighting: Wireless Telecommunication Facilities and buildings themselves shall not be permitted to have exterior lights of any type visible from dusk till dawn, with the exception of lights required for illumination for safety during maintenance or repair activities and shall be used only when personnel are conducting these activities on site.

5.5 Security: Wireless Telecommunication Facilities shall be enclosed by a security fence and include appropriate anti-climbing devices to discourage trespassing on the property and facility.

5.6 New Construction: New Towers shall not be permitted unless the applicant can show conclusively that a location cannot occur on existing towers, structures without increasing height or structural capacity requirement.

The applicant shall submit a comprehensive report inventorying existing towers and other suitable structures within 3 miles of the location of any proposed new tower, unless the applicant can show some other distance is more reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.

5.7 Tower height: The applicant shall submit documentation justifying the total height of any tower, facility, and /or antenna and the basis therefore. Such documentation will be analyzed in the context of the justification of height needed to provide service primarily and essentially within Hollis and neighboring towns, to the extent practicable, unless good cause is shown

5.8 Setbacks: A new or expanded wireless telecommunications facility must comply with the set back requirements for the zoning district in which it is located, or be set back one hundred five percent (105%) of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. The following exemptions apply:

Where Wireless Telecommunication Facilities are permitted, the setback may be reduced by the Planning Board upon a showing by the applicant that the facility is designed to collapse in a manner that will not harm other property.

5.9 Landscaping: A new wireless telecommunications facility and related equipment must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

5.10 Color and Materials: A new wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

5.11 Other Impact: The proposed wireless telecommunications facility will have no unreasonable adverse impact upon designated scenic resources within the Town, as identified either in the municipally adopted comprehensive plan, or by a State or federal agency.

5.11.1 Visual: In determining the potential unreasonable adverse impact of the proposed facility upon the designated scenic resources, the Planning Board shall consider the following factors:

5.11.1.1 The extent to which the proposed wireless telecommunications facility is visible above tree line, from the viewpoint(s) of the impacted designated scenic resource;

5.13 Interference: The applicant shall ensure that the proposed use will not cause localized interference with reception of area television or radio broadcasts, If upon review the Planning Board determines interference is occurring, the Board will notify the applicant in writing via certified mail. If the interference is not eliminated within 60 days of this written notice the Conditional Use Permit will be revoked and operation must cease until the condition is corrected. The Conditional Use Permit will be re-issued without additional fees by the Planning Board when it determines the cause is corrected.

6 Procedure:

6.1 Pre-application meeting: To address issues that will help to expedite the review and permitting process. A pre-application meeting shall also include a site visit. Costs of the Town's consultants to prepare for and attend the pre-application meeting will be borne by the applicant. Additionally, Refer to the HZO conditional use and Site Plan Review Procedures.

6.2 Site visit: As prescribed for Conditional Use Permits and Site Review Standards in the Hollis Zoning Ordinance.

6.3 Public hearing: As prescribed for Conditional Use Permits in the Hollis Zoning Ordinance.

6.4 Expert Assistance:

The Town may hire any consultant and/or expert necessary to assist the Town in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any requests for recertification.

An applicant shall deposit with the Town funds sufficient to reimburse the Town for all reasonable costs of consultant and expert evaluation and consultation to the Town in connection with the review of any application including the construction and modification of the site, once permitted. The deposit shall be (\$8,500 or as determined by the Hollis Selectmen). The placement of the fee with the Town shall precede the pre-application meeting. The Town will maintain a separate escrow account for all such funds. The Town's consultant shall invoice the Town for its services in reviewing the application including the construction and modification of the site, once permitted.

If any time during the process this escrow account has a balance less than (\$3500 or as determined by the Hollis Selectmen) the applicant shall immediately upon notification by the Town replenish said escrow account so that it has a balance of at least (\$5000 or as determined by the Hollis Selectmen). Such additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant.

7 Application for Planning Board Approval

An application for approval by the Planning Board must be submitted to the Code Enforcement Officer. The application must include the information required by the HZO for Conditional Use and Site Plan Review and the following information:

7.1 A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.

7.2 A USGS 7.5 minute topographic map showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on roof tops, within a three (3) mile radius of the proposed facility, unless this information has been previously made available to the municipality. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.

7.3 **A site plan:** In addition to the Site Plan Review Standards of HZO; the Site Plan Review should include the following:

7.3.1 The location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;

7.3.2 Certification by the applicant that the proposed facility complies with all FCC standards for radio emissions is required; and

7.3.3 Location map and elevation drawings of the proposed facility and any other proposed structures, showing color, and identifying structural materials.

7.3.4 A report from a Registered Professional Engineer in the State of Maine that describes the tower, the technical reasons for the tower design and the capacity of the tower, including the number, type, and volume of antennas that it can accommodate and the basis for the calculation of capacity.

7.3.5 For antennas mounted to buildings, poles or towers, certification by a Registered Professional Engineer in the State of Maine that the design is adequate to support without failure the maximum forces expected from wind, earthquakes, ice, and snow loading when fully loaded with antennas, transmitters, and other equipment, and camouflaging, as described in the submitted plans.

7.4 A scenic assessment, consisting of the following: to the Site Plan Review Standards of HZO;

7.4.1 Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level;

7.4.2 A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

7.4.3 Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

7.4.4. A narrative discussing:

7.4.4.1 The extent to which the proposed facility would be visible from or within a designated scenic resource,

7.4.4.2 The tree line elevation of vegetation within 100 feet of the facility, and

7.4.4.3 The distance to the proposed facility from the designated scenic resource's noted viewpoints.

7.5 A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7.5.1 Evidence demonstrating that no existing building, site, or structure can accommodate the applicants proposed facility, the evidence of which may consist of any one or more of the following:

7.5.2 Evidence that no existing facilities are located within the targeted market coverage area as required to meet the applicant's engineering requirements,

7.5.3 Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements,

7.5.4 Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

7.5.5 For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;

7.5.6 Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access;

7.5.7 The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

7.6 Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places (see 16 U.S.C. 470w (5); 36 CFR 60 and 800); and identification of environmental effects of any facility pursuant to the requirements of the National Environmental

Policy Act (NEPA).

7.7 A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

7.7.1 Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

7.7.2 Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;

7.7.3 Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for co-location;

7.7.4 Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles.

7.8 This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

7.9 A form of surety approved by the Board of Selectmen to pay for the costs of removing the facility if it is abandoned.

7.10 A map showing the locations and service areas of other Communication Structure sites operated by the applicant and those that are proposed by the applicant which are close enough to impact service with the Town.

8 Effective Date of Ordinance

The effective date of this Ordinance or its amendment is immediately upon acceptance at a by the Legislative body of the Town of Hollis.

9 Conflicts with Other Ordinances

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

10 Validity and Severability

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

Town of Hollis, Maine

Wireless Telecommunications Facilities

Ordinance Enacted: 11/04/08 Amended: _____ Attested

Copy: _____

*Public Hearing
Warrant for the Special Town Meeting*

September 11 2008

To Tom Filieo, a Constable, in the Town of Hollis, County of York and State of Maine.

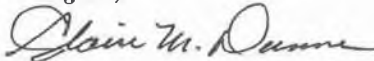
Greetings:

In the name of the State of Maine, you are hereby requested to notify and warn the inhabitants of said Town of Hollis, qualified to vote in Town affairs to assemble at the Hollis Districts 2 Fire Station at 405 Plains Rd., at 7Pm for the purpose of reviewing the articles that will appear on the November 4, 2008 Town Warrant

Dated: September 4, 2008

Attest to be a true copy of the said warrant

Signed,



*Claire M. Dunne,
Town Clerk*

Officer's Return

To the Municipal Officers

I certify that I have notified the voters of Hollis of the Public Hearing on September 11, 2008 to be held at the Fire Station 2 located at 405 Plains Rd. by posting an attested copy of the Warrant at

Hollis Center Post Office, Your Country Store all located in the Hollis Center, Deer Pond (Big Apple) Variety Store in the North Hollis Area, Johnson's Garage in the West Buxton Village Area. The Selectmen's Office and the Town Clerk's Office, all located at the Municipal Center all being in conspicuous place

Dated September 4, 2008

Signed,

Tom Filieo

Article :2 Shall the Town vote to change the status of the Town Clerk position from an Elected three year term to an appointed position at the end of the present Term which will be in June 2011?

Article:3 Shall the Town vote to change the status of the Tax Collectors position from An elected three year term to an appointed position at the end of the present Term which will be in June 2010?

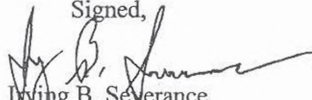
Article: 4 Shall the Town vote to change the status of the Treasurer position from an Elected three year term to an appointed position at the end of the present Term which will be in June 2009?

Article 5 Shall the Town vote to change the status of the Road Commissioner position From two year term to an appointed position at the end of the present which Will be in June 2010?

Article:6 Shall an Ordinance entitled Hollis Cell Tower Ordinance be replaced with a New ordinance entitled Wireless Telecommunication Facilities Ordinance Dated September 9, 2008

*Article 7 Shall an ordinance entitled Hollis Dog Ordinance be replaced with a
New ordinance entitled Hollis Animal Control Ordinance dated September
5, 2008*

Signed,



Irving B. Severance



Stuart B. Gannett, Sr.



Gerald W. Gannett

Dated September 4, 2008

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- A. Use Table
- B. Space & Bulk Summary Chart
- C. Appeals Board Application
- D. Conditional Use Permit Application
- E. Conditional Use Permit Checklist
- F. Zoning Map

Town of Hollis Zoning Ordinance

1. GENERAL

1.1. Short Title

This Ordinance shall be known and cited as the “Zoning Ordinance of the Town of Hollis, Maine,” and will be referred to herein as “The Ordinance.”

1.2. Purpose

This Ordinance is designed for all the purposes of zoning embraced in the Maine Revised Statutes, and has been drafted as pursuant to and consistent with a Comprehensive Plan for the Town of Hollis, Maine, to promote the health, safety, and general welfare of its residents. Among other things, it is designed to encourage the most appropriate use of land throughout the Town; to promote traffic safety; to provide safety from fire and other hazards; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsuitable areas; to provide an adequate street system; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources and to maintain the aesthetic values in keeping with a rural community; and to provide for adequate public services. This Ordinance does not grant any property rights; it does not authorize any person to trespass, infringe upon or injure the property of another; it does not excuse any person from the necessity of complying with other applicable laws and regulations.

1.3. Basic Requirements

All buildings or structures hereinafter erected, reconstructed, altered, enlarged, or moved and uses of premises in the Town of Hollis shall be in conformity with the provisions of this Ordinance. No building, structure, land or water area shall be used for any purpose or in any manner except as permitted within the district in which such building, structure, land or water is located.

1.3.1. Building Permit

Building permits shall be required in accordance with the Building Code of the Town of Hollis.

1.3.2. Plumbing Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a valid plumbing permit has been secured by the applicant, or his authorized agent, in conformance with the sanitary provisions of this Ordinance and the State Plumbing Code.

1.3.3. Electrical Permit

No building permit shall be issued for any structure or use involving the construction, installation or alteration of electrical facilities unless a valid electrical permit has been secured by the applicant, or his authorized agent, in conformance with the provisions of this Ordinance and the National Electric Code.

1.3.4. Other Permits

Any other permits that may be required by the Town of Hollis.

1.4. Non-Conforming Uses and Structures

1.4.1. Continuance of Non-Conforming Uses

1. The use of land, building or structure, lawful at the time of adoption or subsequent amendments of this Ordinance, may continue although such does not conform to the provisions of this Ordinance.
2. 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.

1.4.2. Further limitations:

1. If any portion of a structure is less than the required setback, that portion of the structure shall not be expanded in floor area or volume by more than 30% during the lifetime of the structure.
2. Construction or enlargement for a foundation beneath the existing structure shall not be considered an expansion of the structure provided that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board.
3. No structure which is less than the required setback shall be expanded toward that setback.

Relocation:

A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State Of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

Town of Hollis Zoning Ordinance

4. Any non-conforming structure which is located less than the required setback and which is removed, or damaged or destroyed by more than fifty (50) percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one (1) year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the physical condition and type of foundation present, if any.

1.4.3. Discontinuance of Non-Conforming Uses

With the exception of the provisions set forth in Section 1.4.5, a non-conforming use which is discontinued for a period of one year may not be resumed. The uses of the land, building or structure shall thereafter conform to the provisions of this Ordinance.

1.4.4. Rule of Precedence

Whenever a non-conforming use is superseded by a permitted use of a structure, or structure and land in combination, such structure or combination of land and structure shall thereafter conform to the provisions of this Ordinance and the non-conforming use shall not thereafter be resumed.

1.4.5. Transfer of Ownership

Ownership of land and structures, which remain lawful but become non-conforming by the adoption or amendment of this Ordinance, may be transferred as an entity and the new owner may continue the non-conforming uses subject to the provisions of this Ordinance.

Town of Hollis Zoning Ordinance

1.4.6. Non-Conforming Lots of Record

1. A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area or width requirements, or both, of the district in which it is located, may be built upon, provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance shall be met. Variance of yard or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
2. If two (2) or more contiguous lots or parcels except those approved by the Planning Board as a Subdivision are in single ownership of record at the time of adoption or amendment of this Ordinance, and if all or part of the lots do not meet the dimensional requirements of this Ordinance, the lands involved shall be considered to be a single parcel for the purposes of this Ordinance and no portion of said parcel shall be built upon or sold which does not meet dimensional requirements of this Ordinance nor shall any division of the parcel be made which creates any dimension or area below the requirements of this Ordinance.

1.4.7. Restoration of Unsafe Property

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition any part of any building or structure declared unsafe by the Code Enforcement Officer.

1.4.8. Pending Application for Building Permits

Nothing in this Ordinance shall require any change in the plans, construction, size or designated use of any building, structure, or part thereof, for which application for a building permit has been made or a building permit has been issued or upon which construction commenced prior to the adoption or amendment of this Ordinance, provided construction has started within sixty (60) days after the issuance of such permit.

1.4.9. Validity and Severability

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

1.4.10. Conflict with Other Ordinances

This Ordinance shall not repeal, annul, or in any way impair or remove the necessity of compliance with any other rule, regulation, by-law, Ordinance, permit or provision of law. Where an Ordinance imposes a greater restriction upon the use of land, buildings or structures, the provisions of that Ordinance shall prevail.

Town of Hollis Zoning Ordinance

1.5. Amendment

This Ordinance may be amended as follows:

1. By a majority vote of ballots cast at a Town Meeting if the proposed amendment is recommended by the Planning Board, or
2. By 2/3 majority vote of the ballots cast at a Town Meeting if the proposed amendment is not recommended by the Planning Board.

In either case, the Planning Board shall hold at least two public hearings within sixty (60) and thirty (30) days prior to the meeting of the governing body. Notice of the public hearings for the proposed changes will be

- A. Posted in the Municipal Office 14 days prior to the hearing
- and**
- B. Published at least 2 times in a newspaper of general circulation in the area. The date of the first publication must be at least 14 days prior to the public hearing and the date of the second publication must be at least 7 days prior to the public hearing.

For zoning changes involving clerical errors the Planning Board has the authority to make only non-substance clerical corrections that do not alter the meaning to ordinances that are administered by Planning Board of the Town of Hollis.

For zoning changes involving prohibiting or permitting industrial, commercial or retail uses in a specific area, notification will be in accordance to MRSA Title 30-A Section 4352, paragraph 10 of the Planning & Land Use Laws.

1.6. Effective Date

The effective date of this Ordinance or its amendments is immediately upon acceptance at the Town Meeting, held on June 18, 2005.

Town of Hollis Zoning Ordinance

1.7. Additional Town Ordinances

Additional Town Ordinances that may apply include:

Automobile Graveyard and Junkyard Ordinance

Communications Structures Ordinance

Coin Operated Amusement Device Ordinance

Parking Ordinance

Flea Market Ordinance Shoreland

Zoning Ordinance Floodplain

Management Ordinance Solid

Waste Disposal Ordinance Growth

Ordinance

Special Amusement Ordinance

Obscenity Ordinance

Subdivision Regulations

Ordinance for Naming of Roads and Numbering of Properties

Town of Hollis Building Code

ARTICLE 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS

2.1. Construction of Language

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

The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural includes the singular; the word “shall” is mandatory, and the word “may” is permissive; the words “used” or “occupied,” include the words “intended,” or “arranged to be used or occupied,” the word “building” includes the word “structure,” and the word “dwelling” includes the word “residence,” the word “lot” includes the words “plot” or “parcel.” In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall prevail.

Terms not defined shall have the customary dictionary meaning.

2.2. Definitions

In this Ordinance the following terms shall have the following meanings unless a contrary meaning is required by the context or is specially prescribed.

Abutter: One whose property is contiguous to the perimeter of the tract developed or proposed for development. A private or public road shall not prevent the abutting property from bordering upon and being contiguous with the tract being developed or proposed for development.

Acre: builder’s acre, forty thousand (40,000) sq. ft.

Accessory Dwelling Unit: a room or suite of rooms used by a one, two or three member family which is separated from other existing suites or rooms which comprise the principal living space or the home, and which contains independent living, cooking, sleeping, bathing, and sanitary facilities.

Accessory Structure: a structure, which is incidental and subordinate to the principal structure. 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.

Accessory Use: a use, which is incidental and subordinate to the principal use.

Agent of the Planning Board: the municipality planner(s) or other persons designated by the Town to perform administrative functions for the Planning Board

Town of Hollis Zoning Ordinance

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.

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

Alteration: any change, addition, or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams or girders.

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

Aquifer: an underground body of earth, sand, gravel, or rock that contains sufficient saturated permeable material to yield groundwater to wells and springs.

Aquifer-Dependent Industry: a commercial or industrial use involving the extraction of ground water or the use of surface water in an amount greater than 1000 gallons in any day. This use includes but is not limited to accessory uses such as wells, springs, water storage tanks, water treatment, packaging, and shipping and all structures and utilities needed to house or accommodate the accessory uses.

Auto Sales: a place in which automobile sales is the primary use, this does not include the accessory sale of vehicle not to exceed three vehicles.

Auto Service Garage: a place where general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles occurs. To include the sale of minor accessories, servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame or fender straightening and repair or the dispensing of fuel.

Auto Service Station: > two (2) Service Islands: a major business selling gasoline, diesel or propane fuel, with more than two (2) pump islands or with a capacity to fuel more than six (6) vehicles simultaneously and/or providing repair services including, but not limited to, tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities.

Auto Service Station: one (1) Service Island: a minor business selling gasoline, diesel or propane fuel with not more than one (1) pump island, provided that no more than a total of six (6) vehicles may be fueled simultaneously. Repair services including but not limited to tune-ups, engine repair, brake work, muffler replacement, tire repair, or similar activities shall be permitted provided that there shall be no more than two (2) service bays.

Town of Hollis Zoning Ordinance

Auto Washing Facility: a place which offers automobile washing stalls, bays or areas for the washing of more than one vehicle by the general public.

Automobile Graveyard: a yard, field or other area used as a place of storage for three (3) or more unregistered, discarded, worn-out or junked motor vehicles. (See Automobile Graveyard Ordinance)

Back Office Use: an office-related use providing support services to a primary or headquarters use, with minimal public visitation and no direct in-person sales or services to the general public.

Back office uses may include data processing, or other clerical uses relying heavily on a telecommunications infrastructure and may also include support services to educational institutions or social service agencies as long as no direct in-person services to the general public are provided.

Basement: the part of a building that is wholly or partly below ground level.

Bed and Breakfast: a building in which one (1) or more guestrooms is used to provide or offer overnight accommodations for transient guests. An owner, manager, or operator shall live in the building as a permanent resident. No cooking facilities shall be permitted in any of the guestrooms. The only meal, which may be offered, is breakfast, which shall be offered only to overnight guests. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the Town, unless such a facility is authorized, under the applicable provisions of Hollis' Land Use Code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

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.

Boathouse: a non-residential structure designed for the purposes of protecting or storing boats for non-commercial purposes.

Buffer: vegetation, fences, and other means used to form a visual separation of one use from another, or to shield or block noise, lights, or other nuisances. Buffer strips may be required to include, but are not limited to, berms, fences, trees, shrubs or other material, as required by the governing section of these standards, by the board, or by the zoning ordinance.

Building: a structure built for the support, shelter, or enclosure of persons, animals, goods or property of any kind.

Town of Hollis Zoning Ordinance

Building Height: the vertical distance between the highest point of the roof and the average grade of the ground adjoining the building.

Business: any income producing enterprise.

Business service: establishments primarily engaged in rendering services to other business establishments on a fee or contract basis such as advertising, mailing services, building maintenance services, employment services, management and consulting services, protective services, personnel services and similar businesses.

Campground: any premises, area, or tract of land established for overnight use for the purpose of temporary lodging for which a fee is charged, to accommodate two (2) or more parties in temporary living quarters, including but not limited to tents, recreational vehicles or other shelters.

Channel: a natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water.

Channel flow: is water flowing within the limits of the defined channel.

Clinics: Any establishment where patients are admitted for examination and treatment by one (1) or more professionals such as, but not limited to, physicians, dentists, psychologists, or social workers, etc.

Club: Any association of persons organized for social, religious, benevolent, or academic purposes; whose facilities are open to members and guests, including fraternities, sororities, and social organizations

Cluster Subdivision: a subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located in, in return for provision of open space owned in common by lot/unit owners, The Town, or a land conservation organization.

Code Enforcement Officer (CEO): the Code Enforcement Officer of the Town of Hollis.

Commercial Recreation: any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to, racquet clubs, health facilities, and amusement parks, but no including amusement centers.

Commercial Use: The use of lands, buildings or structures, other than a “home occupation,” defined elsewhere, 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.

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Common areas: portions of a lodging house, which are available for use by of the lodging house. Common areas shall include, but are not limited to, one (1) or more of the following: kitchens, living rooms, recreation rooms, improved basements, and finished porches. Bathrooms, stairways, hallways and storage areas shall not be counted as common areas.

Complete Application: an application shall be considered complete upon the Planning Board's decision that all information required by these regulations has been submitted and the required fee under the town's cost recovery ordinance has been submitted. When the Planning Board votes that the application is complete, if the required fee has been submitted, the Board shall issue a receipt to the applicant.

Community Center: a building used for inside and/or outside mixed recreational, social, educational, health, culture, or similar activities, and services.

Community Hall: a building or portion of a building, used for social, recreational, artistic, civic, or educational community functions. Such a facility would be open to the public for such functions, which, for example, could include but not be limited to performances, dance, exhibitions, cultural exchange, training programs and workshops, neighborhood meetings or gatherings. As part of these functions and activities, it shall be permissible to serve food, subject to other applicable codes and ordinances.

Community Septic System: a subsurface septic system which is not administered by the Town of Hollis, and which serves more than two dwelling units

Comprehensive Plan or Policy Statement: any part or element of the over-all plan or policy for development of the municipality as defined in Title 30 M.R.S.A.

Conditional Use: a use allowed by permit only after review and approval by the Planning Board. A conditional use is a use that would not be appropriate without restriction but which, if controlled under the provisions of this Ordinance, would promote the purposes of this Ordinance. Such uses may be allowed if specific provision for such conditional use is made in this Ordinance.

Conditional Use Permit: a permit issued by the Planning Board for a conditional use. A conditional use permit may be issued only after the applicant has followed the procedures of this Ordinance (Section 3.7.4.).

Conforming Use: a use of buildings, structures or land, which complies, with all applicable provisions of this Ordinance.

Constructed: includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for construction. Excavation, fill, drainage, and the like shall be considered a part of construction.

Convenience Store: a store intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, other household items, and/or fuel products.

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Day Care Center: an establishment, including a private residence, where three or more individuals are cared for in return for compensation.

Developed Area: any area on which a site improvement or change is made, including, but not limited to, buildings, landscaping, parking areas, and streets

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

Disability Variance: The Appeals Board may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The Appeals Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the property by the person with the disability with the exception of Hollis Zoning Ordinance Section 6.21. Wheelchair Ramps. The Appeals Board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, Section 4553 and the term “structures necessary for access to or egress from the property” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

District: a specified portion of the Town of Hollis, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Disturbed Area: all land areas that are stripped, graded, or grubbed at any time during the site preparation for, or construction of, a project unless the areas are returned to a condition with the same drainage patterns and vegetative cover type that existed prior to the disturbance. Both planting conducted to restore the previous cover type and restoration of any altered drainage patterns must occur within one year of disturbance

Drive-Through and Take-Out Facilities: a commercial facility which provides a service directly to a motor vehicle occupant and where the customer drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served with or without exiting the vehicle. Drive-throughs do not include major or minor auto service stations. Features associated with drive-throughs including but not limited to designated travel or stacking lanes, intercom systems, menu boards, service windows, kiosks, mechanical

Driveway: a vehicular access-way serving two dwelling units or less.

Dwelling: a fixed structure, containing at least one (1) but not more than two (2) dwelling units.

Dwelling Unit: a room or group of rooms designed and equipped exclusively for use as living quarters for only one (1) family, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

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Earth: topsoil, sand, gravel, clay, peat, rock, or other minerals.

Economic Development Overlay Zone (EDZ): this zone provides areas within the Town of Hollis for manufacturing as well as wholesale and retail distribution of products and services and to provide standards for these uses which will produce a healthy, safe environment for the economic well-being of the municipality. This includes land, which abuts major arterial highways in the Town of Hollis. Care is taken within the Economic Development Overlay Zone to prevent over development that might create unsafe traffic, septic conditions or endanger fresh water supplies.

Elderly Housing: a building or buildings containing dwelling units constructed or reconstructed specifically for occupancy by families, without children, in which at least one member is 55 years of age or older. This includes assisted living, ADA requirements, and physically challenged family members.

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

Essential Services: the construction, alteration, or maintenance of gas, electrical communication facilities, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Eutrophication: the process of nutrient enrichment of water bodies.

Excavation: any removal of earth or earth material from its original position.

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

Expansion of Existing Use(s): the addition of weeks or months to an existing use(s) operating season, additional hours of operation, or the use of more floor area or ground area devoted to an existing use(s) or similar in character to these.

Fabrication: manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects requiring some assembly.

Family: one (1) or more persons occupying a premise and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel. Such unit shall not exceed five (5) persons not related by blood or marriage.

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Filling: depositing or dumping any matter on or into the ground or water.

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

Flea Market: any recurring use or activity of the sale of miscellaneous items commonly known as garage sales, yard sales, porch sales, flea markets, tag sales, etc. Exceptions: said activity is not classified as a flea market if the following conditions are met - Activity does not exceed three (3) consecutive days and does not occur on more than three (3) occasions per year on the same site.

Flood: a temporary rise in stream flow or tidal surge that results in water overstepping its banks and inundating adjacent areas.

Flood Plain: the lands adjacent to a water body, which have been or may be covered by the regional flood.

Flood Proofing: a combination of structural provisions, changes, or adjustments to properties subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings.

Flood, Regional: the maximum known flood on a water body; either the one hundred (100) year frequency flood, where calculated, or the flood of record.

Floodway: the channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood flows of any river or stream.

Floor Area, Gross: The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from exterior walls.

Food Service Establishment, Restaurant, Lounges, Cafes, etc.: an establishment where food, beverages and meals are prepared and served to the public for consumption on the premises entirely within and enclosed building.

Food Service Establishment, Take Out/Drive In: an establishment where food, beverages and meals are prepared and served directly to the public from an exterior service opening or counter (or any combination). The public is encouraged by the design of the physical facilities, advertising, packaging, etc. to consume the food outside the building.

Forest Management Activities: Activities in the forest include cruising and other forest resource evaluation activities, pesticide or fertilizer application, timber stand improvement, pruning, timber harvesting and other forest harvesting, regeneration of forest stands, and other similar or associated activities, but not the construction, creation, or maintenance of land management roads.

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

Freshwater Wetland: freshwater swamps, marshes, bogs, open or closed canopied areas (wooded) which display at least two (2) of the three (3) identification criteria -soils, vegetation, or hydrology—and similar areas, which are:

1. Of one (1) or more contiguous acres; or of less than one (1) contiguous acre 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 one (1) acre; 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.

Front Setback: fifty (50) feet from the right-of-way or seventy-five (75) feet from the center line of a three rod road or eighty-three (83) feet from the center line of a four rod road. Front setbacks shall be met for all abutting streets.

Frontage: the linear distance of the line separating a lot from a publicly or privately maintained thoroughfare open to the public, but not including private driveways.

Frontage, Lot: the horizontal distance between the intersections of the side lot lines. (See Frontage, Street)

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

Frontage, Street: the horizontal distance between the intersections of the side lot lines with the front lot line.

Garage and Yard Sale: all general sales, open to the public, conducted on a residential premises, typically on a week-end, and not more than four (4) times per year, for the purpose of disposing of personal property.

Grade: in relation to buildings, the average of the finished ground level at the center of all walls of a building.

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

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Ground Water: the supply of fresh water under the earth's surface in an aquifer or soil that forms a natural reservoir for potable water.

Ground Water Yield: water recharge rate.

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 point. Single soil test pits and their evaluation for suitability for subsurface wastewater disposal systems shall not be considered to constitute high intensity soil surveys.

Home Occupation: an occupation or profession, which is customarily carried on in a dwelling unit or accessory building by a member of the family residing in the dwelling unit. Clearly incidental and secondary to the use of the dwelling unit for residential purposes, including realtors, surveyors, tradesmen and other professions that carry their business outside the home are permitted as a home occupation, as long as the business complies with the above definition and the performance standards as outlined in this Ordinance.

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

Impervious Area: the area that is or will be covered by: 1) buildings and associated constructed facilities, 2) a low-permeability material such as asphalt or concrete, and/or 3) gravel roads and parking areas that will be compacted through use or design so as to reduce their permeability. Common impervious areas include, by way of example, rooftops, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, compacted gravel, packed earthen materials, macadam, and other surfaces that impede the natural infiltration of stormwater.

Industrial Park or Commercial Development: an area zoned and planned for varied industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Junkyard: a yard, field or other area used as a place of storage for:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material; and
4. Garage dumps, waste dumps and sanitary fills.

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Kennel: a location where animals are bred or boarded for commercial purposes.

Lagoon: an artificial enlargement of a water body, primarily by means of dredging and excavation.

Land Locked: a parcel of land without street frontage.

Lot: a parcel of land as described on a deed, plot or similar legal document.

Lot Area: the total surface area within the lot lines.

Lot, Corner: a lot with at least two (2) contiguous sides, each abutting upon a street.

Lot, Coverage: the percentage of the plot or lot covered by all buildings and impervious surfaces.

Lot, Interior: any lot other than a corner lot or rear lot.

Lot Lines: the lines bounding a lot as defined below:

Front Lot Line: On an interior lot, the line separating the lot from the public way, on a corner or through lot, the line separating the lot from either public way. On a rear lot, the lot line closest and most parallel to a public way.

Rear Lot Line: the lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Side Lot Line: any lot line other than the front lot line or rear lot line.

Lot Length: starting at the mid-point of the front lot line, the longest straight line wholly within the property.

Lot Width: the horizontal distance between the side lot lines, measured at the setback line.

Lot of Record: a parcel of land, the dimensions of which are shown on a document or map on file with the county Registry of Deeds or in common use by the Town of Hollis or county officials.

Lot, Rear: a lot without frontage on a street.

Lot, Shorefront: any lot abutting a water body.

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Lot, Through: any interior lot having frontages on two (2) more or less parallel streets, or between a street and a water body, or between two water bodies, as distinguished from a corner lot. All sides of through lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

Manufactured Housing: Manufactured Housing - a Structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. Two types of manufactured housing are included. Those two types are “newer mobile homes” and “modular homes”.

1. **New Mobile Homes:** are units constructed after June 15, 1976, that the manufacturer certifies are constructed in compliance with the U.S. Dept. of Housing and Urban Development standards, meaning structures transportable in one or more sections, that in traveling mode are 14 body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit.
2. **Modular Homes:** are units that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951 (Section 9001 et seq.), and rules adopted under that chapter, meaning structures transportable in one or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained in the unit.

Marina: a shorefront commercial facility with provisions for one (1) or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft and their equipment and accessories.

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

Mineral Extraction: any operation within any twelve (12) month period which removes more than ten (10) 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. It does not include ground water or surface water extraction.

Mixed Commercial Use: two or more of the following commercial uses combined under one ownership or management, planned and developed as a whole according to comprehensive and detailed site, business and building plans. (1) Retail Business (2) Professional Business and General Offices (3) Food Service Establishment, Restaurant, Lounges, Cafes, etc., (4) Personal Service Business (5). Rental and (6) Food Service Establishments, Take Out/Drive In (7) Tradesman activities and (8) General Store.

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Mobile Home: a structure designed as a dwelling unit containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than four hundred and eighty (480) square feet of gross floor space.

Mobile Home Park: a plot of land laid out to accommodate at least two (2) mobile homes.

Multi-Family Dwelling: a fixed structure containing three (3) or more dwelling units.

Net Residential Area: the buildable area of a parcel determined by subtracting unusable area from total acreage.

Net Residential Acreage: the gross acreage available for development, excluding the area for streets or access.

Net Residential Density: the number of dwelling units allowed per net residential acre.

Non-Conforming Building or Use: a building, structure, use of land, or portion thereof, existing at the effective date of adoption or amendment of this Ordinance, which does not conform to all applicable provisions of this Ordinance or which is made so by public easement or taken by eminent domain.

Normal High-Water Elevation of Inland Waters: the line on the shores or banks of non-tidal waters, which is apparent because of the contiguous different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is the line where the vegetation changes from predominantly terrestrial to predominantly aquatic (by way of illustration, aquatic vegetation includes but is not limited to the following plants and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses; and terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridge berry, sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples.) In places where a shore or bank is of such character that the high water mark cannot be easily determined, (rockslides, ledges, rapidly eroding or slumping banks) the normal high water elevation shall be estimated from places where it can be determined by the above method.

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

Nursing Home: any dwelling in which three or more aged, ill, chronically ill or incurably ill persons are housed and furnished with meals and nursing care for compensation.

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100 Year Flood: the highest level of flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring in any year).

Official Submittal Date: the date upon which the Board issues a receipt indicating that a complete application has been submitted

Open Space Use: a use not involving a structure, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Parking Space: a minimum area of two hundred (200) square feet, exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles.

Performance Guarantee: a guarantee provided by an applicant to cover any costs to meet the requirements of the approved plan.

Person: an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Personal Service Business: a retail business which predominately provides services and the sale of goods is clearly incidental to the service(s) provided, such as consulting, stock brokerage, barbers, realty, insurance, hairdressers, training, shoe repair, tanning, fitness facility, etc.

Piers, Docks, Wharves, Bridges: structures which extend over or beyond the normal high-water line or within a wetland.

Planned Unit Development (PUD): a development under common control and developed as a whole for a mix of residential, commercial, and industrial uses according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all building intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. A PUD is undertaken in a manner that treats the developed area in its entirety to promote the best use of land, including the creation of open space, a reduction in the length of road and utility systems, and the retention of the natural characteristics of the land.

Planning Board: the Planning Board of the Town of Hollis. (alternatively referred to as “the Board”)

Preapplication: the period before a formal subdivision application is filed. A sketch plan may be submitted for staff and Planning Board comments during this period.

Preliminary Subdivision Plan: the preliminary drawings indicating the proposed layout of the subdivision to be submitted in accordance with the Subdivision Regulations

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Premises: one or more lots, which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Principal Structure: the building in which the primary use of the lot is conducted.

Principal Use: the primary use to which the premises are devoted, and the main purpose for which the premises exist.

Profession: a vocation or occupation requiring specialized education, study or training and often requiring licensing, accreditation, certification, testing, etc.

Professional, Business and General Offices: a place of business for one or more of the following:

1. Doctors, lawyers, accountants, financial advisors, architects, engineers, surveyors, real estate brokers, psychiatrists, counselors, etc.
2. Banking, stock brokerage, realty, insurance and the like.
3. General business of conducting administrative, financial or clerical, support operations but specifically excluding retail sales, manufacturing, fabrication, industrial activities, etc., as part of the Office Operations.

Professional Office: the office of a doctor, dentist, optometrist, psychologist, accountant, lawyer, architect, engineer or similar professional.

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.

Public Notice: The publication of the time, date, and place of all non-scheduled emergency meetings to be placed in a weekly newspaper one week prior to such meetings in order to reach most of the people in the community far enough in advance of the meeting to allow the public to make plans to attend.

Public Utility: any person, firm, corporation, municipal department, board, or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Public Way: a state or town way existing on the effective date of this definition

Recording Plan: a copy of the Final Plan recorded at the Registry of Deeds and which needs not show information not relevant to the transfer of interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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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 vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer and motor home.

Resource Protection Zone: see Shoreland Zoning.

Restaurants: shall be divided into four categories:

1. Establishment in a permanent building in which preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving of the food;
2. Establishments in mobile units, either towed or self propelled, preparing and serving food products on a particular site; and
3. Establishments in mobile units, either towed or self propelled, serving prepared food products, and traveling to selected locations on a daily basis, and remaining on –site for limited time periods i.e., during lunch breaks, etc. Such units are often referred to as catering services or food services.
4. Establishments involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring a short amount of time between the period of ordering and serving of the food, which is served in edible or disposable containers.

Retail Business: a business establishment engaged in the sale, rental, or lease of goods to the end consumer for direct use or consumption and not for resale.

Riprap: rocks, crushed stone, etc., that is irregularly shaped, and is used for erosion control and soil stabilization typically used on ground slopes.

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 vehicles.

Rooming unit: a room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. In a suite of rooms, each room that provides sleeping accommodations shall be counted as one (1) rooming unit for the purpose of this article. Each rooming unit in a lodging house shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit.

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Satellite Receiving Dish: an antenna designed to receive signals from satellites.

Self-storage facility: fully enclosed buildings with individual, secured units (accessed with or without supervision) used for the exclusive purpose of storage of non-hazardous business or personal materials.

Setback: the minimum horizontal distance from a lot line to the nearest part of a structure.

Setback from Water: the minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

Shoreland Zone: see Shoreland Zoning.

Sign: a name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which relates to an object, product, place, activity, person, institution, organization or business on the premises.

Sketch Plan: a conceptual plan for a subdivision prepared and submitted as part of the pre-application process.

Solar Collector: a device, or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a building's energy supply.

Solar Energy System: a complete design or assembly consisting of solar energy collector, an energy storage facility (when used), and components for a distribution of transformed energy

Spring water: ground water that comes to the surface under natural hydraulic pressures.

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

Street: public or private ways such as, but not limited to, alleys, avenues, boulevards, highways, roads and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way.

Street Classification: (See Subdivision Review Standards for details)

Stormwater Best Management Practices (BMP'S): methods, techniques, designs, practices, and other means to control the quality and quantity of stormwater that are approved by the Maine Department of Environmental Protection. Stormwater BMP'S are identified in "Stormwater Management in Maine: Best management Practices" which is published periodically by the Maine Department of Environmental Protection.

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Structure: anything constructed or erected, except a boundary wall or fence, the use of which requires location on the ground or attachment to something on the ground.

Subdivision: subdivision means the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period 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 or parcel of land into 3 or more dwelling units within a 5-year period, the construction 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.

Subdivision, Major: any subdivision containing five (5) or more lots or dwelling units, or any subdivision containing a new public street extension.

Subdivision, Minor: any subdivision containing (4) four or less lots or dwelling units or less.

Subdivision Revision: any administrative change to an approved plan.

Sub-Standard Lot: one that does not meet zoning standards.

Subsidized Housing: a housing project that is subsidized by a Federal or State Funding Program.

Substantial Completion: completion of eighty (80) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart."

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

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- or**
2. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the Board of Appeals.

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Substantial Start: Completion of thirty (30) percent of a permitted structure or use measured as either a percentage of estimated total cost or as determined by the Assessor's "Completion Percentage Chart."

Subsurface Sewage Disposal System: as defined by the Maine State Plumbing Code.

Swimming Pool:

- a. Permanent: an in-ground swimming pool, regardless of size, or an aboveground swimming pool of one thousand two hundred (1,200) gallons or greater capacity.
- b. Portable: an aboveground swimming pool with a side height of thirty (30) inches or more and less than one thousand two hundred (1,200) gallons capacity.

Timber Harvesting: the cutting or removal of timber for the primary purpose of selling or processing forest products. Timber harvesting does not include the clearing of land for approved construction or incidental access to the water.

Timber Harvesting Activities: means timber harvesting, the construction and maintenance of roads used primarily for timber harvesting and other activities conducted to facilitate timber harvesting.

Tract or Parcel of Land: for the purposes of these regulations, a tract or parcel of land is defined as all contiguous land in the same ownership, whether or not the tract is separated at any point by: (1) intermittent or non-navigable stream, (2) tidal waters where there is no flow at low tide, or (3) a private road established by the abutting land owners.

Trailer, Utility: a vehicle without motive power, designed to be towed by a passenger automobile but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer, or snowmobile trailer.

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

Upland Edge: the boundary between upland and wetland.

Use: a purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied. See Section 3.7.4.7, factors to consider, in determining principal and accessory uses.

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Variance: a relaxation to the terms of this Ordinance where such variance would not be contrary to the public interest. Except as provided in the definitions for Disability Variance and Set-back Variance for Single-family Dwellings, the Appeals Board may grant a variance only when strict application of the Ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The land in question cannot yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general condition in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or a prior owner.

Vegetation: all live trees, shrubs, ground cover, and other plants without limitation.

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

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.

Water body: any pond, great pond, river, or stream.

Water Table: the surface of the top of the ground water in the uppermost aquifer of ground water body and the surface at which the pressure is equal to that of the atmosphere. The water table position changes throughout the year in response to precipitation recharge and the level of nearby surface water bodies.

Wetland: a freshwater or coastal wetland specifically identified on the U.S. Interior, Dept. of Fish & Wildlife map as well as any other wetlands identified by the Town of Hollis.

Wetlands: are lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this classification wetlands must have all of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes; (2) the substrate is predominantly undrained hydric soil; and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

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

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Wholesale: sale for resale, not for direct consumption.

Yard: the area of land on a lot not occupied by the principal building.

Yard, Front: the area of land between the front lot line and the nearest part of the principal building.

Yard, Rear: the area of land between the rear lot line and the nearest part of the principal building.

ARTICLE 3. ADMINISTRATION

3.1. Enforcement

This Ordinance shall be enforced by the Municipal Officers and the Code Enforcement Officer who is appointed by the Municipal Officers.

3.2. Building or Use Permit

1. All applications for building or use permits shall be submitted in writing to the Code Enforcement Officer on forms provided for the purpose.
2. Within fourteen (14) days of the filing of an application for a building or use permit, the Code Enforcement Officer shall approve, deny or refer to the Planning Board for conditional use, all such applications. His decision shall be in writing on a form designed for the purpose, and communicated directly to the applicant. One copy of the Code Enforcement Officer's decision shall be filed in the municipal office. In cases where the Code Enforcement Officer deems that a conditional use permit is required, he shall also provide a copy of his decision to the Planning Board.
3. No building permit for a building or structure on any lot shall be issued to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board. Any application for such a permit shall be accompanied by a plan, accurately drawn to scale, showing the actual shape and dimensions of the lot to be built upon, an on-site soils survey in accord with the Maine State Plumbing Code, Part II, the exact location and size of all buildings or structures already on the lot, the location of new buildings to be constructed, together with the lines within which all buildings and structures are to be constructed, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this Ordinance.
4. Applications for permits, with their accompanying plans and building permits, shall be maintained as a permanent record by the Municipal Officers or the Code Enforcement Officer.
5. A building permit secured under the provisions of this Ordinance shall expire if the work or change is not commenced within one (1) year of the date on which the permit is granted, and if the work or change is not substantially completed within two (2) years of the date on which the permit is granted.

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3.3. Fees

No building permit shall be issued without payment of a fee, according to the schedule, to be established each calendar year by the Hollis Board of Selectmen.

3.4. Enforcement Officer

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.

3.5. Legal Action and Violations

When any violation of any provision of this Ordinance shall be found to exist, the Municipal Attorney, as designated by the Code Enforcement Officer or the Municipal Officers and upon their authorization may institute any and all actions and proceedings, either legal or equitable, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

3.6. Fines

Any person, firm or corporation being the owner of or having control or use of any building or premises who violates any of the provisions of this Ordinance, shall be guilty of a misdemeanor and on conviction shall be fined not less than \$50.00 nor more than \$100.00. Each day such a violation is permitted to exist after notification shall constitute a separate offense.

3.7. Appeals & Conditional Uses

3.7.1. Fees

All applications shall be accompanied by a fee, which, aside from Subdivision Review, will be set by the Selectmen annually, after public notice.

3.7.2. Appeals

3.7.2.1. Appeals shall be based upon a written decision of the Code Enforcement Officer (Reference: Section 3.2.2.)

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3.7.2.2. Administrative appeals and variance appeals shall be heard and decided upon by the Board of Appeals in accordance with the provisions of this Ordinance.

3.7.2.3 Appeals shall lie from the decision of the Code Enforcement Officer to the Board of Appeals and from the Board of Appeals to the Superior Court according to State law.

3.7.3. Board of Appeals

3.7.3.1. Board of Appeals is hereby established in accordance with State law and the provisions of this Ordinance.

a. Appointment and Composition

The Board of Appeals shall be appointed by the Municipal Officers and shall consist of seven (7) members, all of whom shall be legal residents of the municipality, serving staggered terms of at least three (3) years and not more than five (5) years. The Board shall elect annually a chairman and a vice-chairman and a secretary from its membership. The secretary shall keep the minutes of the proceedings of the Board of Appeals, which shall show the vote of each member upon each question. All minutes of the Board shall be public record. A quorum shall consist of four (4) members.

A Municipal Officer or Planning Board member may not serve as a member.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members, except the member who is being challenged.

A member of the Board may be dismissed for cause by the Municipal Officers upon written charges and after public hearing.

3.7.3.2. Powers and Duties

a. Administrative Appeals: to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by the Code Enforcement Officer in the enforcement of this Ordinance. The action of the Code Enforcement Officer may be modified, reversed or upheld by the Board of Appeals, by concurring vote of at least five (5) members of the Board.

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- b. Variance Appeals: to hear and decide, upon appeal, in specific cases where a relaxation of the terms of this Ordinance would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary or undue hardship. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Except as provided in subsections i, ii, and iii, the board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

1. The land in question can not yield a reasonable return unless a variance is granted;
2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
3. The granting of a variance will not alter the essential character of the locality; and
4. The hardship is not the result of action taken by the applicant or a prior owner.

i. Disability variance; vehicle storage.

A disability variance may be granted pursuant to this subsection.

A. The board may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this paragraph 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 granted pursuant to this paragraph, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. For the purposes of this paragraph, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

B. If authorized by the zoning ordinance establishing the board, the board may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed

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plans for the structure with the request for the variance pursuant to this paragraph to the board.

The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

ii. Set-back variance for single-family dwellings.

A municipality may adopt an ordinance that permits the board to grant a set-back variance for a single-family dwelling. An ordinance adopted under this subsection may permit a variance from a set-back requirement only when strict application of the zoning ordinance to the petitioner and the petitioner's property would cause undue hardship. The term "undue hardship" as used in this subsection means:

- A. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- B. The granting of a variance will not alter the essential character of the locality;
- C. The hardship is not the result of action taken by the applicant or a prior owner;
- D. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

iii. Variance from dimensional standards.

A municipality may adopt an ordinance that permits the board to grant a variance from the dimensional standards of a zoning ordinance when strict application of the ordinance 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 Title 38, section 435.

b. Variance recorded.

If the board grants a variance under this section, a certificate

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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.

3.7.3.3. Appeal Procedure

- a. In all cases, a person aggrieved by a decision of the Code Enforcement Officer shall commence his appeal within thirty (30) days after a decision is made by the Code Enforcement Officer. The appeal shall be filed with the Board of Appeals on forms approved by the Board, and the aggrieved person shall specifically set forth on the form the grounds for the appeal.
- b. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. In the case of appeals involving space and bulk regulations or interpretation, the Board of Appeals shall notify by certified mail the owner, applicant and only the owners of property abutting the property for which an appeal is taken, at least ten (10) days in advance of the hearing, of the nature of the appeal and of the time and place of the public hearing thereon. For the purpose of this section, abutting properties shall include properties directly across a street or water body from the property for which the appeal is made.
- c.
 - i. A setback variance is strictly limited to permitting a variance from a set-back requirement for a single-family dwelling that is the primary year-round residence of the petitioner. A variance under this subsection may not exceed 20% of a setback requirement and, if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage, shall not be granted. This Ordinance will allow for a variance under this subsection to exceed 20% of a set-back requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, Chapter 3 Subchapter I, Article 2-B (Sections 435 through h449), and shall not reduce the setback from an existing structure on affected abutter's property to more than one half the combined required setbacks, but no less than 20 feet, due to existing nonconformance, if the petitioner has obtained the written consent of all affected abutting landowners.
- c. The owners of property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall

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not necessitate another hearing or invalidate any action by the Board of Appeals.

- d. Following the filing of an appeal, the Board of Appeals shall hold a public hearing on the appeal within forty (40) days, the Board of Appeals shall notify the Code Enforcement Officer and the Planning Board at least ten (10) days in advance of the time and place of the hearing, and shall publish notice of the hearing at least ten (10) days in advance in a newspaper of general circulation in the area.
- e. At any hearing, a party may be represented by agent or attorney. Hearings shall not be continued to other times except for good cause.
- f. The Planning Board shall forward its recommendation to the Board of Appeals prior to the hearing.
- g. The Code Enforcement Officer or his designated assistant shall attend all hearings and shall present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

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- h. The appellant's case shall be heard first. To maintain orderly procedure, each side shall proceed without interruption. Questions may be asked through the Chair. All persons at the hearing shall abide by the order of the Chairman.
- i. Within thirty (30) days of the public hearing, the Board of Appeals shall reach a decision on an appeal and shall inform, in writing, the appellant, the Code Enforcement Officer, and the Municipal Officers of its decision.
- j. Upon notification of the granting of an appeal by the Board of Appeals, the Code Enforcement Officer shall immediately issue a building permit in accordance with the conditions of the approval.
- k. A variance under the provisions of this Ordinance secured by vote of the Board of Appeals shall expire if the work or change involved is not commenced within one (1) year of the date on which the appeal is granted, and if the work or change is not substantially completed within two (2) years of the date on which the appeal is granted.

3.7.4. Conditional Use Permits

1. Conditional Use Permit

- a. Applications for conditional use permits shall be heard and decided upon by the Planning Board in accordance with the provisions of this Ordinance.
- b. Conditional Use Appeals shall lie from the decision of the Code Enforcement Officer to the Planning Board and from the Planning Board to the Superior Court according to State law.

2. Authorization

The Planning Board is hereby authorized to hear and decide upon applications for conditional use permits in accordance with State law and the provisions of this Ordinance.

3. Powers and Duties

The Planning Board shall approve, deny, or approve with conditions all applications for a conditional use permit. The applicant shall have the burden of proving that his/her application is in compliance with the requirements of this Ordinance. After the submission of a complete application, the Planning Board shall approve an application or approve it with conditions if the Board makes a positive finding based on the information presented. No conditional use permit shall be granted unless specific provision for such conditional use is made in this Ordinance.

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Policies and Procedures for Conditional Use Permit Applications

1. Policies

- a. Before taking action on any application, the Planning Board shall hold a public hearing. The Board shall notify by certified mail, the owner, applicant and the owners of all property within five hundred (500) feet of the property involved, at least seven (7) days in advance of the hearing, of the application and of the time and place of the public hearing.
- b. The owners of the property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.
- c. Following the filing of a complete application, the Planning Board shall hold a public hearing on the application within thirty (30) days. The Planning Board shall notify the Code Enforcement Officer, Municipal Officers and the Board of Appeals, at least twenty (20) days in advance, of the time and place of the hearing, and shall publish notice of the hearing at least ten (10) days in advance in a newspaper of general circulation.
- d. At any hearing, a party may be represented by an agent or attorney, but not the Code Enforcement Officer. Hearings shall not be continued to other times except for good cause.
- e. The Planning Board contracts outside sources areas requiring peer review, as they deem appropriate. The cost of these reviews will be billed against the applicant's account and the account settled before approval of the application.
- f. Within twenty (20) days of the public hearing, the Planning Board shall reach a decision on the conditional use and shall inform, in writing, the applicant, the Code Enforcement and Municipal Officers of its decision.
- g. Upon notification of the decision of the Planning Board the Code Enforcement Officer, as instructed, shall immediately issue, issue with conditions prescribed by the Planning Board, or deny a permit.

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h. A conditional use permit secured under the provisions of this Ordinance by vote of the Planning Board shall expire if the work or change involved is not commenced within one (1) year of the date on which the conditional use is granted, and if the work or change is not substantially completed within two (2) years of the date on which the conditional use is granted.

i. Any meaningful departures from these goals resulting from changes desired by the application or as a result of necessary information not made available to the Board at any level of application may return the application to the previous level or delay the process. This decision is at the discretion of the Board. The Board shall neither unreasonably delay this process, nor remand the application without good cause.

2. Procedures

Below are the goals of each level of application, and are presented as an overview of the application and review process for Conditional Uses. The goals are to be achieved through cooperation of the applicant, and are set out as a guide to both the applicant and the Board through the review process. They are not necessarily binding or complete, and the Board may depart from them at their own discretion, and in conformance with these regulations.

a. Code Enforcement Officer Contact

- i. The applicant submits a Use Application to the Code Enforcement Officer.
- ii. The applicant presents the CEO with a sketch of the site layout, the proposed building, and/or proposed use. This may be a pencil sketch drawn to scale.
- iii. The Code Enforcement Officer reviews the Pre-Application procedure with the applicant and identifies any obvious needs.
- iv. The Code Enforcement Officer denies the use application, and refers the applicant to the Planning Board for a conditional use permit.

b. Planning Board Pre-Application

- i. The applicant will present the Board with a sketch of the site layout, the proposed building, and/or proposed use. This may be a pencil sketch drawn to scale.
- ii. The Board will discuss whether the use is permitted in the zone.
- iii. The Board will identify any major impacts that affect the planning, layout, and development of the project.
- iv. The Board will identify special submittals that may be required for the next level of application.

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- v. The Board will identify levels of review that may be required for the next level of application.
- vi. The Board may advise the applicant to prepare alternative development scenarios before proceeding to submit an application.

c. Planning Board Application Procedure

- i. The applicant shall file an application for a conditional use permit with the Planning Board.
- ii. The Board shall confirm that the application and submittals are complete and timely.
- iii. The Board shall schedule a public hearing.
- iv. The Board shall notify the public, including abutters, that an application is under review and that a public hearing is scheduled.
- v. The Board shall notify the appropriate officers and committees of the Town that the application is under review and that their comments are invited.
- vi. The Board may engage third party reviewers commissioned by the Board, including but not limited to planners, attorneys, engineers and State agencies.
- vii. The Board shall receive and review comments from a public hearing.
- viii. The Board may receive and review comments by individual members of the Board.
- ix. The Board may receive and review comments from the officers and committees of the Town.
- x. The Board may receive and review comments from third party reviewers commissioned by the Board.
- xi. The Board shall receive from the Treasurer a statement of accounting confirming that all third party reviewers have been paid and the applicant has reimbursed the Town.
- xii. The Board shall review and confirm that the information the applicant has provided is accurate, complete and conforms to the Town ordinances and regulations, and any other law applicable to the application and the review process.
- xiii. The Board shall present the application with conditions required upon approval.
- xiv. The Board shall approve or deny the plan, with a written finding of fact supporting the Board's decision.

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5. Factors Applicable to Conditional Use

- a. In considering a Conditional Use Permit the Board shall evaluate the immediate and long-range effects of the proposed use. The applicant shall present adequate evidence, where appropriate, in order for the Board to make findings of fact on the proposed use. The Board shall approve a conditional use provided that the Board finds that the applicant meets the following criteria:
- b. The use will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat.
- c. The use will conserve shore cover and visual, as well as actual, access to water bodies.
- d. The use is consistent with the Comprehensive Plan.
- e. Access to the site from existing and proposed roads is safe and adequate. The proposed use will not aggravate or cause undue traffic congestion.
- f. The site design is in conformance with all flood hazard protection regulations, and any proposed construction, excavation, or fill will not affect a water body's ability to store floodwater.
- g. Adequate provision for the disposal of all wastewater and solid waste has been made.
- h. Adequate provision for the transportation, storage and disposal of any hazardous materials has been made.
- i. A storm water drainage system capable of handling a 25-year storm without adverse impact on adjacent properties has been designed.
- j. Adequate provisions to control soil erosion and sedimentation have been made.
- k. There is adequate water supply to meet the demands of the proposed use.
- l. The provisions for buffer strips and on-site landscaping provide adequate protection to neighboring properties from detrimental features of the development, such as noise, glare, fumes, dust, odor and the like.
- m. All performance standards in this Ordinance, applicable to the proposed use, will be met.
- n. The use will not deplete or degrade adjacent water bodies or supplies.
- o. The use will not adversely burden existing municipal infrastructure.
- p. Adequate provisions for fire protection for the intended use.
- q. The Planning Board should consider the advice of the Conservation Commission where applicable.

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6. Conditions Attached to Conditional Uses

- a. Upon consideration of the factors listed above, the Planning Board may attach such conditions, in addition to those required elsewhere in this Ordinance, that it finds necessary to further the purposes of this Ordinance. Violation of any of these conditions shall be a violation of this Ordinance. Such conditions may include, but not be limited to, specifications for: type of vegetation; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational controls; professional inspection and maintenance sureties; deed restrictions; restrictive covenants; locations of piers, docks, parking, and signs; type of construction; or any other conditions necessary to fulfill the purposes of this Ordinance.
- b. In order to secure information upon which to base its determination, the Planning Board shall require the applicant to furnish, in addition to the information required for a conditional use permit, the following information prepared by the appropriate Licensed Maine Professional:
 - i. A plan of the area showing contours at intervals to be determined by the Planning Board and referred to Mean Sea level, high water elevation, groundwater conditions, bedrock, slope and vegetative cover.
 - ii. A soils report identifying the soils boundaries and names in the proposed development with the soils information superimposed upon the plot plan in accord with Maine State Plumbing Code, Part II.
 - iii. Location of existing and proposed buildings, parking areas, traffic access, driveways, walkways, piers, open spaces and landscaping.
 - iv. Plans of buildings, sewage disposal facilities, and water supply systems.
 - v. Other pertinent information necessary to determine if the proposed use meets the provisions of this Ordinance. In evaluating each application the Planning Board may request the assistance of the Regional Planning Commission, County Soil and Water Conservation District and any other State or Federal agency, which can provide technical assistance.

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7. Performance Standards

Factors to consider in determining principal and accessory uses. In distinguishing between a principal use and an accessory use, the Code Enforcement Officer and/or the Board shall consider the following:

- a. Does each use require a separate lease or sub-lease?
- b. Do the uses have separate site impacts, such as waste disposal, traffic concerns or environmental issues that require separate planning concerns?
- c. Are the uses customarily incidental elsewhere, or is it uncommon for them to be in the same location?
- d. Can each use stand by itself or does one require the other to function?
- e. Are the uses in separate buildings or divided by a demising wall or are they commingled in the same structure?
- f. Do the uses have separate proprietors or business owners?
- g. Is there an aggregate of accessory uses that when considered together could be considered a principal use?

The above list is not all inclusive and other factors may be considered.

ARTICLE 4. ESTABLISHMENT OF ZONES

4.1. Zones

For the purpose of this Ordinance the Town of Hollis is divided into the following zones:

Hollis Center Village	(HCV)
North Hollis Village	(NHV)
West Buxton Village	(WBV)
Rural Residential Two-Acre	(RR2)
Rural Residential Three-Acre	(RR3)
North Hollis Resource Conservation Zone	(NHRCZ)
Historic Zone	(HZ)
Resource Protection	(RP)
Shoreland Zone	(SZ)
Flood Hazard Zone	(FHZ)
Economic Overlay Zone	(EOZ)

4.2. Zoning Map

The boundaries of these zones are established by enactment of this Ordinance and are as shown on the official Zoning Map of the Town of Hollis. The Zoning Map is an integral part of this Ordinance, which shall accompany the text as a single integrated document. A certified copy of the Zoning Ordinance (map and text) shall be available to the public at all times at the Town Clerk's office.

4.3. Zoning Boundaries

Zoning boundaries shall be construed to follow:

1. Corporate (Town) lines;
2. U.S. or State public survey lines;
3. Centerlines of streets, roads, highways, easements, railroad rights-of-way, or such lines extended;
4. Lot or property lines as shown on town maps in existence as of the date of enactment of this Ordinance;
5. The thread of streams or other water bodies; and

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6. Federal Emergency Management Agency (FEMA) maps under the National Flood Insurance Program, Flood Insurance Rate Map (FIRM), Community 230150 (Town of Hollis, Maine, York County), Panel Numbers 0001-0013, effective date: July 19, 1982; and the DEP Town of Hollis Freshwater Wetlands Map.

Where physical or cultural features existing on the ground are at variance with those on the zoning map, or in other such circumstances are not covered by this section, the Board of Appeals shall interpret the zoning boundaries.

4.4 Division of Lots by Zones

- 4.4.1. Where a zoning line divides a lot or parcel of land of the same ownership of record at the time of enactment of this Ordinance, the regulations applicable to the less restricted portion of the lot may be extended, as a conditional use, not more than fifty (50) feet into the more restricted portion of the lot, subject to approval of the Planning Board. Such conditional use shall be in accordance with criteria set forth in Paragraph 3.7.4.5., Factors Applicable to Conditional Uses.

ARTICLE 5. LAND USE REQUIREMENTS

The principal use of a lot shall meet the space and bulk requirements as applies in the specific zone in which it is found. Additional specific uses, either permitted or conditional within that zone, shall have space and bulk requirements for each separate use (excepting Home Occupations and Accessory Dwelling Units) without counting the land in common of the principal use or other additional uses.

Auto washing facilities, auto or other vehicle service and/or repair operations including body shops, chemical and bacteriological laboratories, storage of chemicals including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms, commercial painting, wood preserving, and furniture stripping, dry cleaning establishments, electronic circuit assembly, Laundromats, metal plating, finishing or polishing, 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, photographic processing, printing, and uses similar in character to those listed, temporary uses, and accessory uses and structures shall not be permitted within 500 feet of any water body or wetland.

Lot Coverage: Any activity that would disturb twenty-five (25%) percent or more of the land, and not re-vegetate it, in an eighty thousand (80,000) square foot lot or more shall require a Conditional Use Permit.

Town of Hollis Zoning Ordinance

5.1. Hollis Center Village Zone (HCV)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.1.1. Purpose

The Hollis Center Village Zone includes land that is the most highly developed in the Town. The range of development activities is broad and includes commercial, industrial, and residential land uses as well as supporting municipal services. This Ordinance recognizes that this heterogeneous mix has a valid historical basis and makes no effort to change the existing character of village life. No areas in the town have greater proximity to primary highways or are better served by utilities and all-weather roads. At the same time, soils in this zone have moderate capacities for sub-surface sewage disposal systems. Care is taken within the Hollis Center Village Zone to prevent over development that might create unsafe septic conditions or endanger fresh water supplies.

5.1.2. Space and Bulk Requirements

Lots within the Hollis Center Village Zone shall conform to the following space and bulk requirements depending upon whether the minimum lot size for a given use is forty thousand (40,000) sq. ft. or eighty thousand (80,000) sq. ft.:

SPACE AND BULK REQUIREMENT	MINIMUM SIZE LOT	
	40,000 sq. ft.	80,000 sq. ft.
Lot frontage	100 ft.	200 ft.
Setback of structures from:		
Front lot line (See Definition for Front Setback)	50 ft.	50 ft.
Side and rear lot lines	35 ft.	35 ft.
High water mark of water body	100 ft.	100 ft.
Maximum building height	35 ft.	35 ft.
Maximum lot coverage	50 %	25 %

Town of Hollis Zoning Ordinance

5.2 North Hollis Village Zone (NHV)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.2.1 Purpose

The North Hollis Village Zone includes land in the vicinity of the intersection of Routes 117 and the Plains Road (also known as the Waterboro Road) that has recently been highly developed for residential purposes. Commercial development in this area has been in the form of a gas station, restaurant and general store. Because this area includes a major secondary highway intersection surrounded by residential development in Hollis and the adjoining towns it has a high growth potential. At the same time, the area consists of sand and gravelly soils underlain by geologic deposit with high potential groundwater yields (up to one thousand (1000) gallons per minute). The risk of contaminating this groundwater resource is high should over development occur. This Ordinance establishes large lot sizes for this village zone to avoid the potential of groundwater contamination.

5.2.2 Space and Bulk Requirements

Lots within the North Hollis Village Zone shall conform to the following Space and bulk requirements depending upon whether the minimum lot size for a given use is forty thousand (40,000) sq. ft. or one hundred and sixty thousand (160,000) sq. ft.:

SPACE AND BULK REQUIREMENT	MINIMUM LOT SIZE	
	40,000 sq. ft.	160,000 sq. ft.
Lot frontage	100 ft	300 ft
Setback of Structures:		
Front lot line	50 ft	50 ft
Side and rear lot line	35 ft	35 ft
High water mark of water body	100 ft	100 ft
Maximum building height	35 ft	35 ft
Maximum lot coverage	50%	

Town of Hollis Zoning Ordinance

5.3. West Buxton Village Zone (WBV)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.3.1. Purpose

The West Buxton Village Zone includes land in the vicinity of Route 35 and the Plains Road that is highly developed for residential purposes. There is some commercial development, also municipal services consisting of a fire station. The area consists of sandy and gravelly soils underlain by geologic deposit with high potential groundwater yields. The risk of contaminating this groundwater resource is high should over development occur. This ordinance establishes a minimum lot size of eighty thousand (80,000) square feet for this village zone to avoid the potential of groundwater contamination.

5.3.2. Space and Bulk Requirements

Lots within the West Buxton Village Zone shall conform to the following space and bulk requirements:

SPACE & BULK REQUIREMENT	MINIMUM LOT SIZE
Lot frontage	80,000 sq. ft. 200 ft.
Setback of structures from:	
Front lot line (See Definition for Front Setback)	50 ft.
Side and rear lot lines	35 ft.
High water mark of water body	100 ft.
Maximum building height	35 ft.
Maximum lot coverage	25 %

5.4. Rural Residential Two-Acre Zone (RR2)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.4.1. Purpose

To promote medium density residential development and limited commercial development in areas of town with good transportation access and soils suitable for septic disposal.

Description:

The area located to the northwest of the Hollis Center Growth Area that contains a substantial inventory of soils suitable for septic disposal. As of August 2005, there are about 3,300 acres of undeveloped land in this district. This district can therefore accommodate up to 1,650 additional housing units at the proposed two-acre zoning.

Use Provisions:

This area is located along the Route 117 and Deerwander Road corridors and has soils that can handle a moderate level of future residential development. It is recommended that all types of residential uses be permitted in this district, including single-family housing, multi-family housing, mobile home parks, senior/assisted housing and other diverse housing types. Clustering will be encouraged for residential development in this district. General Business and industrial uses will be limited in this district.

5.4.2. Space and Bulk Requirements

Standards:

- a. Minimum lot size of 80,000 sq. ft. for single-family housing
- b. With clustering and community water and septic systems, single-family residential lots may be as small as 20,000 sq. ft.
- c. Smaller lot sizes allowed for multi-family and special needs housing
- d. Frontage, setback and coverage standards for full-size subdivisions and single-lot development:
 - 200-foot minimum street frontage
 - 50-foot front setback
 - 35-foot side and rear setbacks
 - 20% maximum lot coverage
 - High water mark of waterbody is 100 ft.
 - Maximum building height is 35 ft.

Town of Hollis Zoning Ordinance

Frontage, setback and coverage standards for Cluster Housing Subdivision review standards:

- 20,000 sq ft individual lot size
- Overall density not to exceed one lot or dwelling unit per 60,000 sq ft of net land area
- Preservation of at least 50% of the gross land area as open space
- All lots must have either direct access of deeded rights-of-way to open space
- ~ 100-foot minimum lot width at the actual house setback
- ~ 80-foot minimum lot frontage
- ~ 25-foot minimum front setback
- ~ 20-foot side and rear setbacks
- ~ 25% maximum lot coverage
- ~ High water mark of waterbody is 100 ft.
- ~ Maximum building height is 35 ft.

NOTE: In accordance with the Hollis Comprehensive Plan for cluster developments, Planning Board will be given discretion in the preapplication phase to direct the location of developed areas and open space based on the particular lot to be developed.

Town of Hollis Zoning Ordinance

5.5. Rural Residential Three-Acre (RR3)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.5.1. Purpose

To allow for low-intensity residential uses and limited commercial development in areas that are either sparsely developed or have soils that are not ideal for septic disposal.

Description

All areas of Hollis not included in the other four future land-use districts. This includes a number of distinct parts of Town:

1. The Clark’s Mills area south of Route 202. This area contains a substantial aquifer but no other significant natural resources. Existing subdivision regulations already limit the export of nitrates from residential septic systems, so no additional protection is necessary.
2. The Route 35 corridor between Salmon Falls and West Buxton
3. The east side of Route 117 between Hollis Center and North Hollis
4. The route 117 corridor north of the North Hollis area
5. The Sand Pond Road corridor

Use Provisions

The primary type of development in this area will be single-family housing. Other types of housing will be discouraged. Strong incentives for clustering will be offered in this district (see Standards below). General Business and industrial uses will be limited in this district.

5.5.2. Space and Bulk Requirements

Standards

Frontage, setback and coverage standards for non-cluster development (single-lot and subdivision)

- 250-foot minimum street frontage
- 50-foot front setback
- 35-foot side and rear setbacks
- 15% maximum lot coverage
- High water mark of waterbody is 100 ft.
- Maximum building height is 35 ft.

Town of Hollis Zoning Ordinance

Frontage, setback and coverage standards for cluster development:

1. 100-foot minimum lot width at the actual house setback
2. 80-foot minimum lot frontage
3. 25-foot minimum front setbacks
4. 20-foot side and rear setbacks
5. 25% maximum lot coverage
6. High water mark of waterbody is 100 feet
7. Maximum building height is 35 feet

Maximum density of development is divided into three categories: single-lot (non-subdivision) development, non-clustered subdivision development and clustered subdivision development. See Hollis comprehensive Plan for diagrams and text.

1. For single-lot, non-subdivision development: 120,000 sq. ft.
2. For non-clustered subdivision development: 160,000 sq. ft.
3. For cluster development:
 - 40,000 sq. ft. individual lot size
 - Overall density not to exceed one lot or dwelling unit per 100,000 sq. ft. of net land area
 - Preservation of at least 50% of the gross land area as open space
 - All lots must have either direct access or deeded rights-of-way to open space.

NOTE: In accordance with Hollis Comprehensive Plan for cluster developments, Planning Board will be given discretion in the preapplication phase to direct the location of developed areas and open space based on the particular lot to be developed.

5.6. THIS SECTION REPEALED, JUNE 2006, PER TOWN MEETING VOTE.

5.7. North Hollis Resource Conservation Zone (NHRCZ)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.7.1. Purpose

To limit development in the area surrounding the Town’s two great ponds, the recharge areas of the North Hollis aquifer and significant wildlife and plant habitat in the vicinity of Killick Pond.

Description:

The area of North Hollis that includes Killick Pond, Deer Pond and the Aquifer Recharge areas as shown on Figure 17. This area also includes large concentration of wetlands, animal habitat and other critical natural resources. It includes much of the North Hollis area, which has seen substantial residential development in recent years.

Town of Hollis Zoning Ordinance

Use Provisions:

Only single-family residential development and home occupation businesses will be allowed in this district. No intensive development of any type will be permitted.

5.7.2. Space and Bulk Requirements

- Minimum lot size of 200,000 sq. ft.
- Clustering will not be allowed in order to limit the spacing of housing units in this area
- Frontage, setback and coverage standards:
 - 400-foot minimum street frontage
 - 50-foot front setback
 - 35-foot side and rear setbacks
 - 10% maximum lot coverage
 - High water mark of water body is 100 ft.
 - Maximum building height is 35 ft.

5.8. Resource Protection Zone (RP)

Please refer to Chapter 15 of the “Town of Hollis Shoreland Zoning Ordinance” for Resource protection information.

5.9. Flood Hazard Zone (FHZ)

The Flood Hazard Zone (FHZ) will be administrated in accordance with the Floodplain Management Ordinance of the Town of Hollis Maine.

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.10. Historic Zone (HZ)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

Uses within this zone shall be the same as the underlying rural zone in which it is situated.

ONLY USES SIMILAR IN CHARACTER TO THOSE LISTED ABOVE, TEMPORARY USES, AND ACCESSORY USES AND STRUCTURES SHALL BE PERMITTED.

5.11. Shoreland Zone (SZ)

Refer to the Hollis Shoreland Zoning Ordinance.

5.12. Economic Overlay Zone (EOZ)

“ALL PERMITTED AND CONDITIONAL USES SHALL MEET THE REQUIREMENTS OF THE PERFORMANCE STANDARDS LISTED IN THIS ORDINANCE.”

5.12.1. Purpose

The Economic Overlay Zone (EOZ) includes land, which abuts major arterial Highways, in the Town of Hollis. The range of development activities contained within this zone is broad and presently absorbs the core of the commercial and business activity and traffic within Hollis. The EOZ will foster the Commercial/ Business activity along the corridors within this zone to preserve and protect the rural residential character, lifestyle and natural resources outside of this zone. To this end, the EOZ will have site development and buildings that retain the natural rural character with the use of natural materials and products that are customary to a rural setting as contrasted to an urban city environment development. The EOZ will also provide the opportunity for basic services and economic benefit to Hollis residents. The intent is to encourage commercial/ business activities that will both offer the Hollis residents the services required of a growing community as well as business and job opportunities. Care is taken within the EOZ to create commercial and development activity that will (1) have traffic that meets road construction capability and design, (2) ensure that environmental and /or septic design standards are followed for the activity proposed and (3) not endanger fresh water supplies.

5.12.2 Space and Bulk Requirements

The Economic Overlay Zone extends to a maximum of five hundred (500) feet back from the lot line. Lots within the Economic Overlay Zone shall conform to the following space and bulk requirements per use:

Economic Overlay Zone	Lot frontage	Space & Bulk per Use (Sq. Ft.)
RR2 Zone	150 ft	60,000
RR3 Zone	150 ft	100,000
NHRCZ Zone	400 ft	200,000

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5.12.3 Zone Boundaries

The Economic Overlay Zone will include those lots with Frontage, as required by the underlying zone, on the following roads:

Rt-117	Cape Road
Rt-202	Hollis Road
Rt-35	River Rd/Bonny Eagle Rd/New Rd Little Falls Rd
Rt-4A	Bar Mills Rd

**Only those lots with frontage that does not front on the NHRCZ
Waterboro Road
Killick Pond Road (Paved Section only and not in the NHRCZ)**

5.12.4 Land Uses and Structures (EOZ)

The Economic Overlay Zone will include those uses and structures as listed in the Land Use Summary Chart and similar in character to those listed.

ARTICLE 6. PERFORMANCE STANDARDS

6.A Net Density Calculations for development of:

1. Standard Subdivisions
2. Cluster Subdivisions
3. Multi Family Dwelling Units greater than two units
4. Planned Unit Developments

Net Density will be determined by subtracting from the gross area the following:
Acreage designated for roads and parking.

Land which is cut off from the main parcel by a road, existing land uses, or where no means of access has been provided, so that it is isolated and unavailable for building purposes or for common use.

Land shown to be in the flood way on the Flood Boundary of Flood Insurance Rate Maps of the Town of Hollis.

Other land which is unsuitable for development in its natural state because of topography, drainage, or subsoil conditions. Specific conditions include but are not limited to:

1. Areas having sustained slopes in excess of twenty-five (25%) percent or unstable soils subject to slumping, mass movement, or accelerated erosion.
2. Areas classified as wetlands by state or federal law.
3. Areas shown on the Town of Hollis National Wetland Inventory Maps and the Town of Hollis Shoreland Zoning Map

Land in:

1. Rights-of-ways or easements.
2. Resource Protection Districts
3. Public and private common Roads

6.1. General Performance Standards and Requirements for Non-Residential Uses

- 6.1.1. Non-residential uses abutting or facing a residential use or property shall be conducted in a manner that is respectful of the residential area by use of buffering and activities that are customary in Hollis.

Town of Hollis Zoning Ordinance

- 6.1.2. Front yards shall be continuously maintained in lawn or other landscaping. All other yards abutting or across a street from a residential use shall be continuously maintained in lawn or other landscaping as approved.
- 6.1.3. Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
- 6.1.4. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.
- 6.1.5. Prior to the issuance of building permits, the applicant shall demonstrate to the Code Enforcement Officer that all applicable State and Federal Standards have been met.
- 6.1.6. Off-street parking requirements must be met.
- 6.1.7. Engineering and architectural plans for the treatment and disposal of sewage and industrial wastes and any on-site disposal of wastes shall be submitted for review.
- 6.1.8. Designation of the fuel proposed to be used and any necessary plans for controlling the emission of smoke or particulate matter.
- 6.1.9. The proposed number of shifts to be worked and the maximum number of employees of each shift.
- 6.1.10. A site plan indicating the property lines, buildings, driveways and parking areas, sewage disposal, water supply, water bodies and other significant natural features and any other improvements planned to the property.
- 6.1.11. A list of all hazardous materials to be transported, stored, used, generated or disposed of on the site and any pertinent state or federal permits required.

6.2 Accessory Structures

All structures shall be set back fifty (50) feet from the front lot line. All accessory structures shall be twenty (20) feet from the side and rear lot lines. All structures, other than a boathouse, shall be set back at least one hundred (100) feet from the normal high-water elevation of a water body.

Accessory Dwelling Unit

No such accessory dwelling unit shall contain more than 500 square feet of living space. The use is confined to expanding or altering existing residential dwellings or garage. Accessory dwelling units are permitted in all zones and shall be limited to one per lot.

Town of Hollis Zoning Ordinance

6.3. Agriculture

- 6.3.1. All spreading or disposal of manure shall be accomplished in conformance with the “Maine Department of Agriculture, Food & Rural Resources Nutrient Management Act dated March 25, 1998, Chapter 565.
- 6.3.2. The use of Industrial, Municipal, or human waste shall not be allowed.
- 6.3.3. Where soil is tilled, an untilled filter strip of natural vegetation shall be retained between the tilled ground and the normal high water elevation of surface areas protected by these districts. The width of this strip shall vary according to the average slope of the land as follows:

Average Slope of Land Between Tilled Land & Normal High Water Elevation	Width of Strip Between Tilled Land & Normal High Water Elevation
(percent)	(feet along surface of ground)
0 - 4	50
5 - 9	70
10 – 14	90
15 and over	110

- 6.3.4. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and surface waters.
- 6.3.5. Agricultural practices not in conformance with these standards may be allowed by conditional use permit.
- 6.3.6. Storage of manure shall be a minimum of one hundred (100) feet from any well on any adjacent or abutting property. Storage of manure shall be a minimum of one hundred (100) feet from any water body.

6.4. Aquifer-Dependent Industry

- 6.4.1. Permit Required: Aquifer-dependent industry is subject to the approval of the Planning Board as a conditional use. The Planning Board shall grant approval if it finds that the proposed use will conform to the requirements of the Town Zoning or Shoreland ordinances.
- 6.4.2. Submission Requirements: The application together with site plan shall include the following information:

Town of Hollis Zoning Ordinance

- a. A statement of the quantity of ground water anticipated to be extracted, expressed as the annual total. A copy of the DEP Site Location of Development permit application. An accurate map, to scale, showing the location of the springs, wells or surface water intake locations from which the water will be drawn.
- b. Copies of all correspondence to and from Maine State agencies under whose jurisdiction a permit or license are required for the proposed activity.
- c. A written report of a hydro-geologic investigation conducted by a certified professional geologist or registered professional engineer. This report shall include the following information if determined applicable by the Planning Board:
 - i. A map of the aquifer showing the spring(s), well(s) or excavation(s) from which water is to be extracted. Interaction with wetlands (amount of water table lowering in wetlands of over 1 acre in size); lowering of pond or lake levels; reduction of base flow in streams; and prediction of any potential temperature changes in surface water bodies due to the proposed use.
 - ii. The aquifer characteristics, the rates of drawdown and rebound, the sustainable yearly extraction rates, the cone of depression which may develop about the proposed facility, and other impacts on the water table and private or public wells within 1,000 feet of the proposed extraction facilities shall be assessed.

6.4.3. Performance Standards:

- a. The quantity of water to be taken from ground water source will not substantially lower the Water Table beyond the property lines, cause salt water intrusion cause undesirable changes in ground water flow patterns, or cause unacceptable ground subsidence.
- b. Any proposed use shall not cause unreasonable adverse diminution in water quality or quantity of the aquifer or surrounding surface/groundwater. This includes any impacts to the upwelling of a natural spring, groundwater source, aquifer recharge area, or wetland area.
- c. Safe and healthful conditions shall be maintained at all times within and about the proposed use and structures.
- d. The proposed use shall require preparation of a storm water management plan prepared and stamped by a professional engineer registered in the State of Maine detailing with both construction and long-term controls.

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- e. The proposed facility is not within the ground water recharge area of contribution (not the cone of influence) of a public water supply, well or spring, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse effect on a public water supply will result.
- f. The operator shall make operating records of the quantity water extracted, stored, and removed from the site available to the Code Enforcement Officer or a designee upon request.
- g. Nothing in this procedure, and no decision by the Planning Board shall be deemed to create groundwater rights other than those rights, which the applicant may have under Maine law.
- h. The Planning Board may assess reasonable impact fees at any time during the permitting process or during the term of the permit to recover the costs associated with contracting professional assistance to evaluate compliance. The Planning Board will obtain a proposal from at least one qualified peer reviewer of its choice and notify the applicant or permittee of the expected charge prior to incurring the charge or charges. (Note: this is intended to cover costs associated with contracting any outside resources the Town may require, i.e. site evaluator during construction, hydro-geologists to interpret data, etc.)
- i. Notwithstanding the building height limit in Section 5.7.2, the maximum building height for structures associated with an aquifer-dependent industry shall be 45 feet for the principal building and 65 feet for associated structures such as silos. No living or working areas above the thirty-five (35) foot height.

6.4.4. Existing Operations:

- a. Any operation involving the extraction of ground water or spring water in lawful operation at the time this Section becomes effective and which meet the criteria for requiring a Conditional Use Permit, may operate for a period of five years from the effective date without Planning Board approval. Existing operation, however, must submit to the Planning Board within ninety (90) days of the effective date of this section, a map indicating the property from which ground water is being extracted, showing the location of the extraction in relation to neighboring wells, surface water bodies, and property lines. Failure to submit the above map within ninety days shall result in the loss of grandfathered status for that operation.

Within fifteen (15) days of the effective date of this Section, the Code Enforcement Office shall notify, by certified mail, return receipt requested, the owners of all property which, to the best of his knowledge, contain existing operations, informing them of the requirements of this section.

Town of Hollis Zoning Ordinance

- b. Discontinuation of any existing operation for a period of more than one year shall result in the loss of grandfathered status for that operation.

6.5. Boathouses

Boathouses may be located within a shore lot, but shall be set back a minimum of ten (10) feet from the ordinary high water elevation of a lake, pond, river or stream, or ten (10) feet from the ordinary high tide mark; shall not exceed one (1) boathouse on the premises for each shore lot; shall not exceed a height of fifteen (15) feet; shall not exceed two hundred and fifty (250) square feet in horizontal area covered; and shall be at least fifteen (15) feet from any side lot line. All distances shall be measured along the ground.

6.6. Campgrounds

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

- 6.6.1. Recreational vehicle and tenting areas containing approved water-carried sewage facilities shall meet the following criteria:
 - a. Each recreational vehicle, tent, or shelter site shall contain a minimum of five thousand (5000) square feet, not including roads and driveways.
 - b. A minimum of two hundred (200) square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
 - c. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle and fireplace.
- 6.6.2. Wilderness recreational areas without water-carried sewage facilities shall contain a minimum of twenty thousand (20,000) square feet, not including roads and driveways, for each tent or shelter site.
- 6.6.3. The area intended for placement of the recreational vehicle, tent or shelter and utility and service buildings, shall be set back a minimum of one hundred (100) feet from the exterior lot lines of the camping area and one hundred (100) feet from the normal high water elevation of any water body.
- 6.6.4. All campgrounds shall be screened from adjacent land areas.

6.7. Deck

- 6.7.1. The required side and rear setback for a deck attached to a principal structure may be reduced to twenty (20) feet.

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6.7.2. A deck, which has less than thirty-five (35) feet setback from the side or rear lot lines may not be covered with a permanent roof or enclosed.

6.8. Elevation of Buildings Above Flood Level

All buildings shall have their lowest floor and their heating, electrical, septic tank, filter field and other vital utility facilities constructed at an elevation not less than two (2) feet above the level of the Regional Flood or, if this is unknown or cannot be reasonably determined, twenty (20) feet above the normal high water elevation. In addition, the ground level surrounding buildings shall be raised to an elevation not less than one (1) foot above the Regional Flood, or nineteen (19) feet above the normal high water elevation of a water body. Such fill shall extend for a minimum horizontal distance of fifteen (15) feet from the outer surface of the building walls. Maximum depth of fill shall not exceed three (3) feet.

6.9. Garage

6.9.1. The required side and rear setback for a garage attached to the principal structure may be reduced to twenty (20) feet.

6.9.2. A garage which has less than thirty-five (35) feet setback from the side or rear lot lines, may not have access to any overhead area from the primary structure and may not be remodeled to include additional living space for the principal structure.

6.10. Filling, Grading, Lagooning, Dredging or Other Earth-Moving Activity

6.10.1. General

The Department of Environmental Protection (DEP) requires that an application be filed with said department when any gravel pit is 5 acres or more.

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel, rock and other mineral deposits. Filling, grading, lagooning, dredging, and other earth-moving activity which would result in erosion, sedimentation, or impairment of water quality or fish and aquatic life is prohibited.

6.10.2. Earth-Moving not requiring a Conditional Use Permit

The following earth-moving activity shall be allowed without a conditional use permit from the Planning Board.

- a. The removal or filling of less than two hundred (200) cubic yards of material or disturbance of less than one half (1/2) acre lot in any one (1) year.
- b. The removal or filling of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto; and

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- c. The removal or filling, or transfer of material incidental to construction, alteration or repair of a public or private way or essential services.

All other earth moving, processing and storage shall require a public hearing and finding of facts by the Planning Board to determine if a conditional use permit is required.

6.10.3. Application for a Conditional Use Permit

Application for a conditional use permit from the Planning Board for excavation, processing and storage of soil, loam, sand, gravel, rock and other mineral deposits shall be accompanied by a plan prepared by a Registered Land Surveyor or Registered Professional Engineer which shall show:

- a. The name and current address of the owner of the property involved.
- b. The location and boundaries of the lot or lots for which the permit is requested.
- c. The existing contours of the land within and extending beyond the above boundaries for two hundred (200) feet at intervals not to exceed five (5) feet referred to as Mean Sea Level.
- d. The contours as proposed following completion of the operation at intervals not to exceed five (5) feet referred to as Mean Sea Level.
- e. The location of all proposed access roads and temporary structures.
- f. The proposed provisions for drainage and erosion control, including drainage calculations.
- g. Other information necessary to indicate the physical characteristics of the proposed operation.

6.10.4. Conditions of Permit

The Planning Board may issue a permit providing the following conditions, as determined applicable by the Planning Board are met:

- a. The smallest amount of bare ground shall be exposed for the shortest time feasible. The Planning Board shall set a specific date after which bare ground shall not be exposed.
- b. Temporary ground cover, such as mulch, shall be used. The Planning Board shall set a specific date by which permanent ground cover shall be planted.
- c. Diversions, silting basins, terraces and other methods to trap sediment shall be used.

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- d. Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. The applicant shall submit written approval from the Department of Inland Fish and Game prior to consideration by the Planning Board.
- e. The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
- f. Fill shall not restrict a floodway, channel, or drainage way in any way.
- g. The sides and bottom of cuts, fills, channels, and artificial watercourses shall be constructed and stabilized to prevent erosion or failure. Such structures are to be designed and built according to the Maine Soil and Water Conservation Commission, Technical Guide, Standards and Specifications.
- h. No below-grade excavation except for drainage ways shall be allowed within fifty (50) feet of any lot line or public road.
- i. Topsoil or loam shall be restored to a depth of not less than four (4) inches.
- j. Applicant shall submit written approval from the appropriate soil and water conservation district.

6.10.5. Optional Conditions of Permit

The Planning Board may impose other reasonable conditions to safeguard the neighborhood and the Municipality which may include those relating to:

- a. Methods of removal or processing;
- b. Hours of operation;
- c. Type and location of temporary structures;
- d. Routes for transporting material;
- e. Area and depth of excavations;
- f. Provision of temporary or permanent drainage;
- g. Disposition of stumps, brush and boulders; and
- h. Cleaning, repair and/or resurfacing of streets used in removal activity which has been adversely affected by said activity.

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6.10.6. Surety and Terms of Permit

No permit shall be issued without a bond or other security to insure compliance with such conditions as the Planning Board may impose. No permit shall be issued for a period to exceed three (3) years, although such permit may be renewed for additional periods in the same manner.

6.10.7. Existing Operations

Any operation involving the excavation, processing or storage of soil, earth, loam, sand, gravel, rock or other mineral deposits in lawful operation at the time this Ordinance becomes effective may operate for a period of three (3) years from the effective date. Discontinuance of any existing operation for a period of more than one (1) year shall require application for a new permit. Continuation of any existing operation for more than three (3) years shall require a permit from the Planning Board.

6.11. Home Occupations

1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
2. Not more than two (2) persons outside the family shall be employed in the home occupation.
3. There shall be no exterior display, no exterior sign (except as permitted by the provisions of this Ordinance), and no exterior storage of materials and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. No nuisances, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.
5. The operators of Home Occupations shall register with the CEO before commencing with business. Information shall include nature and extent of the business and # of employees.

6.12. Manufactured Housing and Mobile Home Parks

Definitions as used in this section, unless the context otherwise indicates, is located in the definition section.

6.12.1. General

No manufactured housing unit which does not meet the construction standards set down in the State of Maine Manufacturing Board and any accompanying sections relating to manufactured housing in conjunction with applicable codes shall be placed within the Town of Hollis.

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Any non-conforming manufactured housing unit already within the Town of Hollis may be placed on another lot within the Town of Hollis as long as it still meets construction and health standards sufficient for a dwelling unit, meeting the necessary codes.

6.12.2. Manufactured Housing Not In A Mobile Home Park

- a. Manufactured housing units not in a mobile home park shall meet all the requirements of this ordinance for a single-family dwelling.
- b. Manufactured housing units shall be placed with a minimum clearance of two (2) feet on a suitable support, i.e. full foundation, slab, sonar tubes, etc., as appropriate and all shall comply with the requirements of the Town of Hollis Building Codes for residential structures unless exempt from this requirement under Section 6.8.3.6.
- c. Any addition to the manufactured housing unit shall be placed on a foundation (Reference: Section 6.8.3.2.), which shall comply with the Building Codes.
- d. Any manufactured housing unit already on site, which does not meet requirements set down in the international residential code specifically regarding manufactured housing units shall be considered non-conforming. Such structures may be maintained, repaired, improved, and expanded in compliance with the Building Code. A non-conforming manufactured housing unit may only be replaced by a structure which conforms to the requirements set down in this ordinance.
- e. The area from the bottom of the mobile home to the ground shall be fully enclosed with a durable skirting if not a full foundation. Two (2), one-foot square vents shall be located, one at each end, in the foundation or skirting.
- f. Exceptions: Any person who intends to use a manufactured housing unit while building a permanent home on the proposed site may apply to the Code Enforcement Officer for an exemption from the requirements for a foundation for the manufactured housing unit. The Code Enforcement Officer, upon finding sufficient evidence of the person's intentions to build a permanent home, may issue an exemption for one (1) year. If the applicant commences construction of the permanent home within the year but does not complete the home, the Code Enforcement Officer may extend the exemption for a second year. Failure to commence construction within one (1) year shall constitute a violation of the ordinance. Failure to remove the manufactured housing unit from the lot within sixty (60) days of the issuance of any occupancy permit for the new permanent dwelling shall constitute a violation of this ordinance.

6.12.3. Mobile Home Parks

Mobile home parks within the Town of Hollis shall meet the State requirements for mobile home parks and all of the following:

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- a. Mobile home parks are subdivisions and shall meet the criteria of the State Subdivision Law (30-A MRSA Section 4404) and the Hollis Planning Subdivision Regulations.
- b. The minimum area of land within the park shall be ten (10) acres.
- c. Individual lots within a mobile home park shall either meet the minimum dimensional requirements for the district in which the park is located or may be reduced in size in accordance with the Cluster Development standards contained in Section 6.13.1.3. Regardless of the provisions on reduction of lot sizes in Section 6.13.1.3., individual lots within a mobile home park may be reduced in size to no less than twenty thousand (20,000) square feet in area and no less than one hundred (100) feet wide. The number of individual lots permitted shall be calculated by dividing the net residential acreage of the parcel by the minimum lot area required in the district in which it is located.
- d. Each mobile home lot located either wholly or in part within a shoreland district shall meet the minimum lot size requirements for the shoreland district.
- e. Common areas shall be provided for all of the following but not limited to: recreational use, waste disposal facilities, sufficient area to allow for septic and water supplies with secondary locations allowed as required for water and septic. These areas shall remain under ownership of the park owner, including the roads within the park. Roads shall not be included when calculating lot size.
- f. No manufactured housing unit shall be placed within thirty-five (35) feet of the side or rear line of the park lot on which it is placed.
- g. All manufactured housing units in a mobile home park shall be connected to a common water supply and distribution system, either public or private, at no expense to the municipality.
- h. All manufactured housing units in a mobile home park shall be connected to either individual or a common sanitary sewer system or to a central collection and treatment system, in accordance with the sanitary provisions of State and local ordinances, and at no expense to the municipality.
- i. A continuous landscaped area not less than fifty (50) feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective barrier of not less than six (6) feet in height shall be located on all exterior lot lines of the park except that driveways and park entrances shall be kept open to provide visibility for vehicles entering and leaving the park.

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6.13. Modifications to Existing Structures

- 6.13.1. No external modifications or additions to any structure subject to flood damage are permitted unless such modification will not increase the flood damage potential of the structure and will not cause the structure to increase the degree of obstruction to flood flows.
- 6.13.2. Any internal modification of an existing building may be permitted if such modification will not endanger human lives or increase the flood damage potential of the Regional Flood.

6.14. Multi-Family Dwelling Units

Multi-family (3 or more) dwelling units shall be reviewed in accordance with the Subdivision Regulations and meet all of the following criteria:

- 6.14.1. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units.
- 6.14.2. The minimum road frontage shall be two hundred (200) feet.
- 6.14.3. Lots for multi-family dwelling units shall meet the space and bulk requirements of the underlying zone for single-family dwellings.
- 6.14.4. No building shall contain more than (6) dwelling units.
- 6.14.5. All multi-family dwelling units shall be connected to a common water system, at no expense to the Municipality.
- 6.14.6. All multi-family dwelling units shall be connected to a common sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
- 6.14.7. Multi-family dwelling units shall be considered in the same light as a subdivision with the required application and approval of the Planning Board.
- 6.14.8. Multi-family dwelling units shall meet the space/bulk requirements and standards of the applicable underlying zone.
- 6.14.9. In lieu of fire tank requirements multi-family units must contain an approved domestic residential sprinkler system.

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6.15. Off-Street Parking and Loading Requirements

6.15.1. Basic Requirement

No use of premises shall be authorized or expanded, and no building shall be constructed or expanded unless adequate provisions are included for, OFF-STREET PARKING, within 300 feet of the primary structure in accordance with the following schedule.

- a. An area of two hundred (200) square feet appropriate for parking an automobile, exclusive of maneuvering space, shall be considered as one (1) parking space.
- b. No required parking space shall serve more than one use.
- c. No off street parking lot shall have more than two (2) entrances and exits on the same street.
- d. Entrances and exits shall not exceed 26 feet in width.
- e. Parking areas with more than two (2) spaces must provide a vehicle turn around area to prevent vehicles from backing onto the street.

6.15.2. Schedule of Minimum Off-Street Parking Requirements

- a. Two (2) spaces per dwelling unit.
- b. One (1) space for each sleeping room in a tourist home, boarding or lodging house, motel or hotel.
- c. One (1) space for each tent or recreational vehicle site in a campground.
- d. One (1) space for each two (2) beds in a hospital or sanitarium.
- e. One (1) space for each four (4) beds for other institutions devoted to the board, care or treatment of persons.
- f. One (1) space for each one hundred fifty (150) square feet or fraction thereof, of floor area of any retail, wholesale or service establishment or office or professional building.
- g. One (1) space for each three (3) seats, permanent or otherwise, for patron use for restaurants, and other places serving food or beverages and for theaters, auditoriums and other places of amusement or assembly.
- h. 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.

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- i. Adequate spaces shall be provided to accommodate customers, patrons and employees at automobile service stations, drive-in establishments, open-air retail businesses and amusements and other permitted uses not specifically enumerated.

6.15.3. Off-Street Loading

In any district where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers shall not be located for loading, unloading, or storage upon any public way.

6.15.4. Landscaping

Required parking and loading spaces for non-residential uses, where not enclosed within a building, shall be effectively screened from view with an eight (8) foot wide buffer area which contains continuous visual barriers not less than six (6) feet in height and may contain evergreen shrubs, trees, fences, walls, beams or any combination thereof along exterior lot lines abutting said parking and loading spaces adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving. Conditional use approval requires a time frame of six (6) months to put the screening in. If the screening is not put in, in compliance with this section, the conditional use permit becomes null and void. The site shall be inspected within six (6) months after start of construction by the CEO.

6.16. Piers, Docks, and Other Shoreland Construction

6.16.1. General Requirements

- a. No causeway, bridge, marina, wharf, dock, or permanent structure shall be constructed in, on, over, or abutting on any great pond nor fill deposited or dredging done therein without a permit from the Board of Environmental Protection.
- b. No causeway, marina, wharf, dock, or other permanent or floating structure shall extend more than ten percent (10%) of the width of any stream, measured at its normal high water elevation.
- c. Any structure, permanent or floating, shall require a conditional use permit from the Planning Board if it: 1) extends more than ten (10) feet from the bank of any lake, pond, river or stream; 2) has any permanent parts located between the banks of any stream or below the normal high water elevation of any lake or pond; 3) is constructed as part of any commercial use; or 4) requires dredging or filling.

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6.16.2. Application for Permit

A conditional use permit application shall be made as follows:

- a. For any proposed shoreland construction or alteration requiring a permit from the Board of Environmental Protection, a copy of said permit and all attachments thereto shall constitute the application to the Planning Board.
- b. For all other proposed shoreland construction or alteration, application to the Planning Board shall be made on forms provided for the purpose.

6.16.3. Conditions of Permit

The Planning Board may issue a permit providing the following conditions shall be met. The proposed activity:

- a. shall not unreasonably interfere with existing recreational and navigational uses, nor unreasonably alter scenic and aesthetic qualities;
- b. shall not unreasonably interfere with or harm the natural environs of any lake, pond, tributary, stream, or river nor harm any fish or wildlife habitat;
- c. shall not cause unreasonable soil erosion nor lower the quality of any waters;
- d. shall not unreasonably alter the natural flow or storage capacity of any water body; and,
- e. shall not create or cause to be created unreasonable noise or traffic of any nature.

6.17. THIS SECTION REPEALED, JUNE 2006, PER TOWN MEETING VOTE
(SEE SECTION 8)

6.18. Sanitary Provisions

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

6.19. Signs

No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal device or otherwise constitute a hazard to pedestrian or vehicular traffic. For the purposes of this Ordinance, a sign utilizing both sides shall be considered as two (2) signs. Signs must be located within two hundred and fifty (250) feet of the principal building where

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the business is carried on.

6.19.1. Permitted Signs

- a. Public traffic and directional signs designating public or semi-public activities.
- b. Name signs for single residences provided such signs not exceed six (6) square feet in area and not exceed two (2) per premises.
- c. Residential homeowners, home occupations, conditional uses where the residence/home is the primary use of the land, may display two (2) signs. Each sign shall not exceed six (6) sq. ft. each in area, relating to goods and services rendered on the premises.
- d.
 - i. Non-residential users may display on premises three (3) signs. No sign is to exceed a gross message area of thirty-two (32) sq. ft. The total gross message area of these three (3) signs shall not exceed sixty-four (64) sq. ft.
 - ii. Each accessory use may have one additional sign not to exceed two (2) sq. ft.
- e. Tree Farm signs, signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed four (4) square feet in area.
- f. No signs, other than traffic signs and those listed in 6.15.1.5, shall be located closer than eight (8) feet of a side lot line or a highway right-of-way.

6.19.2. Illuminated Signs

- a. No signs shall be illuminated with flashing, moving, or intermittent lights. No sign may have any animated or moving parts.
- b. Interior lighted signs shall be located and permitted in only the village zones.
- c. Illuminated signs in zones other than the village zones may be illuminated with white spotlights.
- d. All lights must be effectively shielded as to prevent the light from being directed at any portion of the road or impair the vision of a driver.
- e. The maximum height of a sign is the lesser of twenty-five (25) feet above the ground or ten (10) feet above the roof, if attached to a building.

6.19.3. Billboards: Billboards, as defined in Section 2.2. are prohibited.

6.19.4. Temporary Signs

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For the purpose of this Section, a temporary sign shall be any sign, including banners, for sale signs or lease signs, any other type of sale sign, or any other sign not intended to be a permanent part of any residence or business as outlined in this Section whether on-premises or off-premises.

- a. Street banners shall: not exceed fifty 50 square feet in area, require a permit from the Code Enforcement Officer, the applicant must have written approval of any property owner where the sign is to be displayed.
- b. Temporary signs other than street banners are not to exceed six (6) square feet in area.
- c. Temporary signs shall not be displayed for more than thirty (30) days with the exception of Realtors' For Sale signs.

6.19.5. Existing Signs

Existing non-conforming signs, as of the June 5, 1993, revision, shall be grandfathered for ten (10) years, unless they come into a state of disrepair or non-use (see Section 1.4.2.); at which time they shall be replaced with a sign that conforms to this Section. The Town shall not grandfather anything that violates the State ordinances.

6.19.6. Special Exceptions

- a. Each business located within the boundaries of Hollis is allowed up to four (4) MDOT non-reflective official business directional signs off premises. Signs for businesses located outside of the boundary of the town shall not be permitted. Existing non-conforming signs as of the June 14, 1997 revision, shall be grandfathered for 1 year, after which time they must be removed.
- b. Up to twenty (20) off-premises business signs may be displayed on the interior side of any fence surrounding an outdoor recreation facility which is available for use by the public, such as a ball field or skating rink, provided that the dimensions of each sign is no larger than sixteen (16) square feet. The intent of the sign must not be to solicit advertising from the roadway. A permit must be obtained in advance from the Code Enforcement Officer.

6.20. Timber Harvesting

Forest Management Activities outside of the Shoreland Zone shall be in compliance with the Maine Forest Practices Act, Maine Forest Service, Forest Information Center, Station #22, Augusta, ME 04333. Timber harvesting within the Shoreland Zone will be in compliance with the Hollis Shoreland Zoning Ordinance.

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6.21. Vegetative Cutting

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

6.21.2. Clearing for Agriculture shall conform to Article 6.3 of this Zoning Ordinance.

6.21.3. Clearing which will encroach into a Shoreland Area, as defined in the Hollis shoreland Ordinance, will conform to requirements of Chapter 17.16 of the Hollis Shoreland Ordinance.

6.22. Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous or solid materials of such nature, quantity, noxiousness, toxicity or temperature that run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or to be harmful to human, animal, plant or aquatic life.

6.23. Recreational Vehicles

6.23.1. Recreational vehicle shall mean any vehicle used or so constructed as to permit its use as a conveyance on the public streets and highways and licensed as such. It is constructed in such a manner as to permit occupancy as a dwelling or sleeping place for one (1) or more persons, and may be provided with a toilet and bathtub or shower and cannot readily be connected to a sewer system. This Ordinance shall also mean tent trailers, truck campers, travel trailers, motor homes, etc., other than a mobile home.

6.23.2. A recreational vehicle shall not be occupied in the Town of Hollis outside a licensed camp; except as herein specifically permitted.

6.23.3. It shall be permissible for a householder to allow a bona fide guest to camp or park one (1) recreational vehicle in his/her yard adjacent to his/her house for a period not to exceed ninety (90) days in any calendar year. However, such vehicle is to be used only for sleeping purposes during the ninety (90) day period, provided the householder shall have granted permission to the recreational vehicle occupants to use the householder's sanitary facilities. The Code Enforcement Officer, Selectmen or other individual as designated by the Selectmen may require written proof of permission from the householder that the vehicle can be parked in the householder's yard, the date of arrival of vehicle and duration of visit.

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- 6.23.4. It shall be permissible for a landowner to allow one (1) recreational vehicle to be parked on land not adjacent to his household for a period of time not to exceed fifteen (15) days in any calendar year, provided, however, that such vehicle has its own sanitary facilities and means for disposal of all wastes. Recreational vehicle occupants must receive written permission from the landowners to use their property. After fifteen (15) days of occupancy, occupants of recreational vehicles shall take their written permission and apply to the Selectmen or their appointed designee for a vehicle parking permit so that the Town of Hollis may coordinate the necessary emergency and regular services.
- 6.23.5. A recreational vehicle may be stored in the Town of Hollis regardless of the provisions of this Ordinance, provided that it shall not be used for living or sleeping purposes during such time it is so stored and provided that it shall not be deemed a nuisance.
- 6.23.6. No recreational vehicle shall be utilized in the Town of Hollis as a temporary or permanent office unless permission is obtained from the Selectmen or their appointed designee or unless such vehicle or trailer meets all provisions of this Ordinance, Subdivision Regulations and other regulations as may be adopted by the Town of Hollis.

6.24. Roads

6.24.1. General

The purpose of this Section is to set down standards for the building and improving of substandard roads or roads to back lots providing access to dwelling units. In this subsection, "Road" shall mean any public way or private road providing access to dwelling units, which must meet the Town's standards for preparation, sub-base, base (as specified in the Hollis Subdivision Review Standards). For the purpose of this Section, the traveled surface need not be paved.

A deeded right-of-way shall be a strip of land, which shall provide access to a parcel or parcels of land.

No building permit shall be issued for a dwelling unit or units on a lot or lots which does not comply with this Section.

New building lots which constitute exemptions from the State Subdivision Law or which are exempted from the Subdivision Review Ordinance in this municipality shall meet the requirements of this Ordinance except that these lots may be laid out along privately owned roads instead of town ways.

These new roads shall meet the following requirements:

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6.24.2. Construction Requirements

- a. Any deeded rights-of-way shall be a minimum of fifty (50) feet in width, shall include written maintenance rights, and shall be provided with drainage ditches and culverts to be designed and installed with the written approval of the Town Engineer.
- b. Roads serving one (1) dwelling unit shall have a minimum twelve (12) inch base or more as soils require, and a minimum of twelve (12) foot traveled surface. Said road shall be subject to soil tests after the removal of topsoils and prior to construction.
- c. Roads serving two (2) or more dwelling units shall have a minimum of eighteen (18) inches of base or more as required and an eighteen (18) foot wide traveled surface or more as required. Soil specifications as mentioned previously in Section 6.20.2.2.
- d. Consistency and standards of the base, surface and shoulders shall be approved by the Town Engineer prior to the construction of any new road. Cross-sections of the proposed road shall be established by the Town Engineer prior to construction at intervals of one hundred (100) feet or as required.
- e. Soil tests shall be done every one hundred (100) feet or closer if required, to a depth of four and one-half (4-1/2) feet or as required by the Town Engineer, prior to construction.
- f. Any vegetation obstructing vehicle movement or visibility will be kept at least ten (10) feet from the traveled surface.

6.25. Wheelchair Ramps

Wheelchair ramps are exempt from the side, rear, and front yard setbacks, but not from the shoreland setback.

- 6.25.1. Built according to international residential or building code and Life Safety Building Codes.
- 6.25.2. It shall not be wider than six (6) feet at any point.
- 6.25.3. It shall be constructed of wood or some other material which may be removed when the need for the ramp no longer exists.
- 6.25.4. The applicant shall present to the Code Enforcement Officer written evidence that someone residing in the house is handicapped and requires the ramp.
- 6.25.5. The applicant shall present to the Code Enforcement Officer written evidence that it cannot be constructed within configuration of the property and location of the structure being accessed.
- 6.25.6. The applicant shall present to the Code Enforcement Officer a written statement as to the discontinuance of need and has three (3) months in which to remove the ramp.

ARTICLE 7. SITE REVIEW REQUIREMENTS

7.1 Introduction and Findings

INTRODUCTION: The intent of this Article is to provide a process for the review of development projects that do not meet the legal definition of subdivisions. Such projects may include non-residential uses such as convenience stores, service businesses, motels, shopping centers, etc as outlined in Section II. Where site development projects are subject to review under conditional use provisions and this Article, any duplication of requirements required within this Article will supplement the requirements of the conditional use regulations.” Where a proposed use is subject to the Conditional Use provisions, the site review criteria shall be reviewed with the Conditional Use Application and not as a separate process.

FINDING: The town finds that residential and non-residential development can have a significant impact on the public facilities and natural resources of the community, that regulation of such development is necessary in order to protect the public health, safety and general welfare. 30M.R.S.A. S4956 Review of Subdivisions fails to provide authority sufficient to regulate potentially harmful development and ensure compliance with the current Hollis Comprehensive Plan, Zoning Ordinance Criteria and other Town Ordinances.

7.2 Review of Development

The Board is hereby authorized to review development for conformance with the criteria stated herein and with the performance standards of this Ordinance. A developer or his authorized agent shall be required to obtain Board approval prior to the issuance of a building permit for all development except the following:

- a. Single family dwellings on individual lots,
- b. Expansion of an existing conforming use, where the expanded use;
 1. will require less than 10 additional parking spaces and
 2. will not need changes to the existing sanitary disposal system and
 3. is less than 50% increase in use area.
- c. Subdivisions already subject to board review under the Town of Hollis Subdivision Regulations, *30 M.R.S.A S4956*).
- d. Home occupations and professional offices inside the home and less than 1000 sq ft.
- e. Professional, business, tradesman, and general office/services inside the home and less than 1000 sq ft.
- f. Professional, business, tradesman, and general office/services outside the home and less than 1000 sq ft. of customer service ad office area.
 1. No person or entity subject to the provisions of this convey, or offer to convey interest in a development or portion ordinance may commence work, including site preparation, or thereof prior to Board approval.

7.3 Site Development Design Standards

7.3.1 Site Design

- 7.3.1.1 The development shall provide for appropriate buffering of adjacent uses where there is a transition from one type of use to another and for the screening of mechanical equipment, loading, service and storage areas, and parking lots. Distance, landscaping, changes in grade, and/or a combination of these or other techniques may serve as buffers. Buffering must be designed to provide a year round visual screen and to reflect the character of the area.
- 7.3.1.2 The site design shall encourage foot traffic and minimize vehicular movement in village zones and within ¼ mile of any school, municipal facility, or recreational area.
- 7.3.1.3 The design of parking areas shall use buffers, landscape islands, and materials to avoid creating a building surrounded by gravel/bituminous parking lots. Extensive parking between the street and building is discouraged and it is desirable to limit the frontage parking to as few spaces as possible. It is desirable to locate the majority of the parking to the side or rear of the principal building as can be practicably achieved given the layout and geometry of the site under development and safety/security issues. Where parking is between the street and building, street side landscaping, naturally existing vegetation and/or buffering of at least 20 feet shall be used as a transition to the parking area.
- 7.3.1.4 Landscaping design must be provided as part of the site design. The landscape plan for the entire site must use landscape materials and/or naturally existing vegetation to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a character consistent with the area and type of development.
- a. The use of invasive species of plants, including trees, is prohibited.
 - b. The use of native plant materials is strongly encouraged.
 - c. Trees and other landscaping planted at intersections shall preserve an adequate sight triangle as required by the regulations.

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- 7.3.1.5 All facilities for non-customer service shall be located at the side or rear of the principal building as can be practicably achieved given the business type, site layout/geometry and shall avoid facing residential properties or public ways without appropriately scaled screening and/or buffering. Structural screens and/or fencing shall screen non-customer service areas from public ways, main entrances, abutting residential properties, public open spaces, and great ponds, rivers and streams to the extent practical for the given site. Structural screens and fencing shall complement the design of the main structure by repetition of materials, detailing, scale, and color. .
- 7.3.1.6 External mechanical and plumbing equipment, dumpsters or similar large collection receptacles for trash or other wastes, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse must have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on users of the public roads, abutting residential, institutional, and recreational uses.
- 7.3.1.7 All fire prevention and suppression elements must meet the specifications of the applicable Town, State, and National codes. The Fire Chief shall approve the location and treatment of fire prevention and suppression elements.
- 7.3.1.8 Storm water management facilities shall be located and treated to reduce their visibility and integrate them into the landscape using transitional grading, natural contours and natural vegetation.
- 7.3.1.9 The site plan and building elevations shall show the location of all vending machines, ice machines, LP gas storage, and other site furnishings. Where site furnishings are provided, they shall have sufficient setbacks and screening to provide a visual buffer sufficient to minimize their impact on abutting residential users, recreational users, and users of the public roads.
- 7.3.1.10 In addition to all on-premise signage requirements of the ordinance, the principal site identification sign shall contain the road address shown in a prominent location to facilitate wayfinding and 911 emergency responses.

7.3.2 Building Design

- 7.3.2.1 General: Proposed site improvements and buildings must be designed to fit into the area to be developed to the maximum extent reasonable. Site clearing must be minimized and vegetation must be maintained or

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provided to minimize the visual intrusion of the development. Buildings should be set back from the road and located on the site in a manner that is compatible with the rural or village character of the surrounding area.

- a. Designs that promote energy and environmental conservation through solar orientation and siting, use landscaping for windbreaks and shading, use of alternative paving materials, landscaping with native plants, reduced noise pollution, and reduced light pollution shall be encouraged.

7.3.2.2 New Construction

- a. The scale of the building shall be visually compatible with its site and the scale of surrounding buildings. Where new large buildings or structures are proposed, care shall be taken to mitigate differences in scale so that the new building is compatible with its neighbors and traditional building forms used in Hollis and surrounding Rural Communities.
- b. The shape, proportion, and height of the roof shall be designed to reflect those of buildings with which it is visually related or that are traditionally used in Hollis. Buildings with a footprint greater than 10,000 SF shall have rooflines that are oriented and designed to lend visual interest and reduce the apparent size of the building. Rooflines shall be designed to screen or camouflage rooftop protrusions and equipment.
- c. Exterior Façade Design
 1. Windows and doors should be visually compatible with the architectural style of the building and with local architecture. The main entrance shall be clearly identified through building and site design and should face the primary street when feasible.
 2. Building designs that stress simplicity in form, and reflect the traditional building forms are encouraged.
- d. Exterior building materials shall be compatible with those of buildings with which it is visually related or that are traditionally used in Hollis and surrounding Rural Communities.
- e. Light fixtures, signage, and other building furnishings shall be fully integrated into the overall design by virtue of their form, scale, color and detailing.

7.3.3 Additions & Renovations

- a. Where the existing building(s) meets the design standards or is a designated historic structure, proposed renovations and additions shall:
 - i. Be designed to respect the proportions, fenestration patterns, and details of the existing building(s).
 - ii. Complement or match the materials, form, color, and detailing of the existing building(s).

Town of Hollis Zoning Ordinance

- b. Where the existing building(s) does not meet the design standards and is not a designated historic structure, proposed renovations and additions shall:
 - i. Meet the standards for new construction outlined in the preceding paragraphs.
- c. Where the existing building(s) does not meet the design standards and is not a designated historic structure AND if more than 75% of the floor area of the existing building(s) is to be renovated, the entire structure shall meet the standards for new construction outlined in the preceding paragraphs.

7.3.4 Free Standing Accessory Structures

Non-habitable structures such as free standing ATMS, garages, service stations islands, canopies, storage units, recycling sheds, trash enclosures, and utility buildings shall meet the same design standards as the principal building(s) on the site. The design of freestanding structures shall be coordinated with the principal building through repetition of architectural forms, materials, colors, and detailing.

- 7.3.5 Any use that provides drive-through service must be located and designed to minimize the impact on neighboring properties and traffic circulation. Communications systems must not be audible on adjacent properties. Vehicular access to the drive-through shall be through a separate lane that prevents vehicle queuing within normal parking areas. Adequate queuing space must be provided to prevent any vehicles from having to wait on a public road, within the entry from the road, or within designated parking areas and pedestrian crossing zones. Access routes leading to or from a takeout window or drive-through shall minimize conflicts with pedestrians through signage, raised cross walks, changes in paving or other devices.

7.4 Procedure

- 7.4.1 Schedule a Pre-Application Meeting with the Board to review the proposed site development, schedule a site walk (if deemed necessary), go over the review criteria, potential waiver requests, and operational details (hours of operation, staff, etc).
- a. Any applicant requiring review under this article shall submit an application addressed to the Board Chairman and delivered to the Town Office during regular business hours at least seven days prior to the next regularly scheduled Board meeting. A complete application shall consist of a cover form, together with fees and all required submissions contained herein. The CEO shall present the application to the Board at the next scheduled meeting after an initial determination by the CEO has been made that a complete application has been submitted for review. The Board shall make a determination of completeness within 45 days of presentation of an application to the Board.

Town of Hollis Zoning Ordinance

- 7.4.2 The application fee shall be a minimum of \$100.00 and an additional \$100.00 per 20,000 sq. ft. of developed area, or fraction thereof.
- 7.4.3 The Board may, at any time, determine that it requires legal or technical assistance outside of regular town staff for proper consideration of the application. The costs of such assistance shall be borne by the applicant.
- 7.4.4 The Board shall notify the applicant that his application is complete, of the timetable for review, and any additional requirements or questions associated with the application. A Public Hearing shall not be held for the following: (1) home occupations and professional offices *inside the home* and less than 1000 sq. ft., (2) professional, business, tradesman, and general office/services *inside the home* and less than 1000 sq. ft. (3) professional, business, tradesman, and general office/services *outside the home* and less than 1000 sq. ft. of customer service and office area. Other uses may have a Public Hearing scheduled as determined by the Board. A Public Hearing will be scheduled to hear the Conditional Uses as provided for in the Hollis Regulations.
- 7.4.5 At the time of determination that the application is complete, and the Board has determined that a public Hearing will be held, the Board will schedule the public hearing for the next available time on the Board's agenda. Public notice of the hearing shall be placed in a newspaper of general circulation within the town at least seven (7) days prior to the date of the hearing. Notice shall also be sent to the CEO and other town officials, and to all landowners abutting the subject property, provided that failure of those notified to receive such notice shall not invalidate the decision of the board.
- 7.4.6 The Board shall approve, approve with conditions, or deny an application for site review within forty-five (45) days of the closing of the public hearing (if held) or from receipt of the complete application. Written notice of the decision shall be mailed to the applicant within seven (7) days thereafter. Failure of the Board to act in the affirmative shall constitute a denial, provided that the Board may grant applicant's request for an extension of the time period for the purpose of introducing additional evidence.
- 7.4.7 Action by the Board shall be based upon written findings of fact and conclusions for compliance with the performance standards contained herein for the particular use applied for:
- a. See Section 3 for Site Development design review criteria and integrate into the submission.
 - b. Sufficient parking and traffic circulation on the site of the development will avoid conflicts with adjoining properties and streets.
 - c. Building locations or engineering measures ensure that wetlands and water bodies will not be adversely affected by erosion, runoff, or pollutants.

Town of Hollis Zoning Ordinance

- d. All sanitary and solid wastes are treated in a manner approved by qualified professionals, together with agreements necessary for the transportation, disposal and storage of hazardous materials;
- e. Design measures ensure the capability of the land and water systems to sustain the proposed use.
- f. Public resources identified in the comprehensive Plan or related study, including aquifers; shoreland areas, wildlife areas, and access thereto are protected.
- g. Ability to Serve documentation from Public Utilities departments for any public Utilities to be used stating that public facilities will not exceed their respective capacities, including:
- h. Showing of sufficient financial backing and technical resources of the applicant to complete the proposed public improvements.

7.4.8 Approval by the Board shall take the form of an agreement between the Town of Hollis and the applicant. This will incorporate elements of the application, the Board's findings of Fact and conclusions, and such conditions as the Board may impose upon approval. The Board and the applicant shall acknowledge the agreement in writing prior to the commencement of work. ***(Fulfilled by signature on site plans.)***

- a) Conditions of the Board's approval shall be intended to ensure conformance with approval criteria. The property shown on the plan(s) may be developed and used only as depicted on the approved plan(s). All elements and features of the plan(s) and all final submittals made by the applicant concerning the development and use of the property are conditions of the approval. Any changes from the conditions of approval is not permitted unless an amended plan is first submitted to and approved by the Planning Board.
- b) Where improvements for the common use of lessees or the general public have been approved, the board may require an Improvement Guarantee in the form of a bond, escrow account, or irrevocable letter of credit in favor of the Town, committing 125 percent of the estimated cost of said improvements.
- c) The Board shall send copies of the approval to the CEO and to the Board of Selectmen. The CEO shall not issue a building permit and/or occupancy permit until conditions of the approval have been met.
- d) The approval of the Board shall expire if work on the development is not commenced within twelve (12) months or substantially completed within two (2) years. The Board may, by formal action, grant an extension of the completion deadline for additional periods not to exceed one year.

7.4.9 Appeal: any party aggrieved by a decision of the Board under this Article may appeal the decision to the Superior Court within thirty (30) days of the date of decision.

Town of Hollis Zoning Ordinance

7.5 Submission Requirements

- 7.5.1 A completed application for site review shall consist of ten (10) copies of required plans on sheets measuring no smaller than 11" x 17" and no larger than 24" x 36" and ten (10) sets of attachments. Site Plans shall be drawn to a scale of no greater than 1"=30' for developments under ten acres, and 1"=50' for all others.
- 7.5.2 The submission will contain items below selected by the Board as determined by the size and scope of the project presented in the Pre-Application Meeting. Additionally, the applicant may request a waiver of one or more of these requirements.
- a. A title block in the lower right-hand corner, containing the name and address of the applicant and property owner, the name and address of the preparer of the plan, (with professional seal, if applicable), location of the property according to municipal tax maps, the date of plan preparation or revision, and an ID number unique to the plan.
 - b. A deed with sufficient detail or a standard boundary survey conducted by a surveyor licensed in the State of Maine may be required. If a boundary survey is required, it must have sufficient information to identify and locate interior and exterior boundaries, rights-of-way, and street alignments.
 - c. Documentation of the applicant's legal interest in the property.
 - d. An arrow showing true north and the magnetic declination, a graphic scale, and signature block for members of the Board.
 - e. A location map showing the property in relation to other properties and roads in the general vicinity.
 - f. Acreage of the total parcel, rights-of-way, and areas to be developed.
 - g. Zoning, including the zones abutting the property, if different, together with required setbacks, density and coverage requirements of the zone.
 - h. A Site Plan indicating the location and description of all proposed building(s), additions, and renovations to existing building(s) floor plans and all elevations of principal buildings visible from a public way. Where necessary to illustrate unusual or unique situations, the board may request perspectives of the building to illustrate the three-dimensional relationship between the building and its neighbors, and/or the front and side elevations.
 - i. Location of adjacent physical features such as ledge, watercourses, and forested areas that will be impacted by the proposed use.
 - j. Existing contours and finished grade elevations within the site area being disturbed to sufficient detail to describe the project.
 - k. Scaled drawings, sketches and/or schedules of the proposed buildings in enough detail show the type and scope of construction material. (See Section 7.3)
 - l. Location and design details of existing and proposed utilities, including power, water, sewer or septic system, and drainage structures.
 - m. Location of any park, open space, or conservation easement on property to be developed or on abutters' property.
 - n. Proposed landscaping and buffering treatment plan. The Board may require a landscape materials list.

Town of Hollis Zoning Ordinance

- o. A signage plan. For those uses applicable to Section 7.3, the signage plan shall be submitted for approval prior to tenant occupancy.
- p. Location and necessary design details of all parking and/or paved areas, sidewalks, curbing, signs, fencing, and other site improvements.
- q. Soil data and test pits analysis to support the use being applied for.
- r. Description of any raw, finished, or waste materials to be stored outside the buildings, and any stored materials of a hazardous nature.
- s. Description of the type and placement of sewage facilities:
 - i) Where disposal will be accomplished through subsurface waste disposal system, an analysis of test pits prepared by a licensed site evaluator.
 - ii) Where disposal will be accomplished through a public community system, an Ability to Serve certification by the town.
- t. Indication of water supply sufficient in both quantity and quality for normal use. If public water or other utilities are to be used, an Ability to Serve certification of sufficiency from the Town shall be provided on the submitted Site Plans.
- u. Site lighting design shall be provided on the submitted Site Plans.
- v. It is incumbent upon the applicant to obtain the applicable local and state approvals and permits *prior* to the issuance of a Building Permit for site development

7.5.3 For multi-building and/or phased developments

- a. The site plan shall show the location of future buildings, parking lots, roads and driveways, walkways, common open spaces, utilities, service areas, stormwater management, and other components of the site development.
- b. The site plan shall show how traffic, stormwater, and utilities will be coordinated with adjacent properties if applicable.
- c. As part of the site plan application, the applicant shall provide a phasing plan that illustrates the sequence of development and what steps will be taken to ensure compatibility between current and future activities.

7.5.4 Where a proposed use is subject to the *Conditional Use Provisions*, the site review criteria shall be reviewed with the Conditional Use Application and not as a separate process.

NOTE: In its consideration of an application, the Board may require the applicant to submit such additional materials, studies, analyses and proposals, as it may deem necessary for a complete understanding of the development.

Town of Hollis Zoning Ordinance

Appendix I: Application Form

**TOWN OF HOLLIS APPLICATION
FOR SITE REVIEW**

Project Name: _____

Project Number: _____

Name of Property Owner: _____

Mailing Address: _____

Name of Applicant: _____

Mailing Address: _____

Name of Applicant's Authorized Agent: _____

Mailing Address (if different): _____

Telephone: _____ FAX: _____

Please list all alternative numbers.

List Engineers, Architects or other staff preparing plans:

If one is to be principal contact, list name, address and telephone:

What legal interest does applicant have in property to be developed?

Location of Property:

Tax Map _____ Lot _____

Street Location: _____

Zoning: _____

Acreage: Total: _____ To be developed: _____

Existing Conditions on Property:

Structures: _____

Other Uses of land (Farm, etc.): _____

Natural Resources (wetlands, open water, etc.): _____

Town of Hollis Zoning Ordinance

Describe nature of proposed project, including square footage of building, number of units, phasing:

Proposed water supply: _____ Individual well
_____ Common water
_____ Other (specify): _____

Proposed sewage disposal: _____ On-site non-engineered system
_____ On-site engineered system
_____ Municipal Treatment Facility
_____ Other (specify): _____

Describe fire protective alarm system to be used:

YES NO

- _____ Is any portion of the property in a Shoreland Zone?
- _____ Is any portion of the property in a Resource protection Zone?
- _____ Is any portion of the property in a Historic Zone?
- _____ Does the property abut or enclose a water body?
- _____ Is any portion of the property within a 100-year flood plan?
- _____ Is the property part of an approved subdivision within the last five years?
- _____ Is this subsequent phase of a multi-phase development?
- _____ Is any portion of the development to be dedicated for public use?
- _____ Are waivers requested for any submission requirements?
(If yes, attach a list of waiver items and reasons for request)

Application Fee of \$ _____ is included.

Signature of Applicant Date

Town of Hollis Zoning Ordinance

APPENDIX II: CHECKLIST FOR SITE REVIEW

Fee Calculation:

FEE PAID: _____

COPIES RECEIVED: _____

Received by _____

Date: _____

Complete - N/A - Waived

- _____ Application form
- _____ Name and address of applicant, owner, plan preparer on site plan
- _____ Zoning requirements
- _____ Site Plan w/graphic scale, north arrow, map & lot #, signature blocks
- _____ Location map with Zoning Information
- _____ Deed and/or Standard Boundary Survey
- _____ Locations of existing and proposed buildings on site plan
- _____ Location of physical features on site plan
- _____ Locations of parking, sidewalks, site lighting, wayfinding signs, fencing
- _____ Design details of paved areas, signs, site lighting, drainage structures
- _____ Landscape and buffering plan
- _____ Business Signage plan
- _____ Floor plans and front elevation of principal buildings.
- _____ Utilities shown on the plan, existing and/or proposed
- _____ Documentation of water supply
- _____ Documentation of sanitary waste disposal
- _____ Acreage of total parcel, rights-of-way, developed area, wetlands
- _____ Existing contours and finished grade elevations of affected area
- _____ Location of park, open space or conservation easements
- _____ Soils map
- _____ Drainage, Erosion and Sedimentation Control Plan and Description
- _____ Descriptions of raw, finished or waste materials to be stored on site
- _____ Documentation of applicant's legal interest in development
- _____ Text of existing and proposed encumbrances
- _____ Abutter's list (if required)
- _____ Documentation of Ability to Serve for Pubic Utilities

OPTIONAL

Complete - N/A - Waived

- _____ # 1 _____
- _____ # 2 _____
- _____ # 3 _____

Town of Hollis Zoning Ordinance

APPENDIX III: LETTER TO APPLICANT

DATE:

Dear Applicant:

The Hollis Planning Board has received and evaluated your application for site review on its meeting of _____ and has determined that said application is complete.

As required by Article _____, Site Review, the Board has scheduled a public hearing on your application for _____. At that time you will have the opportunity to present your application and such additional information, as you feel necessary. The public will have the opportunity to express their opinions and ask questions concerning the development. The Board will then begin its substantive review of the application.

The Board will render its decision within 45 days of the closing of the hearing, unless you request an extension of that time period.

The Board (does/does not) request additional information on aspects pertaining to the application.

Very truly yours,

ARTICLE 8.

8.1 Planned Unit Development (PUD)

8.1.1. Purpose:

The purpose of these provisions is to allow for a concept of development where maximum variations of design may be allowed. In implementing these concepts the Planning Board, in reviewing and approving proposals, shall ensure that all of the following criteria are met:

8.1.2. General Requirements:

- a. All planned unit developments shall meet the requirements of this ordinance.
- b. The minimum area required for planned unit development shall be as follows:

<u>Zone</u>	<u>Minimum Area (acres)</u>
WBV	5
NHV	5
HCV	5
RR2	10
RR3	10

- c. Where a planned unit development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- d. Where possible all buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas in accordance with an overall plan for site development.
- e. All planned unit developments shall adhere to the following for sanitary disposal and water supply systems.
- f. Sanitary disposal: In no instance shall a disposal area be permitted on soils, which require a new system variance from subsurface waste disposal rules.

In addition to test pit analyses, the applicant may be required to submit plans for sewage disposal designed by a Maine-licensed site evaluator, in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules.

Town of Hollis Zoning Ordinance

Also, on lots in which the limiting factor (i.e. water table level) has been identified as being within twenty-four (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.

- g. Water Supply: The Board shall allow the use of individual wells or a private central water supply system.

If a central water supply is provided by the subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

- h. PUD's and Cluster Residential Subdivisions may be combined in a consolidated proposal provided that all the space and bulk requirements for each are met. Additionally the open space/common land cannot be combined; and the separation, screening, and other zoning requirements applicable to these dissimilar uses shall be adhered to.
- i. PUD's must meet the Net Density Area for the underlying zone and calculated as defined in the use density performance requirements section: The net density area shall be determined by subtracting from the gross area.
- j. Any lot abutting an existing Town road shall have a frontage and area not less than that normally required in the district. On other than existing town roads, the building lot area and road frontage may be reduced up to, but not more than, fifty (50%) percent of the requirements of the district, provided that:
 - i. The net density shall be no greater than is normally permitted in the District in which the development is located.
 - ii. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the district.
- k. Any building on a lot abutting an existing Town road shall have front, side, and rear setbacks not less than that normally required in the district. On lots which do not abut an existing town road, the front, side and rear setbacks for buildings may be reduced up to, but not more than, fifty percent (50%) of the requirements of the district.

1. Principal or accessory structures in all PUD's shall not be built within five hundred (500) feet of a water body, or within one hundred (100) feet of any side or rear lot line, and must be set back one hundred and twenty-five (125) feet from the front lot line—this provision shall prevail over other provisions of this ordinance to the contrary.

8.2. Cluster Residential Subdivision Development

8.2.1. Purpose:

The purpose of these provisions is to allow for a concept of development where maximum variations of design may be allowed. In implementing these concepts the Planning Board, in reviewing and approving proposals, shall ensure that all of the following criteria are met:

8.2.2. General Requirements:

- a. Cluster residential subdivisions shall meet the requirements for residential subdivision submissions.
- b. Every building lot that is reduced in area below the amount normally required shall abut common land for a distance of at least fifty (50) feet, with a width of twenty-five (25) feet.
- c. Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
- d. All common land for recreational or conservation purposes only, shall be owned jointly or in common by the owners of the building lots; by a trust or association which has its principal purpose the conservation or preservation of land in essentially its natural condition; or by the Municipality for the maintenance of common properties or utilities.
- e. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the Zone.
- f. Where a cluster residential subdivision abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- g. Where possible all buildings shall be oriented with respect to scenic vistas, natural landscape features, topography and natural drainage areas in accordance with an overall plan for site development.

Town of Hollis Zoning Ordinance

- h. All cluster residential subdivisions shall adhere to the following for sanitary disposal and water supply systems.
- i. Sanitary disposal: In no instance shall a disposal area be permitted on soils, which require a new system variance from subsurface waste disposal rules.

In addition to test pit analyses, the applicant may be required to submit plans for sewage disposal designed by a Maine-licensed site evaluator, in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules.

Also, on lots in which the limiting factor (i.e. water table level) has been identified as being within twenty-four (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.

- j. Water Supply: The Board shall allow the use of individual wells or a private central water supply system.

If a central water supply is provided by the subdivider, the location and protection of the source and the design, construction, and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water.

- k. Cluster Residential Subdivisions may be combined with other uses in a consolidated proposal provided that all the space and bulk requirements for each use is met. Additionally the open space/common land cannot be combined; and the separation, screening, and other zoning requirements applicable to these dissimilar uses shall be adhered to.
- l. Clustered Residential Subdivisions must meet the Net Density Area for the underlying zone and calculated as defined in the use density performance requirements section: The net density area shall be determined by subtracting from the gross area.
- m. Minimum dimensional, bulk and space requirements (in feet and square feet) shall be in accordance with the underlying zone.
- n. For lots smaller than 30,000 square feet or having limiting factors, a second reserved sanitary disposal site shall be required as specified in the General Requirements.
- o. Cluster residential subdivisions shall not be or become part of a mobile home park even if all or a portion of said area is contained within a mobile home park zone or are allowed within the zone.

Town of Hollis Zoning Ordinance

Town of Hollis Zoning Ordinance
Originally Enacted : November 1973

Last Zoning Ordinance Amendment June 16, 2009

Amendment to The Town of Hollis Zoning Ordinance was voted in at Annual Town Meeting held on June 11, 2013.

Signed,

Irving Ben Severance, Selectman

David W. McCubrey, Selectman

Brian N. Atkinson, Selectman

A true copy of the Hollis Zoning Ordinance 2013,

Attest: _____
Martha E. Huff, Hollis Town Clerk

zoningchart

6-10-2009

June 10, 2009

USE	ZONES														FHZ	EOZ	SITE
	P=Permitted C=Conditional		HCV	HCV	NHV	NHV		WBV	RR2	RR2C	RR3	RR3S	RR3C	NHRCZ			
	Blank = Not Permitted		40K	80K	40K	160K		80K	80K	20K	120K	200K	40K	200K			
Accessory uses	P	P	P	P			P	P	P	P	P	P	C	P-7	P-7		
Accessory dwelling unit		P		P			P	P	P	P	P	P	C		P		
Accessory structures	P	P	P	P			P	P	P	P	P	P	C	C-7	P		
Antique shops	P	P	P	P			P	P	C	P	P	C	C		P		
Aquifer-dependent industry													C		C		
Assisted living facility 1-4 Units		C		C			C	P-12	P-12	P-12	P-12	P-12	C		P-10		
Assisted living facility >5 units		C		C			C	C-12	C-12	C-12	C-12	C-12			P-10	SITE	
Auto washing facilities	C	C	C	C			C								C-10	SITE	
Auto collision service															C-10	SITE	
Auto service station no fuel	P	P	P	P			P								P-11	SITE	
Auto sales facilities	C	C	C	C			C								C-10	SITE	
Auto service station, 2 or more islands															C-10	SITE	
Auto service station, 1 island															C-10	SITE	
Automobile graveyards															C	SITE	
Bed and breakfast; 1 or 2 guest rooms	P	P	P	P			P	P		P	P		P		P		
Bed and breakfast >3 guest rooms		C		C				C			C				C-10		
Banks, insurance, real estate, stock brokerage, general business of customer service area and office space	P	P	P	P			P								P		
Banks, insurance, real estate, stock brokerage, general business of customer service area and office space															C-10		
Boathouses, piers, docks															C		
Bulk fuel oil, cement mixing, gasoline storage, cement mixing, gas tanks, trucks, equipment and facilities on lot		C													C		
Cemeteries		C					C	C		C	C				C	SITE	
Churches, schools, public buildings & facilities <1000 gal	P	P	P	P			P	P		P	P				P-10	SITE	
Non Profit Clubs, lodges, meeting halls	C	C	C	C			C	C		C	C				C	SITE	
Clustered residential subdivisions		P		P			P		P			P			P		
Commercial or industrial facilities involving outside sales or storage of any kind		C		C			C								C	SITE	
Commercial breeding of domesticated or fur bearing animals				C				P		P			C		C	SITE	
Commercial recreation <2000 sq ft and <1000 gal															P	SITE	
Commercial recreation >2000 sq ft and/or > 1000 gal															C	SITE	
Commercial stables								C		C	C		C		C	SITE	
Commercial campgrounds								C		C	C		C		C	SITE	
Convenience stores <2000 sq ft and <1000 gal no fuels	P	P	P	P			P								P	SITE	
Convenience stores <2000 sq ft and <1000 gal 1 island	C	C	C	C			C								C-10	SITE	
Convenience stores <2000sq ft and <1000 gal 2 islands	C	C	C	C			C								C-10	SITE	
Convenience stores > 2000sq ft and/or > 1000 gal no fuels	C	C	C	C			C								C-10	SITE	
Convenience stores > 2000 sq ft and/or > 1000 gal 1 island	C	C	C	C			C								C-10	SITE	
Convenience stores > 2000 sq ft and/or > 1000 gal 2 islands	C	C	C	C			C								C-10	SITE	
Community center		C-4		C-4			C-4	C-4		C-4	C-4		C-4		SITE		
Elderly housing facilities 1-4 rooming units		P		P			P	P-12	C-12	P-12	P-12	C-12	C-12		P-11	SITE	
Elderly housing living facilities, >5 rooming units		C		C			C	C-12	C-12	C-12	C-12	C-12			C-10	SITE	
Extraction of rock, sand or gravel <1000 feet from any residence body.								C		C	C				C	SITE	
Fabricating, manufacturing, industrial activities <3200 sq ft of work area		C		C				C		C					C-10	SITE	

zoningchart

6-10-2009

June 10, 2009

USE	ZONES																
	P=Permitted C=Conditional	HCV	HCV	NHV	NHV		WBV	RR2	RR2C	RR3	RR3S	RR3C	NHRCZ	FHZ	EOZ	SITE	
	Blank = Not Permitted	40K	80K	40K	160K		80K	80K	20K	120K	200K	40K	200K				
Fabricating, manufacturing, industrial activities > 3200 sq ft of work area																C-10	SITE
Farming, grazing, poultry and livestock raising, farm residence								P	P	P	P	P	P	P-7-8	P	SITE	
Fishing and hunting including maintenance of hatchery facilities								P	P	P	P	P	P		P	SITE	
Food service business, take out/drive in <800 sq ft	P	P	P	P		P									P	SITE	
Food service business, take out/drive in >800 sq ft but <1500 sq ft	P	P	P	P		P									P-10	SITE	
Food service, mixed use; take out/drive in, restaurants, lounges, <1000 gallon	P	P	P	P		P									P-10	SITE	
Food service, mixed use; take out/drive in, restaurants, lounges, >1000 gallon	C	C	C	C		C									C-10	SITE	
Food service, mixed use; take out/drive in, restaurants, lounges, <2000 sq ft and/or <1000 gallon	P	P	P	P											P-10	SITE	
Food service, mixed use; take out/drive in, restaurants, lounges, <2000 sq ft and/or >1000 gallon	C	C	C	C											C-10	SITE	
Food service, mixed use; take out/drive in, restaurants, lounges, and/or >1000 gallon	C	C		C											C-10	SITE	
Food service, restaurants, lounges, cafes <1000 sq ft and <1000 gallon	C	P	P	P		P									P-10	SITE	
Food service, restaurants, lounges, cafes >1000 sq ft but <2000 gallon	P	P	P	P		P									P-10	SITE	
Food service, restaurants, lounges, cafes >1000 sq ft but <2000 gallon	C	C	C	C		C									C-10	SITE	
Food service, restaurants, lounges, cafes >2000 sq ft and <1000 gallon	C	P	C			C									P-10	SITE	
Food service, restaurants, lounges, cafes >2000 sq ft and >1000 gallon	C	C	C			C									C-10	SITE	
Funeral homes	C	C		C		C	C			C	C				C	SITE	
Harvesting of wild crops and grasses	P	P	P	P		P	P			P	P		P	P			
Home occupations and professional offices inside the home and <500 sq ft		P		P		P	P	P	P	P	P	P	P		P		
Home occupations and professional offices inside the home and >500 sq ft		P		P		P	P	C	P	P	C	P			P		
Home occupations and professional offices outside the home and >1500 sq ft		C		C		C	C	C	C	C	C	C			P	SITE-13	
Professional, business, tradesman and general offices/services inside <500 sq ft (see home occupation)		P		P		P	P	P	P	P	P	P			P		
Professional, business, tradesman and general offices/services inside >500 sq ft but <1000 sq ft of customer service and office		P		P		P	P	C	P	P	C	P			P		
Professional, business, tradesman and general offices/services inside >1000 sq ft but <1500 sq ft of customer service and office		P		C		C	C	C	C	C	C	C			P	SITE-13	
Hotels, motels, inns providing overnight, year-round or seasonal bar, and food service		C		C		C									C-10	SITE	
Horticultural activities including sale of products		C				C	P		P	P		P			P		
Hospitals, nursing homes, sanitariums, etc.	C	C		C		C	C-9		C-9	C-9					C-10	SITE	
Indoor recreation facilities including bowling alleys, skating rinks, pools, wtc.	C	C		C		C									C-10	SITE	
Junkyards															C-10	SITE	
Marinas including sale of boats, bait and tackle supplies							C		C						C-10	SITE	
Mixed commercial use <2000 sq ft of store area and <1000 gallons	P	P	P	P		P									P-11	SITE	

zoningchart

6-10-2009

June 10, 2009

USE	ZONES															SITE	
	P=Permitted C=Conditional		HCV	HCV	NHV	NHV		WBV	RR2	RR2C	RR3	RR3S	RR3C	NHRCZ	FHZ		EOZ
	Blank = Not Permitted		40K	80K	40K	160K		80K	80K	20K	120K	200K	40K	200K			
Mixed commercial use >2000 sq ft of store area and <1000 gallons	P	P	P	P			P								P-11	SITE	
Mixed commercial use >2000 sq ft of store area and >1000 gallons	C	C	C	C			C								C-10	SITE	
Mobile home parks (3)									C-4			C-4				SITE	
Nursing home															C-9	SITE	
Orchard and agricultural processing facility including poultry		C					C	C	C	C	C	C	C	C-7	C	SITE	
Outdoor recreation (excluding golf course and driving range)	C	C	C	C			C	C-5		C-5			C-5	C-5-7	C	SITE	
Planned unit development (1)	P	P	P	P			P	P		P		P			C-10	SITE	
Police and Fire protection facilities	P	P	P	P			P	P		P						SITE	
Professional, business, tradesman and general offices/services and >1500 sq ft of customer service and office	P	P	P	P			P	C		C			C		P	SITE-13	
Professional, business, tradesman and general offices/services and >2000 sq ft of customer service and office	C	C	C	C			C								C-10	SITE-13	
Personal service business <2000 sq ft of customer service and/or <1000 gallons	P	P	P	P			P								P-10	SITE	
Personal service business >2000 sq ft of customer service and/or >1000 gallons	C	C	C	C			C								C-10	SITE	
Retail business with <2000 sq ft of customer service, office and/or storage area	C	P	P	P			P								P-10	SITE	
Retail business with >2000 sq ft of customer service, office and/or storage area	C	C	C	C			C								C-10	SITE	
Recreational facilities	C-4	C-4	C-4	C-4			C-4	C-4		C-4			C-4		C-11	SITE	
Rooming houses, 1-4 units		P		P			P	P		P			P		P	SITE	
Rooming houses, >5 units		C		C			C	C		C					C-10	SITE	
Residence- single family		P		P			P	P	P	P	P		P		P		
Residence- two family		P		P			P	P	P	P	P	P	P		P		
Residence- multi family		P		P			P	P	P	P	P	P	P		P		
Single family seasonal recreational camp										P			P		P		
Self storage facility													P		C	SITE	
Soil and water conservation facilities								P		P			P		P	SITE	
Storage and sales of local farm, orchard or forest products		C					C	P		P	P		P		P		
Timber harvesting	P	P	P	P			P	P	P	P	P	P	P	P-7	P		
Utility or communication poles, towers, lines, substations, etc.		C					C	C	C	C	C	C	C		C	SITE	
Utilities including sewage collection and treatment facilities															C	SITE	
Veterinary offices and facilities								P		P			C		C	SITE	
Wholesale, warehouse, bulk storage and rental storage	C	C		C			C								C	SITE	
Wildlife preserves including maintenance of nesting and breeding								P	P	P	P	P	P		C	SITE	
Wood processing facilities areas		C					C	C		C					C	SITE	
	HCV	HCV	NHV	NHV			WBV	RR2	RR2C	RR3	RR3S	RR3C	NHRP	FHZ	EOZ	SITE	

NOTES

Only uses similar in Character to those LISTED above, temporary uses and accessory uses and structures shall be permitted. Where a specific use is not listed; the Planning Board Shall issue a use determination finding.

USE				ZONES												
P=Permitted	C=Conditional	HCV	HCV	NHV	NHV		WBV	RR2	RR2C	RR3	RR3S	RR3C	NHRCZ	FHZ	EOZ	SITE
Blank = Not Permitted		40K	80K	40K	160K		80K	80K	20K	120K	200K	40K	200K			

1. Limited to resort, recreational, business, commercial including bar and food service
2. Limited to one (1) family unit to minimum lot size.
3. IAW title 30-A M RSA sec 4358, Manufactured Housing, Planning & Land Use Laws no portion of the mobile home park shall be in the areas defined aspoorly or very poorly drained soils by the york County soils Conservaton service
4. With direct access to a paved road with a surface at least eighteen (18) feet wide
5. Including golf courses and driving ranges.
6. For Site Plan Review Requirements, see Article 7 of Zoning Ordinance
7. Permitted and Conditional Uses and Structures must meet restrictions of the underlying zone.
8. No fam residences allowed in the Flood Hazard Zone.
9. With direct access to a paved road with a surface at least twenty (20) feet wide
10. Not allowed in NHRCZ
11. Conditional in NHRCZ
12. Applies to new structures in new development only
13. Plot plan only to scale showing all features, not full blown site review
septic adequacy, parking, entrances, neighbors, lot lines to support
this use capability on this lot

- HCV** Hollis Center Village Zone
- NHV** North Hollis Village Zone
- WBV** West Buxton Village zone
- RP** Resource Protection Zone
- FHZ** Flood Hazard Zone
- EOZ** Economic Overlay Zone
- RR2** Rural Residential 2
- RR2C** Rural Residential 2 Clustered
- RR3** Rural Residential 3
- RR3C** Rural Residential 3 Cluster
- RR3S** Rural Residential 3 Non-Cluster Subdivision
- NHRCZ** North Hollis Resource Conversation