

2013

Town of Jefferson Maine Ordinances

Jefferson, Me.

Follow this and additional works at: <https://digitalcommons.library.umaine.edu/towndocs>

Repository Citation

Jefferson, Me., "Town of Jefferson Maine Ordinances" (2013). *Maine Town Documents*. 7636.
<https://digitalcommons.library.umaine.edu/towndocs/7636>

This Plan is brought to you for free and open access by DigitalCommons@UMaine. It has been accepted for inclusion in Maine Town Documents by an authorized administrator of DigitalCommons@UMaine. For more information, please contact um.library.technical.services@maine.edu.

TOWN OF JEFFERSON BUILDING ORDINANCE

ADOPTED MARCH 26, 2013

Section 1. Purpose

The purpose of this ordinance are to promote safety, health and public welfare through establishing minimum standards for the construction, alteration, relocation, placement and replacement of structures, and to establish minimum lot standards.

Section 2. Authority

This ordinance is adopted pursuant to the enabling provisions of Article VII-A of the Maine constitution, the provisions of Title 30-A M.R.S.A. Section 3001 (HOME RULE) and Title 30-A M.R.S.A., Section 3007.

Section 3. Applicability

- A. The conditions of this ordinance shall apply to new construction, additions, alterations, relocation, placement, and replacement of structures. The provisions shall also apply to conversion of single-family structures to multifamily structures, the conversion of seasonal dwellings to year-round dwellings, the conversion of non-residential structures to residential structures, the conversion of residential structures to non-residential structures and the conversion of non-residential to a new non-residential structures.
- B. The provisions of this ordinance shall not apply to structures constructed prior to the date of its enactment, except that relocation, replacement, alteration, additions and conversions identified in Section 3.A, shall comply with the provisions of this ordinance.
- C. Nonconforming Lots: A lot record that existed prior to March 8, 1986 which, was legally established having at least 0.5 acre of area and a lot of record that existed prior to June 13, 2001, which was legally established having at least 1.0 acre of area may be built upon without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variance relating to setback or other requirements not involving lot size or frontage shall be by action of the Board of Appeals.
- D. The Ordinance requirements of the above paragraph shall be the Town of Jefferson amended Building Ordinance date 03-13-99.

E. Nonconformance

1. Any structures, premises, land or parts thereof existing at the effective date of this ordinance or amendments thereto, and not in conformance with the provisions of this ordinance, shall be considered to be a nonconforming structure.
2. **Repair & Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.
3. No structure other than one which is readily portable and is unenclosed or enclosed only by screening and is not left in place for more than eight (8) months during any calendar year, which extends more than six (6) inches above the ground level and covers more than thirty two (32) square feet of ground area or has an enclosed area of more than sixty four (64) cubic feet shall be erected or placed on any land in Jefferson without a permit.
4. **Contiguous Lots: Vacant or Partially Built:** If two or more contiguous lots or parcels in single or joint ownership of record at the time or since the adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Code, they may be built upon, conveyed separately, or conveyed together, provided they can accommodate a subsurface sewage disposal system in conformance with the State of Maine Sub Surface Sewage Disposal Rules.

Section 4. Administration

A. Code Enforcement Officer

1. This ordinance shall be administered by a Code Enforcement Officer (CEO) who shall be appointed or re-appointed annually by the Municipal Officers. The Code Enforcement Officer may inspect all buildings being constructed, placed, altered, replaced, relocated, or converted for the purpose of enforcing the provisions of this ordinance. The Code Enforcement Officer, in the performance of his duties, shall have the right to enter any property at reasonable hours or enter any building with the consent of the owner, occupant or agent to inspect the property or building for compliance with this ordinance.

B. Building Permits

1. A building permit shall be obtained prior to the construction, alterations, relocation, placement, replacement, or conversion of any structure or part thereof. The owner or owners' authorized agent shall obtain from the Town of Jefferson, an application for a building permit covering such proposed work.
2. This Ordinance allows, without a permit, the normal upkeep and maintenance of structures including repairs or renovations that do not involve expansion of the structure, and any other changes in a structure as federal, state, or local codes may allow.
3. In the absence or disability of the Code Enforcement Officer, permits may be issued by the Planning Board.

C. Application for Permits

1. The application for a building permit shall be in writing and shall be submitted on forms provided by the Town of Jefferson and shall contain a description of the proposed new structure, alteration, relocation, replacement, placement, or conversion. The completed application shall be submitted to the CEO.

D. Permit Approval or Denial

1. Approval, approval with conditions, or denial of the completed application shall be made by the CEO within 15 days of submission of a completed application. A soil test, site evaluation, and Plumbing Permit are prerequisite to issuance of a Building Permit where plumbing or subsurface wastewater disposal is indicated. The approval or denial of the application shall be signed by the CEO. Notice of denial and conditional approvals shall be in writing stating the reasons. The approved application shall be returned to the Town Office. The CEO will issue the permit.
2. Absence of CEO, Planning Board will issue permits within 35 days.

E. Term of Permit

All construction shall have substantial commencement within six (6) months of date of issue of Building Permit and be completed within one (1) year or a new permit must be obtained in the same manner as identified in Sections 4. C and D above.

F. Display of Permit

Permits must be on display in a prominent place at the site of construction be clearly visible and shall not be removed until all work covered by the permit is completed and approved.

G. Revisions

No changes or revisions to the approved application shall be made in the process of constructing, reconstructing, altering, replacing, placing, relocating or converting a structure without approval of the CEO if the provisions of this ordinance shall apply.

H. Fees

1. An application for a permit required by this ordinance shall be accompanied by an application fee payable to the Town of Jefferson. No application shall be considered complete until such a fee is received. The application fee is non-refundable.
2. Prior to the Code Enforcement Officer issuing a permit required by this ordinance, a Permit Fee payable to the Town of Jefferson based on the schedule set by the Selectmen, shall be paid. The Selectmen shall have the authority to set and revise the fee schedule after conducting a public hearing on the proposed fee schedule. Fee schedule will take affect three weeks after the date of the public hearing.

I. Inspections

The Code Enforcement Officer shall inspect all buildings being constructed, altered, replaced or relocated for the purpose of enforcing the provisions of this ordinance and all other local and state laws governing the construction, alteration or replacement of buildings. It shall be the responsibility of the owner or his representative to notify the Code Enforcement Officer one business day prior to the start of construction and the Code Enforcement Officer shall inspect said construction within five business days of notification, or it shall be considered inspected.

Section 5. Standards

Inspections shall be conducted to ensure compliance with the following standards:

A. Lot Size

1. Lot size standards set forth in the Shore Land Zoning Ordinance for Jefferson, Maine shall govern those areas regulated by that Ordinance.

2. The following dimensional requirements shall be met for new construction and placement of principle structures.

Minimum Lot Area.....2 acres – 87,920 square feet

Minimum Road Frontage.....200 feet

Minimum Front Setback.....All structures shall have a minimum setback of 85 feet, measured from the center line of the road, except principle structures on non public roads, may conform to a lesser set back in those areas where buildings have been sited closer to the road.” In such locations the minimum front setback shall be the average setback of existing principal buildings located within 500 feet and which front on the same road.

Minimum Side and Rear Setback.....25 feet from any lot line in the parcel.

3. Accessory Apartments-Accessory apartments shall adhere to the following standards. It shall be the responsibility of the property owner to demonstrate to the Planning Board or Code Enforcement Officer, as applicable, that the standards have been met.

- A. The owner of the principal structure must reside in either the principal structure or the accessory unit.
- B. One of the occupants of the accessory unit must be a member of the extended family of the owner of the principal structure. Extended family shall include father, mother, son, daughter, sister, brother, grandparent, aunt and uncle.
- C. The number of occupants of the accessory unit is limited to two.
- D. The accessory unit shall contain up to a maximum of 540 square feet of living space, and shall be limited to no more than (2) two bedrooms.
- E. The septic system on the property in question shall be functioning property at the time of application for site plan review. In addition, the applicant shall submit a new HHE-200 form as documentation that another area of suitable soils exists on the property to be used for replacement subsurface wastewater disposal system in the event of failure of the original system. A copy of the HHE-200 form shall be recorded at the Lincoln County Registry of Deeds.
- F. The parking requirements of the performance standards contained herein or those of the applicable zoning district apply.
- G. Proper ingress and egress shall be provided to the accessory unit.

- H. Upon approval of the addition of an accessory unit by the Planning Board, or the CEO as applicable, a deed restriction shall be placed on the property in question, and recorded at the Lincoln County Registry of Deeds. The deed restriction shall limit the approval of the accessory unit as a non-market rental subject to the standards of Section 5I.
- I. Should the owners of the principal structure be found in non-compliance with the standards contained in this section, the accessory unit shall be discontinued and the structure shall revert to single-family use.

4. Lots in Mobile Home Parks

Lots in mobile home parks shall comply with the provisions of Title 30-A M.R.S.A. Section 4358(3)(a).

B. Multi-Family Structures

- 1. Lot size standards set forth in the Jefferson, Maine Shore Land Zoning Ordinance shall govern those areas regulated by that Ordinance.
- 2. Without prior approval of the Jefferson Planning Board, no condominium, cooperative building, apartment building, nursing home, boarding house, cluster housing or planned unit development or any other structure or group of structures designed for occupancy by more than two families shall be either constructed or located in Town or created through the adaptation of an existing structure or existing structures.
- 3. The following requirements in addition to the requirements contained in Section 5.A.2 shall be met for new or converted multi-family structures.
 - a) Lots for multi-family structures shall have 20,000 square feet of land area for each dwelling unit above two (2) in addition to the minimum lot size requirements.
 - b) For each dwelling unit above two (2), there shall be an additional fifty- (50) feet of road frontage in addition to minimum lot size requirements.
 - c) Side and rear setbacks shall be a minimum of fifty (50) feet.
 - d) The Planning Board shall use the Subdivision Ordinance of the Town of Jefferson for reviewing the projects listed in 5B2.

C. Accessory Structures

Accessory structures shall have a minimum setback of eighty (85) feet from the centerline of a road and twenty-five (25) feet from all lot lines.

D. Structure Height

No structure or portion thereof intended for human habitation shall exceed three stories and no more than forty-eight (48) feet from the highest grade level contacting the foundation.

E. Driveways

Each residential structure shall have a driveway not less than twelve (12) feet in width and extend at least sixteen (16) feet beyond the road right-of-way width. Driveways shall be inspected by the Road Commissioner or D.O.T. prior to installation to determine if a culvert shall be required. Refer to the suggestions in the Driveway Safety Guideline book for additional information.

F. Off Street Parking

For each dwelling unit there shall be provided two (2) off-street parking spaces. Such spaces shall be a minimum of 9X18 feet and shall be located beyond the road right-of-way. The off-street parking spaces may be provided by driveways, garage space, parking lot space or any combination thereof.

G. Conversion of Seasonal Dwellings

The conversion of a seasonal dwelling to a year-round dwelling shall comply with the provisions of the State of Maine Subsurface and Wastewater Disposal Rules and shall require proof that access road meets private road specifications listed in the Subdivision Ordinance for the Town of Jefferson.

H. Chimneys

All chimneys shall be constructed of masonry with ceramic or tile lining or Underwriters Laboratories (UL) approved prefabricated chimney. Smoke pipes (stovepipes) shall not pass through floor or ceiling, and shall not pass through a combustible wall or partition.

I. Electrical

All buildings that are to be wired shall have adequate and safe electrical service, and all new installations of electrical equipment shall be reasonably safe to persons and property. Conformance with National Electric Code standards shall be prima facie evidence of compliance. All electrical installation entrances shall

be installed or approved by a licensed electrician, and shall be in accordance with 30-A M.R.S.A. Sections 4161-4162 and as may be amended.

J. Insulation

Insulation for new residential buildings or dwelling units contained in a multi-family structure shall comply with the standards contained in Title 10 M.R.S.A. Section 1415, and as may be amended.

K. Plumbing

All plumbing shall be inspected by a licensed Plumbing Inspector and his/her approval of conformance with the State of Maine Internal Plumbing Rules and Subsurface Disposal Rules and other applicable state laws.

L. Fire Safety

New construction, alterations, additions and conversions shall comply with most recent addition of the Life Safety Code, National Fire Protection Association 101. This section shall be enforced by the Code Enforcement Officer and the Town of Jefferson's Fire Chief.

M. Manufactured Homes

Manufactured Homes intended for year-round dwelling units sited in the Town of Jefferson after the effective day of this Code shall comply with the provisions of Title 30-A M.R.S.A. Section 4358(2)(D) and (E).

Section 6. Appeals

A. Powers and Duties of the Board of Appeals

Appeals shall be to the Jefferson Board of Appeals according to the procedures of the Town of Jefferson Board of Appeals Ordinance. To the extent that the following provisions are inconsistent with that Ordinance, the following provisions of this ordinance shall control. The Board of Appeals shall have the following powers:

1. Administrative Appeals

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

2. Variance Appeals

To authorize variances upon appeal within the limitations set forth in this ordinance.

B. Variance Appeals. Variances may be permitted only under the following conditions.

1. Variances may be granted from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements and the standards in Section 5.
2. The Board shall not grant a variance unless it finds that...
 - a) ...the proposed structure or use would meet the provisions of Section 5 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - b) ...the strict application of the terms of this Ordinance would result in undue hardship.

The term “undue hardship” shall mean....

- I. ...the land in question cannot yield a reasonable return;
 - II. the need for a variance is due to unique circumstances of the property and not to the general neighborhood conditions;
 - III. the granting of a variance will not alter the essential character of the locality; and
 - IV. the hardship is not the result of action taken by the applicant or a prior owner.
3. The Board of appeals may grant a variance to property owners for the purpose of making that property accessible to a person with a disability that is living on the property. The Board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access or to egress from property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property.

The term “structures necessary for access or egress from the property “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 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.

C. Appeal Procedure

1. Making an Appeal

- a) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such appeal shall be filed within thirty (30) days of the decision prompting the appeal.

- b) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal, which includes....
 - I. ...a concise written statement indicating what relief is requested and why it should be granted;

 - II. ...a sketch drawing to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought;

 - III. a fee payable to the Town of Jefferson to cover administrative costs and public hearing notices shall be determined by the Selectmen.

- c) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision prompting the appeal.

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

2. Decision of Board of Appeals

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

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

- c) The person filing the appeal shall bear the burden of proof.

- d) The Board shall decide all appeals within thirty (30) days after the close of the public hearing, and shall issue a written decision on all appeals.
- e) All decisions shall become part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.

D. Appeal to Superior Court

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

E. Reconsideration

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

Section 7. Enforcement

A. Violations

Any structure built or placed, or works performed on site in violation of the provisions of this ordinance shall be considered a nuisance.

B. Penalties

Any person who continues to violate this ordinance after receiving notification of violation by the Code Enforcement Officer shall have committed a civil violation and shall be subject to a penalty pursuant to Title 30-A M.R.S.A. Section 4452. Each day that such a violation exists shall be deemed a separate offense without a written agreement of correction.

C. Notification

It shall be the duty of the Code Enforcement Officer to enforce the provisions of this ordinance. If the Code Enforcement Officer shall find a violation has occurred, he or she shall notify in writing the person responsible for such a violation, indicating the nature of the violation and ordering the action necessary to correct it, including illegal use of land, building, structures or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. The Code Enforcement Officer shall maintain a record of such notices.

D. 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 and the recommendation of the Planning Board, 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.

E. Liability for Violations

Any person, including, but not limited to, a land owner, the land owner's agent or a contractor, who violates any of the laws or ordinances set forth in this Ordinance is liable for the penalties set forth as follows:

1. The minimum penalty for undertaking a land uses activity without a required permit is \$100 and the maximum penalties are \$2,500.00.
2. The minimum penalty for a specific violation is \$100, and the maximum penalty is \$2,500. Each day any violation continues may constitute separate offense.
3. The violator may be ordered to correct or abate the violations unless the abatement or correction results in:
 - a) A threat or hazard to public health or safety;
 - b) Substantial environmental damage; or
 - c) a substantial injustice.
4. If the municipality is the prevailing party, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs provided by court rule.
5. In setting a penalty, the court shall consider, but is not limited to, the following:
 - a) prior violations by the same party;
 - b) the degree of environmental damage that cannot be abated or corrected;
 - c) the extent to which the violation continued following a municipal order to stop; and

- d) the extent to which the municipality contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
- e) The maximum penalty may exceed \$2,500, but may not exceed \$25,000 when it has been shown that there has been a previous conviction of the same party within the past two years for a violation of the same law or ordinance.
- f) The penalties for a violation of waste discharge licenses issued by the municipalities pursuant to Title 38, M.R.S.A., or violations of a septic land disposal or storage site permit issued by the Department of Environmental Protection under Title 38, M.R.S.A.
- g) If the economic benefit resulting from the violation exceeds the applicable penalties under this section, the maximum civil penalties may be increased.

The maximum civil penalty may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.

Section 8. Validity and Severability

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

Section 9. Amendments

This Ordinance may be amended by majority vote of the Town at any Town Meeting, the warrant for which gives notice of the proposed change.

Section 10. Effective Date

The effective date of this Ordinance shall be (date) , after it is adopted by the vote of the legislative body of the Town of Jefferson.

This Ordinance in no way impair or remove the necessity of compliance with any other rule, regulation, by-law, permit or provision of law. This Ordinance shall apply to all construction commenced after the effective date of the Ordinance.

The following Ordinances are hereby repealed with the adoption of this Ordinance: Town of Jefferson Building Ordinance adopted March 8, 1986 and amended March 11, 1989 and again on March 10, 1990, March 13, 1999 and May 1, 2001.

Section 11. Definitions

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

Addition: an increase in the floor area or volume of a structure.

Alteration: the change or rearrangement in the structural parts or in the means of egress.

Commercial Structure: a structure, other than a “home occupation”, 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 and residential buildings and/or dwelling units.

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

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

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

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

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

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

Lot Area: an area of land in one ownership, or one leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Lincoln County Registry of Deeds.

Lot Area: the total horizontal area within the lot lines.

Manufactured Housing/Mobile Home Unit: structures, transportable in one or two sections, which were constructed in a manufacturing facility and are transported to a building site and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein and otherwise defined in 30-A M.R.S.A. Section 4358(1).

Minimum Lot Width: the closest distance between the sidelines of a lot.

Multi-Family Dwelling: a residential structure containing two (2) or more residential dwelling units.

Non-Conforming Lot: a single lot of record, which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage or width requirements.

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

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

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

Road: public and private ways such as avenues, highways, and other rights-of-way, as well as areas on subdivision plans designated as right-of-way for vehicular access other than driveways, farm roads or logging roads.

Seasonal Dwelling/Camps: a dwelling including camps, trailers, mobile homes and recreational vehicles which are not a principal or year-round residence and are occupied less than seven (7) months in any calendar year.

Structure: anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind.

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

“Attest: A true copy of an ordinance entitled ‘Town of Jefferson Building Ordinance amended 03-26-2013,’ as certified to me by the municipal officers of Jefferson on the 28th day of January, 2013.”

Signature

Town Clerk of Jefferson

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF JEFFERSON, MAINE

ENACTED: 8/24/92
Date

CERTIFIED BY: Janet L. Taylor
Name
Town Clerk
Title

Affix Seal

60.3(C)

STATEMENT OF PURPOSE AND INTENT

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

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

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

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

TABLE OF CONTENTS

ARTICLE	PAGE
PREFACE - STATEMENT OF PURPOSE AND INTENT	
I. ESTABLISHMENT.....	3
II. PERMIT REQUIRED.....	3
III. APPLICATION FOR PERMIT.	3
IV. APPLICATION FEE AND EXPERT'S FEE.....	4
V. REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS.....	5
VI. DEVELOPMENT STANDARDS.....	6
VII. CERTIFICATE OF COMPLIANCE.....	11
VIII. REVIEW OF SUBDIVISIONS AND DEVELOPMENT PROPOSALS.....	12
IX. APPEALS AND VARIANCES.....	12
X. ENFORCEMENT AND PENALTIES.....	14
XI. VALIDITY AND SEVERABILITY.....	15
XII. CONFLICT WITH OTHER ORDINANCES.....	15
XIII. DEFINITIONS.....	15
XIV. ABROGATION.	21

60.3(C & D) Rev. 02/92

FLOODPLAIN MANAGEMENT ORDINANCE

ARTICLE I - ESTABLISHMENT

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

The areas of special flood hazard, Zones A, A1-30, AE, AO, and AH, identified by FEMA in a report entitled "Flood Insurance Study - Town of Jefferson, Maine, Lincoln County," dated October 18, 1988 with accompanying "Flood Insurance Rate Map" dated October 18, 1988 is hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name and address of the applicant;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure;
- E. A statement as to the type of sewage system proposed;

- F. Specification of dimensions of the proposed structure;
- G. The elevation in relation to the National Geodetic Vertical Datum (NGVD) or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30, AE, AO, and AH from data contained in the "Flood Insurance Study - Town of Jefferson, Maine," as described in Article I; or,
 - b. in Zone A, to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building;
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- H. A description of a base flood elevation reference point established on the site of all new or substantially improved structures;
- I. A written certification by a registered land surveyor that the elevations shown on the application are accurate;
- J. Certification by a registered professional engineer or architect that floodproofing methods for any non-residential structures will meet the floodproofing criteria of Articles III.G.4; VI.G; and other applicable standards in Article VI.
- K. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- L. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$ 10.⁰⁰ shall be paid to the Town Clerk and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW OF FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed building sites are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood data contained in the "Flood Insurance Study - Town of Jefferson, Maine," as described in Article I. In special flood hazard areas where base flood elevation data are not provided, the Planning Board shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other sources, including information obtained pursuant to Article III.G.1.b.; Article VI.I; and Article VIII.D, in order to administer Article VI of this Ordinance;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the

Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Office of Community Development prior to any alteration or relocation of a water course;
- F. Issue a two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an application for Part II of the Flood Hazard Development Permit and shall include an Elevation Certificate completed by a registered Maine surveyor for compliance with the elevation requirements of Article VI, paragraphs F, G, H, and K. Following review of the application, which review shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; and,
- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permits issued and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates and Certificates of Compliance required under the provisions of Article VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. New construction or substantial improvement of any structure shall:
 - 1. be designed or modified and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. use construction materials that are resistant to flood damage;
 - 3. use construction methods and practices that will minimize flood damage; and,

4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
 - C. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
 - D. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
 - E. All development shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of any watercourse.
 - F. New construction or substantial improvement of any residential structure located within:
 1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from the proposed structures.
 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified.
 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.
 - G. New construction or substantial improvement of any non - residential structure located within:

1. Zones A1-30, AE, and AH shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood level so that below that elevation the structure is watertight with walls substantially impermeable to passage of water;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.J and shall include a record of the elevation above mean sea level of the lowest floor including basement.
 2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.
 3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; or,
 - c. together with attendant utility and sanitary facilities be floodproofed to meet the elevation requirements of this section and floodproofing standards of Article VI, paragraph G.1.
 4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.
- H. New or substantially improved manufactured homes located within:

1. Zones A1-30, AE, or AH shall:
 - a. be elevated on a permanent foundation so that the lowest floor is at least one foot above the base flood elevation; and,
 - b. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (homes less than 50 feet long require four additional ties per side).
 - (3) All components of the anchoring system described in Article VI.H.1 shall be capable of carrying a force of 4800 pounds.
2. Zones AO and AH shall have adequate drainage paths around structures on slopes, to guide floodwater away from them.
3. Zone AO shall have the lowest floor (including basement) elevated above the highest adjacent grade:
 - a. at least one foot higher than the depth specified in feet on the community's Flood Insurance Rate Map; or,
 - b. at least three feet if no depth number is specified; and,
 - c. meet the requirements of Article VI.H.1.(a)(b).
4. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.G.1.b.; Article V.B; or Article VIII.D.

I. Floodways

1. In Zones A1-30 and AE encroachments, including fill, new construction, substantial improvement, and other

development shall not be permitted in riverine areas, for which a regulatory floodway is designated on the community's "Flood Boundary and Floodway Map," unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

2. In Zones A1-30 and AE riverine areas, for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
3. In Zone A riverine areas, in which the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted unless a technical evaluation certified by a registered professional engineer is provided meeting the requirements of Article VI, paragraph I.2.

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

1. Walls, with the exception of crawlspaces less than three feet in height, shall not be part of the structural support of the building; and,
2. Enclosed areas are not "basements" as defined in Article XIII; and,
3. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by

allowing for the entry and exit of floodwater. Designs for meeting this requirement must either:

- a. be certified by a registered professional engineer or architect; or,
- b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means; and,
4. The enclosed area shall not be used for human habitation; and,
5. The enclosed area may be used for building maintenance, access, parking vehicles, or storing of articles and equipment used for maintenance of the building.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. The applicant shall submit an Elevation Certificate completed by:
 1. a registered Maine surveyor for compliance with Article VI, paragraphs F, G, H, or K; and,
 2. a registered professional engineer or architect, in the case of floodproofed non-residential structures, for compliance with Article VI.G; and,
- B. The application for a Certificate of Compliance shall be submitted by the applicant in writing along with a completed Elevation Certificate to the Code Enforcement Officer.

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevation and, in a riverine floodplain, floodway data.
- E. Any proposed development plan shall include a statement that the developer will require that structures on lots in the development be constructed in accordance with Article VI of this ordinance and that such requirement will be included in any deed, lease, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The construction requirement shall also be stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

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

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

- B. Variances shall be granted only upon:
1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 3. a showing that the existence of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character or the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances may be issued by a community for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article IX and Article VI-I are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued by a community for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a

State Inventory of Historic Places, without regard to the procedures set forth in Article IX, paragraphs A through D.

- F. Any applicant who meets the criteria of Article IX, paragraphs A through E shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 Per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. The Board of Appeals shall submit to the Planning Board a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to 30A MRS § 4452.
- B. The penalties contained in 30A MRS § 4452 shall apply to any violation of this ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;

1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, or ordinance;
3. a statement that the public body making the declaration has authority to do so and a citation to that authority;
4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

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

Building - see **Structure**.

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

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

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

Elevated Building - means a non-basement building

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

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

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

Elevation Certificate - An official form (FEMA Form 81-31, 05/90, as amended) that

- (i) is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,
- (ii) is required for purchasing flood insurance.

Flood or Flooding - means:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (1) The overflow of inland or tidal waters.
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

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

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

Flood Insurance Study - see Flood Elevation Study.

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

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

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

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

Floodway - see Regulatory Floodway.

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

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

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district

preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - 1) By an approved state program as determined by the Secretary of the Interior, or
 - 2) Directly by the Secretary of the Interior in states without approved programs.

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

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

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

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

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

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

100-year flood - see **Base Flood**.

Regulatory Floodway -

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

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

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

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

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

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

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

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structures's continued designation as a historic structure.

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

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

ARTICLE XIV - ABROGATION

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

60.3 (C & D)

Town of Jefferson
Shoreland Zoning Ordinance
Revised – March 27, 2012

Jefferson Shoreland Zoning Ordinance

TABLE OF CONTENTS

1. Purposes	1
2. Authority	1
3. Applicability	1
4. Effective Date and Repeal of Formerly Adopted Ordinance	1
5. Availability	1
6. Severability.....	1
7. Conflicts with Other Ordinances.....	1
8. Amendments	1
9. District and Zoning Map	2
A. Official Shoreland Zoning Map.....	2
B. Scale of Map.....	2
C. Certification of Official Shoreland Zoning Map.....	2
D. Changes to the Official Shoreland Zoning Map	2
10. Interpretation of District Boundaries	2
11. Land Use Requirements.....	2
12. Non-conformance.....	2
A. Purpose	2
B. General	2
C. Non-conforming Structures	3
D. Non-conforming Uses	5
E. Non-conforming Lots.....	5
13. Establishment of Districts	6
A. Resource Protection District	6
B. Limited Residential District.....	7
C. Stream Protection District	7
14. Table of Land Uses	7
15. Land Use Standards	10
A. Minimum Lot Standards.....	10
B. Principal and Accessory Structures	10
C. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Beyond the Normal High-Water Line of a Water body or Within a Wetland	11
D. Campgrounds	12
E. Individual Private Campsites	12
F. Commercial and Industrial Uses	12
G. Parking Areas	12
H. Roads and Driveways	13
I. Signs.....	14
J. Storm Water Runoff	15
K. Septic Waste Disposal	15
L. Essential Services	15
M. Mineral Exploration and Extraction	15

- N. Agriculture 16
- O. Timber Harvesting 16
- P. Clearing of Vegetation for Development 17
- Q. Erosion and Sedimentation Control 19
- R. Soils 20
- S. Water Quality 20
- T. Archaeological Site 20
- 16. Administration 20
 - A. Administering Bodies and Agents 20
 - B. Permits Required 20
 - C. Permit Application 20
 - D. Procedure for Administering Permits 21
 - E. Special Exceptions 21
 - F. Expiration of Permit 22
 - G. Installation of Public Utility Service 22
 - H. Appeals 22
 - I. Enforcement 25
- 17. Definitions 26

Jefferson Shoreland Zoning Ordinance

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and to protect freshwater 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 areas.
2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).
3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 100 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located beyond the normal high-water line of a water body or within a wetland.
4. **Effective Date and Repeal of Formerly Adopted Ordinance.** This Ordinance, which was adopted by the municipal legislative body on March 31, 2009, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved. Upon approval of this Ordinance, the shoreland zoning ordinance previously adopted on December 10, 1992 is hereby repealed.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, if the Ordinance is approved by the Commissioner.
5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.
6. **Severability.** Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

9. Districts and Zoning Map

- A. Official Shoreland Zoning Map.** The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map(s) which is (are) made a part of this Ordinance:
- (1) Resource Protection
 - (2) Limited Residential
 - (3) Stream Protection
- B. Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
- C. Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office.
- D. Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

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

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

12. Non-conformance.

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

B. General

- (1) **Transfer of Ownership.** Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- (2) **Repair and Maintenance.** This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require.

C. Non-conforming Structures

- (1) Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.
 - (a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by more than 30%, during the lifetime of the structure.
 - (b) 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 or its designee, basing its decision on the criteria specified below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) 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.

In determining whether the building and foundation 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.

- (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 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.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with the provisions contained in Section 12 (C)(2)(a) below. 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 the normal high water line of a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that the reconstruction or replacement is completed within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming 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 12(C)(2)(a) and Section 12(C)(2)(b) above.

In determining whether the building reconstruction or replacement meets the setbacks to the greatest practical extent, the Planning Board shall consider, in addition to the criteria in paragraph 1 above, the physical condition and type of foundation present, if any.

Any non-conforming structure which is damaged, destroyed or removed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place within one year, with a permit from the Code Enforcement Officer.

- (4) Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, 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 commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Non-conforming Uses

- (1) Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.
- (2) Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- (3) Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(4) above.

E. Non-conforming Lots

- (1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. Variances relating to other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.
- (2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and 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 lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

This provision shall not apply to 2 or more contiguous lots, at least one of which is non-conforming, owned by the same person or persons on December 10, 1992 and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

13. Establishment of Districts

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

- (1) Areas within 250 feet, 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 December 17, 2007. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
- (3) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (4) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during normal spring high water.
- (5) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

The following are included as Resource Protection Districts:

- 1. Fresh Water Wetlands (ID# 123) defined on the Fresh Water Wetlands Map as prepared by the Maine Department of Environmental Protection.
- 2. Deer Meadow
- 3. Dyer Long Pond (as specified on the shoreland zoning map)
- 4. Flood Pond
- 5. Horn Pond
- 6. Kerr Pond
- 7. Little Dyer Pond (as specified on the shoreland zoning map)

8. Musqhash Pond
9. Clary Lake (southeast end by Route 126)
10. Three Corner Pond
11. Travel Pond (as specified on the shoreland zoning map)
12. Cooks Pond
13. Other areas indicated on the Official Shoreland Zoning Map

B. Limited Residential District. The Limited Residential District includes those areas, within 250 feet of water bodies, suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District.

The following are included as Limited Residential Districts:

1. Davis Stream (below West branch)
2. Long Pond
3. Damariscotta Lake
4. Dyer River (below Route 215)
5. Sheepscot River
6. Dyer Long Pond (as specified on the shoreland zoning map)
7. Little Dyer Pond (as specified on the shoreland zoning map)
8. Clary Lake (as specified on the shoreland zoning map)
9. Travel Pond (as specified on the shoreland zoning map)
10. Other areas indicated on the Official Shoreland Zoning Map

C. Stream Protection District. The Stream Protection District includes all land areas within one hundred (100) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a 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.

The following are included as Stream Protection Districts:

1. Davis Stream (above the west branch)
2. Dyer River (above Route 215)
3. Sterns Brook (inlet into Little Dyer)
4. Other areas indicated on the Official Shoreland Zoning Map

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

Key to Table 1:

- Yes - Allowed (no permit required but the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Requires permit issued by the Planning Board.
- CEO - Requires permit issued by the Code Enforcement Officer
- LPI - Requires permit issued by the Local Plumbing Inspector

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

- A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials;**
- B. Draining or otherwise dewatering;**
- C. Filling, including adding sand or other material to a sand dune; or**
- D. Any construction or alteration of any permanent structure.**

Abbreviations:

- RP - Resource Protection
- LR - Limited Residential
- SP - Stream Protection

TABLE 1. LAND USES IN THE SHORELAND ZONE

<u>LAND USES</u>	<u>DISTRICT</u>		
	<u>SP</u>	<u>RP</u>	<u>LR</u>
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes	yes	yes
2. Motorized vehicular traffic on existing roads and trails	yes	yes	yes
3. Forest management activities except for timber harvesting & land management roads	yes	yes	yes
4. Timber harvesting	CEO	CEO ¹	CEO
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO ¹	CEO
6. Fire prevention activities	yes	Yes	yes
7. Wildlife management practices	yes	yes	yes
8. Soil and water conservation practices	yes	yes	yes
9. Mineral exploration	no	no	no
10. Mineral extraction including sand and gravel extraction	no	no	no
11. Surveying and resource analysis	yes	yes	yes
12. Emergency operations	yes	yes	yes
13. Agriculture	yes	PB	yes
14. Aquaculture	PB	PB	PB
15. Principal structures and uses			
A. One and two family residential, including driveways	PB ²	PB ⁶	CEO
B. Multi-unit residential	no	no	PB
C. Commercial	no	no ⁷	no ⁷
D. Industrial	no	no	no
E. Governmental and institutional	no	no	PB
F. Small non-residential facilities for educational, scientific, or nature interpretation purposes	PB ²	PB	CEO
16. Structures accessory to allowed uses	PB ²	PB	CEO
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland			
a. Temporary	CEO ⁸	CEO ⁸	CEO ⁸
b. Permanent	PB	PB	PB
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI
19. Home occupations	PB	PB	PB
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI
21. Essential services	PB ³	PB ³	PB
A. Roadside distribution lines (34.5kV and lower)	CEO ³	CEO ³	yes ⁹
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland zone	PB ³	PB ³	CEO
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland zone	PB ³	PB ³	PB
D. Other essential services	PB ³	PB ³	PB
22. Service drops, as defined, to allowed uses	yes	yes	yes
23. Public and private recreational areas involving minimal structural development	PB	PB	PB
24. Individual, private campsites	CEO	CEO	CEO
25. Campgrounds	no	no ⁴	PB
26. Road construction	PB	no ⁵	PB
27. Land management roads	yes	PB	yes
28. Parking facilities	no	no ⁴	PB
29. Marinas	PB	no	PB
30. Filling and earth moving of < 10 cubic yards	CEO	CEO	yes
31. Filling and earth moving of > 10 cubic yards	PB	PB	CEO
32. Signs	yes	yes	yes
33. Uses similar to allowed uses	CEO	CEO	CEO
34. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO
35. Uses similar to uses requiring a PB permit	PB	PB	PB

¹In RP not allowed within 100 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

²Provided that a variance from the setback requirement is obtained from the Board of Appeals.

³See further restrictions in Section 15(L)(2).

⁴Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁵Except as provided in Section 15(H)(3).

⁶Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.

⁷Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

⁸Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

⁹Permit not required but must file a written "notice of intent to construct" with CEO.

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

A. Minimum Lot Standards

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)		
Residential per dwelling unit within the shoreland zone		
(i) Resource Protection District	87,120	250
(ii) All other districts	87,120	200
Public and Private Recreational within shoreland zone		
(i) Resource Protection District	87,120	250
(ii) All other districts	87,120	200
(2)		
Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.		
(3)		
Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.		
(4)		
The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.		
(5)		
If more than one residential dwelling unit, 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.		
(6)		
A common use area in the shoreland zone shall have a minimum of 10 ft. shore frontage by 100 ft. deep for each lot.		

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 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 addition:

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

- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood area as defined by soil types identified as recent flood-plain soils.
- (4) The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed.
- (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 and that the applicant demonstrates that no reasonable access alternative exists on the property.
- (6) A structure may not be placed within twenty five (25) of any property line.

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

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

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

- (1) Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.
- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

E. Individual Private Campsites. Individual private campsites not associated with campgrounds are permitted provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this Ordinance, or eighty-seven thousand, one hundred and twenty (87,120) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Only one recreational vehicle shall be allowed on a campsite. 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 siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

F. Commercial and Industrial Uses.

Commercial and industrial uses are prohibited within the shoreland districts except as they directly pertain to water recreation on that body of water. Activities which may adversely affect water quality may be denied a permit by the Planning Board.

G. Parking Areas

- (1) Parking areas shall meet the shoreline and 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 may be reduced to no less than fifty (50) feet from the normal high-water line of a water body, tributary stream or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.

- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, 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:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational purposes.

- (2) Existing public roads may be expanded within the legal road right-of-way regardless of its setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road 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 Section (Q).
- (5) Road and driveway grades shall be no greater than eight (8) 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 in the road, driveway or ditches gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:

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

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
 - (c) On sections having slopes greater than eight (8) percent, ditch relief culverts shall be placed across the road or driveway at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of a road or driveway.
 - (d) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

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

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

- (4) Signs relating to trespassing, hunting, and conservation land shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety or construction shall be permitted without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.
- (7) Signs may be illuminated only by shielded, non-flashing lights.

J. Storm Water Runoff

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

K. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with 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 one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland.
 - b) a holding tank is not allowed for a first-time residential use in the shoreland zone.
- (2) Conversion of seasonal residences to year round residences requires an inspection of the septic system by the plumbing inspector. Septic systems must comply with Maine Subsurface Wastewater rules prior to year round residency.
- (3) Septic systems will be in compliance with all plumbing codes and will meet current requirements of Maine Subsurface Wastewater Disposal Rules prior to approval of a permit for any expansion of a structure or use.

L. Essential Services

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

M. Mineral Exploration and Extraction.

- (1) Mineral extraction is prohibited within the Shoreland Districts.

- (2) Gravel pits must be set back at least 250 feet from any water body and screened from shore by existing vegetation.
- (3) The Planning Board may impose conditions to minimize the adverse impacts associated with mineral extraction operations outside the Shoreland Districts.

N. Agriculture

- (1) All spreading or disposal 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 any water body or wetland. Facilities existing before December 1997 which do not meet the setback requirements may remain, but must be constructed 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, or the spreading, disposal or storage of manure 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.
- (4) New tilling of soil in excess of 250 square feet within within one-hundred (100) feet, horizontal distance, of the normal high-water line of a water body is not permitted. Operations in existence on the effective date of this ordinance may be maintained.
- (5) After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within one hundred (100) feet, horizontal distance, of other water bodies, nor within one hundred (100) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

O. Timber Harvesting

- (1) Within all Shoreland Districts, cutting of vegetation is not allowed except to remove safety hazards within one hundred (100) feet of the normal high water line, with permission from the code enforcement officer.
- (2) Except as described in Paragraph 1 above, timber harvesting shall conform to the following:
 - (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted, provided that a well-distributed stand of trees and other vegetation remains.

In addition:

- (1) Within one-hundred (100) feet, horizontal distance of the normal high-water line of water bodies there will be no clearcut openings.
- (2) At distances greater than one-hundred (100) feet, horizontal distance of a water body, harvesting operations will not create single clearcut openings greater than ten-thousand

(10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet apart. Such clearcut openings will be included in the calculation of total volume removal.

- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (c) Accumulation of slash will not be left within fifty (50) feet of the normal high-water line of a water body. Slash will be disposed of in such a manner that no part 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.
- (d) Timber harvesting equipment will not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity does not result in any ground disturbance.
- (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (f) Skid trail approaches to water crossings shall be located and designed to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts will be removed and areas of exposed soil revegetated.
- (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil will be located so that an unscarified strip of vegetation of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet.

P. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

- (1) Within all Shoreland Districts, there will be no cutting of vegetation within one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards, with permission of the code enforcement officer.

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 as described in Paragraph 1, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet inland from the normal high-water line of a water body, wetland, or tributary stream, a buffer strip of vegetation shall be preserved as follows:
 - (a) There will be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed six (6) 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.

- (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 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
4 - < 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 16 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 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 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) 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.

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.

- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
 - (e) 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 of three (3) feet in height or higher is present.
- (3) Cleared openings for development, including but not limited to, principal and accessory structures, driveways, and sewage disposal areas, will not exceed 25% of the lot area or ten thousand (10,000) square feet, whichever is less.
 - (4) Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but will not be enlarged, except as permitted by this Ordinance.
 - (5) Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

Q. Erosion and Sedimentation Control

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

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

- R. Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- T. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the planning board. The planning board shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

- (1) Code Enforcement Officer. A Code Enforcement Officer shall be appointed or reappointed by the Board of Selectmen.
- (2) Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of State law.
- (3) Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required. A permit is required from the appropriate Town Official prior to engaging in activity or use of land or structure requiring a permit, including but not limited to expansions, replacements, and renewals.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan. The application form is available at the Town Office. Completed applications shall be returned to the Town Office for review by the Code Enforcement Officer.
- (2) All applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing

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

- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
- (5) Within 35 days of the date of receiving an incomplete written application, the Code Enforcement Officer will notify the applicant in writing that specified additional material is needed to make the application complete.

D. Procedure for Administering Permits. The Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing.

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

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

- (1) Will maintain safe and healthful conditions;
- (2) Will not result in water pollution, erosion, or sedimentation to surface waters;
- (3) Will adequately provide for the disposal of all wastewater;
- (4) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
- (5) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
- (6) Will protect archaeological and historic resources as designated in the comprehensive plan;
- (7) Will avoid problems associated with floodplain development and use; and
- (8) Is in conformance with the provisions of Section 15, Land Use Standards.

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or any State law which the municipality is responsible for enforcing. The Code Enforcement Officer will issue a permit if the application is approved by the Planning Board and the proper permit fee has been paid.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in

a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District on 12/10/1992.
- (3) All proposed locations of all buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain 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 flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain 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 flood-plain.

- (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 water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 100 feet. The Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. If a substantial start is not made in construction or in the use of the property within one year of the date of a permit, the permit lapses and becomes void. All work must be completed on the exterior within two (2) years of the date of the permit.

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

H. Appeals

(1) Powers and Duties of the Board of Appeals. The Board of Appeals shall have the following powers:

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

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

(2) Variance Appeals. Variances may be allowed only under the following conditions:

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) The Board of Appeals 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 is living at the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.
- (e) The Board of Appeals shall limit any variance granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

When the Board of Appeals hears a decision of the Planning Board or Code Enforcement Officer (CEO), it shall hold an appellate hearing, and may reverse the decision of the Planning Board or CEO only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts

presented to the Planning Board or CEO. The Board of Appeals may only review the record of the proceedings before the Planning Board or CEO. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board or CEO, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board or CEO proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board or CEO for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board. Such an appeal shall be taken within thirty (30) days of the date of the decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why it should be granted.
 - b. 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.
- (iii) Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

(b) Decision by Board of Appeals

- (i) A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
- (ii) The concurring vote of a majority of members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon finding that the decision, or failure to act, was clearly contrary to the specific provisions of this Ordinance.
- (iii) The person filing the appeal shall have the burden of proof.
- (iv) The Board shall decide all appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
- (v) All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reason or basis therefore, and the appropriate order, relief or denial thereof.

- (5) 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.
- (6) 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.

I. Enforcement

- (1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.
- (2) Code Enforcement Officer
 - (a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
 - (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality within the Department of Environmental Protection.
- (3) Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

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

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

17. Definitions.

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

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

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

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 1/2 feet above ground level and inclusive of bark.

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

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

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

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

Canopy - the more or less continuous cover formed by tree crowns in a wooded area.

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.

Town of Jefferson, Shoreland Zoning Ordinance Revised March 27, 2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not 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 aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

Great pond - any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which 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 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 grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

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

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

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

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

Institutional – a non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Land Management Road - a route or track consisting of a bed of exposed mineral soil, gravel, or other surfacing materials constructed for, or created by, the passage of motorized vehicles and used primarily for timber harvesting and related activities, including associated log yards, but not including skid trails or skid roads.

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.

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

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

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.

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

Native – indigenous to the local forests.

Non-conforming condition – non-conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Replacement system - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

Residual basal area - the average of the basal area of trees remaining on a harvested site.

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.

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

Town of Jefferson, Shoreland Zoning Ordinance Revised March 27, 2012

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

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

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

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.
2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - the nearest horizontal distance from the normal high-water line of a water body or tributary stream, or 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, tributary stream or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet of the upland edge of a wetland; or within one hundred (100) feet of the normal high-water line of a stream.

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

Structure - anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, 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 start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

Subsurface sewage disposal system – any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. section 414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system..

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

Timber harvesting - the cutting and removal of timber 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 15 (P), *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 – means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

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

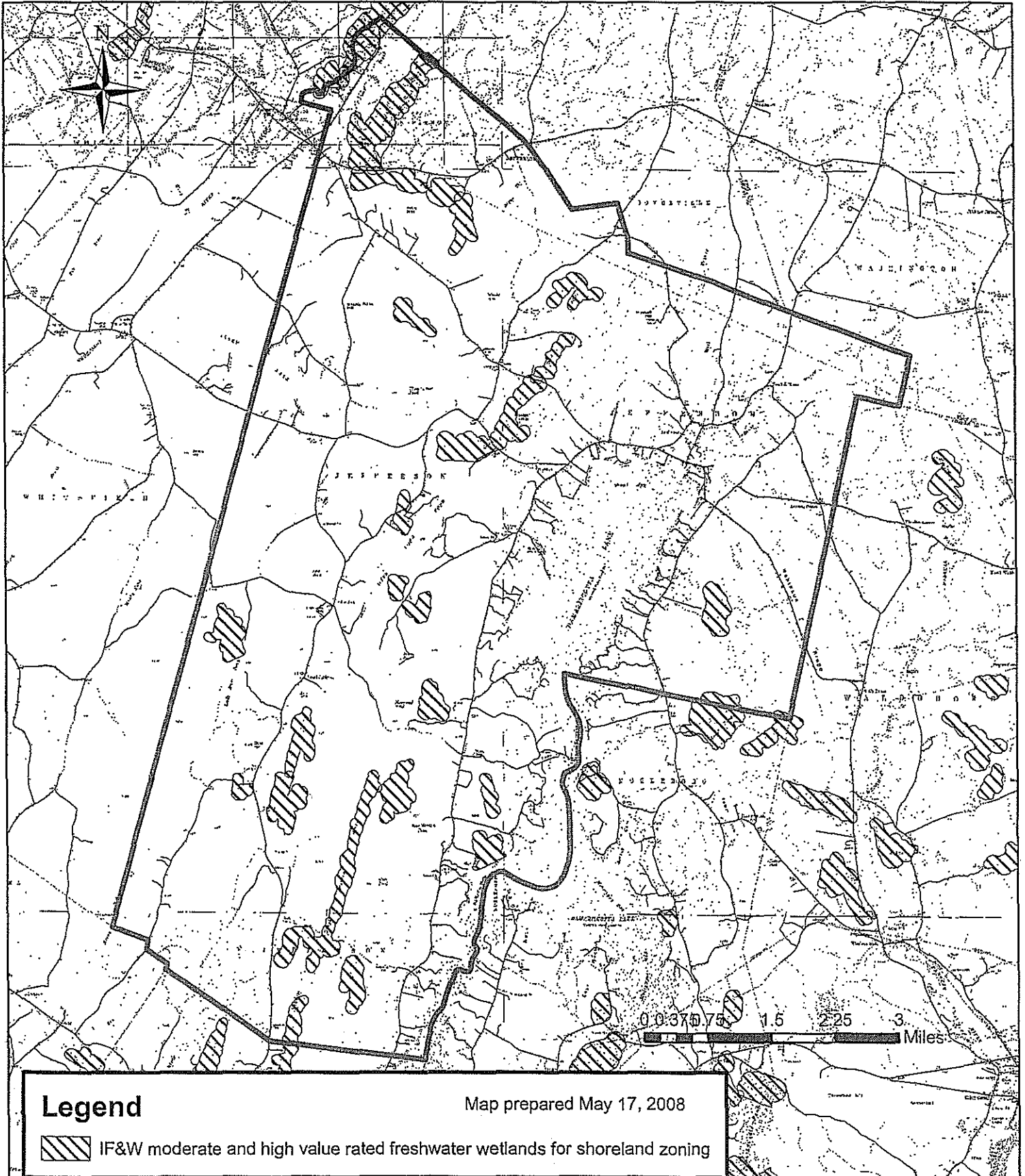
Water body - any great pond, river or stream.

Water crossing - any project extending from one bank to the opposite bank of a river, 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 wetland.

Woody Vegetation - live trees or woody, non-herbaceous shrubs.

Town of Jefferson Moderate & High Value Freshwater Wetlands- Revised



This map shows only moderate and high value rated freshwater wetlands. Please note that low value and non-rated freshwater wetlands are still required to be zoned, as they have been since 1989.

**SUBDIVISION ORDINANCE
OF THE TOWN OF JEFFERSON**

**Revised
March 31, 2009**

Table of Contents

Section 1 Purpose	2
Section 2 Authority and Administration	3
Section 3 Definitions	3
Section 4 Administrative Procedure	5
Section 5 Preapplication Conference	5
Section 6 Minor Subdivision	6
Section 7 Preliminary Plan for Major Subdivision	8
Section 8 Final Plan for a Major Subdivision	13
Section 9 Revision to Approved Plans	17
Section 10 Violations & Enforcement	18
Section 11 General Requirements	20
Section 12 Waivers	27
Section 13 Validity, Effective, Date, Conflict of Ordinances, Filing	28
Section 14 Appeals	28
Section 15 Amendments	28

SUBDIVISION ORDINANCE OF THE TOWN OF JEFFERSON

Section 1. Purpose

The purpose of this ordinance is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Jefferson, 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 Jefferson, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this ordinance have been met and that the proposed subdivision will meet the guidelines of Title 30-A Section 4404, subsections 1-18. The subdivision:

- 1.1 Shall not result in undue water or air pollution. In making this determination, the board shall at least consider the evaluation of the land above sea level and its relation to the flood plains; the nature of soils and subsoil's and their ability to adequately support waste disposal; the slope of the land and its effect on effluents;
- 1.2 Has sufficient water available for the reasonably foreseeable needs of the subdivision;
- 1.3 Shall not cause an unreasonable burden on an existing water supply, if one is to be utilized;
- 1.4 Shall 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;
- 1.5 Shall not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;
- 1.6 Shall provide for adequate solid and sewage waste disposal;
- 1.7 Shall not cause an unreasonable burden on the provision of municipal services, including schools, maintenance of roads, solid waste disposal etc.
- 1.8 Shall not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline; and
- 1.9 Is in conformance with this duly adopted subdivision ordinance, and the Town's Comprehensive Plan.
1. 10 The subdivider has adequate financial and technical capacity to meet the above stated standards.
- 1.11 Whenever situated in whole or in part, within 250 feet of any pond, lake, river or tidal waters, shall not adversely affect the quality of the body of water or unreasonably affect the shoreline of that body of water.
- 1.12 Shall not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- 1.13 All principal structures within a subdivision in a flood-prone area shall be constructed with their lowest floor, including the abasement, at least one foot above the 100-year flood.

Section 2. Authority and Administration

- 2.1 Authority: This Ordinance is adopted pursuant to and consistent with Title 30-A M.R.S.A., Section 3009 and Title 30-A M.R.S.A., Section 4403, and shall be known and cited as the "Subdivision Ordinance of the Town of Jefferson. "
- 2.2 Administration: The Planning Board of the Town of Jefferson shall administer this Ordinance. The provisions of this Ordinance shall apply to all of the land area of each proposed subdivision, as defined, located in the Town of Jefferson.

Section 3. Definitions

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows.

- 3.1 Complete Application: An application shall be considered complete upon submission of the required fee and all information required by this ordinance for a final Plan, or by a vote of the Board to waive the submission of required information. The Board shall issue a receipt to the application upon its determination that an application is complete.
- 3.2 Comprehensive Plan or Policy Statement: Any part or element of the overall plan or policy for development of Jefferson as defined in Title 30 M.R.S.A.; Section 4961.
- 3.3 Contiguous Lots: Lots which adjoin at any line or point, or are separated at any point by a body of water less than 15 feet wide.
- 3.4 Driveway: A vehicular access-way serving two dwelling units or less.
- 3.5 Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.
- 3.6 Final Plan: The final drawings on which the applicant's plan of subdivision is presented to the Board for approval and which, if approved, shall be recorded at the Registry of Deeds.
- 3.7 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 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.
- 3.8 100 Year Flood: The highest level of flood that, on the average, is likely to occur once every 100 years (that has a one percent chance of occurring in any year).

- 3.9 Normal High Water mark of Inland Waters: That line on the shores or banks on nontidal waters which is apparent because of the different character of the contiguous soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial. 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, alder, elms and maples. In places where the 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 mark shall be estimated from places where it can be determined by the above method.
- 3.10 Person: Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- 3.11 Planning Board: The Planning Board of the Town of Jefferson. The Planning Board is also referred to in this ordinance as "Board."
- 3.12 Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.
- 3.13 Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and may be a series of plans if necessary to convey all required information in a manner that is easily readable.
- 3.14 Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which affects the lot lines, including land transactions by the subdivider not indicated on the approved plan.
- 3.15 Road: Public and private ways such as alleys, avenues, boulevards, highways, streets, and other rights-of way, as well as areas on subdivision plans designated as right-of-ways.

Road Classification:

Collector Road: A road servicing at least 20 lots or dwellings units, or roads which serve as feeders to arterial roads, and collectors of traffic from minor roads.

Industrial or Commercial Road: Roads servicing industrial or commercial uses.

Minor Road: A road servicing less than 20 lots or dwelling units.

Private Right of Way: A vehicular access way serving no more than eight dwelling units, which is not intended to be dedicated as a public way.

- 3.16 Subdivision: A subdivision shall mean the division of a tract or parcel of land as defined in Title 30-A M.R.S.A., Section 4401. The term subdivision shall also include campgrounds and mobile home parks.

- 3.17 Subdivision Major: Any subdivision containing more than five lots or dwelling units, or any subdivision containing a proposed road.
- 3.18 Subdivision Minor: Any subdivision containing five or less lots or dwelling units.
- 3.19 Tract or Parcel of Land: All contiguous land in the same ownership, whether or not the tract is separated at any point by an intermittent or non-navigable stream, or a private road established by the abutting land owners.

Section 4. Administrative Procedure

- 4.1 Purpose: The purpose of this section and Sections 5 through 8 is to establish an orderly, equitable and expeditious procedure for reviewing proposed subdivisions.
- 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. Applications shall request to be placed on the Board's agenda at least one week in advance of a regularly scheduled meeting by contacting the Chairperson. Applicants who attend a meeting and who are not on the Board's agenda may be heard only after all agenda items have been completed, and then only if a majority of the Board so votes.

Section 5. Preapplication Conference

- 5.1 Procedure.
 - A. Applicant presentation and submission of sketch plans.
 - B. Question and answer period. Board makes specific suggestions to be incorporated by the applicant into subsequent submissions.
 - C. Scheduling of on-site inspection.
- 5.2 Submission. The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of roads, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the Sketch Plan be superimposed on or accompanied by a copy of the Tax Map(s) on which the land is located. 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, unless the proposed subdivision is less than 10 acres in size.
- 5.3 Contour Interval and On-site Inspection. Within 30 days, the Board shall determine and inform the applicant of the required contour interval on the Preliminary Plan in the case of a Major Subdivision, or Final Plan in the case of Minor Subdivision, and hold an on-site inspection of the property. The applicant shall place "flagging" at the center line of any proposed roads, and at the approximate intersections of the road center lines and lot corners, prior to the on-site inspection.

- 5.4 Rights not Vested. The submittal or review of the Preapplication 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.

Section 6. 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 on-site inspection by the Board, the subdivider shall submit an application for approval of a Final Plan at least seven 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. All applicants for a Final Plan approval for Minor Subdivision shall be accompanied by an application fee of \$15.00 per lot or dwelling unit payable by check to the Town of Jefferson. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
 - C. Upon receipt of an application for Final Plan approval of a Minor Subdivision, the Board shall issue a dated receipt to the subdivider and shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.
 - D. Within 30 days of receipt of a Final 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.
 - E. The subdivider, or the duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
 - F. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the Final Plan application.
 - G. If the Board decides to hold a public hearing, it shall hold the hearing within 30 days of receipt of a complete application and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation to be at least seven days prior to the hearing.
 - H. Within 30 days of a public hearing, or within 60 days of receipt of a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application and approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denials.

6.3 Submissions

- A. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three copies of one or more maps or drawings drawn to a scale of not more than 100 feet to the inch.

Plans for subdivisions containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided for endorsement by the Board.

A copy of the plan and all accompanying information shall be mailed to each board member no less than seven days prior to the meeting.

- B. The application for approval of Minor Subdivisions shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Tax Maps and Lot numbers.
2. Verification of right, title or interest in the property.
3. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a person duly licensed by the State to perform such work. 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.
4. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses prepared by a person duly licensed by the State to perform such work shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
7. Indication of the type of water supply systems(s) to be used in the subdivision.
8. The location and size of existing and proposed sewage disposal systems, water supply systems, culverts, and drainage ways on or adjacent to the property to be subdivided.

9. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company prepared the plan, and the names of adjoining property owners.
10. A copy of the portion of the Lincoln 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 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, water courses, vegetative cover type, and other essential existing physical features.
12. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
13. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.

Section 7. Preliminary Plan for major Subdivisions

7.1 Procedure

- A. Within six months after the on-site inspection by the Board, the subdivider shall submit an application for approval of a Preliminary Plan at least seven days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$15 per lot or dwelling unit, payable by check to the Town of Jefferson. In addition, the applicant shall pay a fee of \$25 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Planning Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant and require that an additional \$10 per lot or dwelling unit be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$10 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant.
- C. The subdivider, or the duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.

- D. Upon receipt of an application for Preliminary Plan approval of a Major Subdivision, the Board shall issue a dated receipt to the subdivider and shall notify in writing all owners of abutting property that an application for subdivision approval has been submitted.
- E. Within 30 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.
- F. Upon determination that a complete application has been submitted for review, the Board shall determine whether or not to hold a public hearing on the Preliminary Plan application. If the Board decides to hold a public hearing, it shall publish the hearing within 30 days of receipt of a complete application, and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the Town of Jefferson at least two times, the date of the first publication to be a least seven days prior to the hearing.
- G. The Board, shall within 30 days of a public hearing, or within 60 days of receipt of a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed 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.
- H. The Board shall notify the Road Commissioner, School Superintendent, Board of Selectman, and Fire Chief of the proposed subdivision, the number of dwellings units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials respond in writing upon the adequacy of the Town's existing facilities to service the proposed subdivision. In addition, the Board shall request the following specific information:
 - 1. From the Fire Chief
 - a. Ability to provide adequate fire protection to this project using existing equipment and personnel;
 - b. Identifying equipment and capability improvements needed to provide adequate fire protection to this project, including estimated cost of such enhancements;
 - c. Percent of present capacity at which the fire company is operating and an estimate of when 100% capacity will be reached;
 - d. Adequacy of road access to the project for emergency vehicles;
 - e. Availability of the fire fighting water resources in the project vicinity; and
 - f. Effect of the project on town insurance ratings based on present fire company abilities.
 - 2. From the Superintendent:
 - a. Expected additional loading due to the project.

- b. Ability to absorb anticipated additional student loading and provide necessary busing of subdivision students with existing assets;
 - c. Additional assets needed to provide above services and associated costs;
 - d. Present percent capacity at which school facilities are operating and projected 100% capacity attainment date; and Adequacy of road access for school buses.
- I. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
- 1. The specific changes which it will require in the Final Plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The amount of all performances guarantees which it will require as prerequisite to the approval of the Final Plan.
- J. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment or the requirements of this ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes as a result of the further study of the subdivision as a result of new information received.

7.2 Submissions

- A. Location map. The Preliminary Plan shall be accompanied by 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 subdivision in the proximity of the proposed subdivision.
 - 2. Locations and names of existing and proposed roads.
 - 3. 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 three copies of one or more maps or drawings which shall be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a scale of not more than 100 feet to the inch.

The Board may allow plans for subdivisions containing more than 100 acres to be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. A copy of the Preliminary Plan and all accompanying information shall be mailed to each board member no less than seven days prior to the meeting. 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 name of the municipality in which it is located, plus the Tax 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 person duly licensed by the State to perform such work. 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.
6. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, water courses, vegetative cover type, and other essential existing physical features.
8. Indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses shall be provided that are prepared by a person duly licensed by the State to perform such work. A map showing the location of all test pits dug on the site shall be submitted.
9. Indication of the type of water supply system(s) to be used in the subdivision.
10. The date the Plan was prepared, true and magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the Plan.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public road from the subdivision.
12. The location and size of existing and proposed sewage disposal systems, water supply systems, culverts and drainage ways on or adjacent to the property to be subdivided.

13. The location, names and widths of existing and proposed roads, high ways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
14. The proposed lot lines with approximate dimensions and lot areas.
15. All parcels of land proposed to be dedicated to the public use and the conditions of such dedication.
16. The location of any open space to be preserved and a description of proposed improvements and its management.
17. A copy of that portion of the Lincoln County Soil Survey covering the subdivision. When the medium internist 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.
18. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
19. A hydrogeologic assessment, prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitle "Hydrogeologic Data for Significant Sand and Gravel Aquifer", by the Maine Geological Survey.
20. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours.
21. For subdivision 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 road giving access to the site and neighboring roads which may be affected, and recommended improvements to maintain the desired level of service on the affected roads. Trip generation rates used shall be the mean value reported in Table 3 of Development and Application of Trip Generation Rates, Kellercro, Inc., published by the Federal Highway Administration, January, 1985.
22. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality or quasi-municipal districts. These lists shall included but not limited to:

Schools, including busing
Road maintenance and snow removal
Police and fire protection
Solid waste disposal
Storm water drainage

23. The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.

Section 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 seven days prior to a scheduled meeting of the Board. 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.
- B. All applications for Final Plan approval for Major Subdivision shall be accompanied by an application fee of \$20 per lot or dwelling unit payable by check to the Town of Jefferson.
- C. 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, alteration of Coastal Wetlands Act, Great Ponds Act, Fresh Water Wetland Act, Alteration of Streams and Rivers Act, or if a Wastewater 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.
- D. The subdivider, or duly authorized representative, shall attend a meeting of the Board to discuss the Final Plan.
- E. Upon receipt of an application for Final Plan approval of a Major Subdivision, the Board shall issue a dated receipt to the subdivider and shall notify in writing all owners of abutting property that an application for subdivision has been submitted.
- F. Within 30 days of receipt of a Final 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.

- G. Upon determination that a complete application has been submitted for review, the Board shall determine whether to hold a public hearing on the Final Plan application.
- H. A public hearing may be held by the Board within 30 days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing.
- I. 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.
- J. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Section 11.10.
- K. If the subdivision is located in more than one municipality, the Board may have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- L. The Board shall within 30 days from the public hearing or within 60 days of receiving a complete application if no hearing is held, or within another time limit as may be otherwise mutually agreed by the Board and the subdivider makes findings of fact on the application, and conclusions relative to the standards contained in Title 30-A M.R.S.A., Section 4404 and in this ordinance. If the Board finds that all standards of the Statute and this ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute or this ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for a denial or 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 scale of not more than 100 feet to the inch. Plans for subdivision containing more than 100 acres may be drawn at a scale of not more than 200 feet to the inch provided all necessary detail can easily be read. Space shall be reserved on the plan for endorsement by the Board. 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. In addition, one copy of the Final Plan, reduced to a size of 8 1/2 by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

The application for approval of the Final Plan shall include the following information:

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Map and Lot numbers.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a person duly licensed by the State to perform such work. 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.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider and individual or company who prepared the plan.
- G. The location and size of existing and proposed sewage disposal systems, water supply systems, culverts and drainage ways on or adjacent to the property to be subdivided.
- H. The location, names and widths of existing and proposed roads, 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 road line, lot line and boundary line to be readily determined and 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 long chord bearing for each road shall be included.
- I. A soil erosion and sedimentation control plan, prepared in accordance with the standards contained in the latest revised edition of the Environmental Quality Handbook published by the U. S. Soil Conservation Service or a comparable set of standards bound to be acceptable by the Board.
- J. A plan for the disposal of surface drainage waters prepared by a Registered Professional Engineer, in accordance with the latest revised edition of Technical Release 55, Urban Hydrology for Small Watersheds, published by the U.S. Soil Conservation Service or a comparable set of standards found to be acceptable by the Board.
- K. 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.

- L. A list of construction items with cost estimates that will be completed by the developer prior to the sale of lots. A separate list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not limited to:
 - Schools, including busing
 - Road maintenance and snow removal
 - Solid waste disposal
 - Storm water drainage
- M. The developer shall provide an estimate of the net increase in taxable assessed valuation at the completion of the construction of the subdivision.
- N. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood evaluation shall be delineated on the plan.

8.3 Final Approval and Filing

- A. No plan shall be approved by the Board as long as the subdivider is in violation of any provisions of this Ordinance on a previously approved Plan or where no Plan was ever filed or approved.
- B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., Section 4404 and this ordinance has been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds within 90 days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time it grants Final Plan approval, the Board may permit the subdivision to be developed in phases subject to any conditions the Board deems necessary in order to insure 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 serve the subdivision, the Board shall require the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allot the orderly planning, financing and provision of public services to the subdivision.
- D. No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Board and endorsed in writing on the Plan, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Section 9.

The Board shall make findings that the revised plan meets the standards of Title 30-A M.R.S.A., Section 4404, and this ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

- E. The approval by the Board of a subdivision plan shall not be deemed or constitute or be evidence of any acceptance by the municipality of any road, 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 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.
- F. Failure to commence substantial construction of the subdivision within five years of the date of approval and signing of the Plan shall render the Plan null and void. In the case of a phased subdivision, failure to commence substantial construction of any phase within five years of the anticipated date of commencement as indicated by the developer at the time of approval shall render the approval of such phases null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

Section 9. Revisions to Approved Plans

- 9.1 Procedure. An application for a revision to a previously approved plan shall, at least seven days prior to a scheduled meeting of the Board, request to be placed on the Board's agenda. If the revision involves the creation of additional lots or dwelling units, the procedures for preliminary plan approval shall be followed. If the revision involves only modifications of the approved plan, without the creation of additional lots or dwelling units, the procedures for final plan approval shall be followed.
- 9.2 Submissions. The applicant shall submit a copy of the approved plan, as well as three copies of the proposed revisions. The application shall also include enough supporting information to allow the Board to make a determination that the proposed revisions meet the standards of this ordinance.

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

Section 10. Enforcement

10.1 Inspection of Required Improvements

- A. At least five days prior to commencing each major phase of construction or required improvements, the subdivider or builder shall:
 - 1. Notify the Code Enforcement Officer in writing of the time of the commencement of construction of such improvements, so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall be met during the construction of required improvements, and to assure satisfactory completion of improvements and utilities required by the Board.
 - 2. Deposit with the Municipal Officers a check for the amount of 2% of the estimated costs of the improvements to pay for the costs of inspection.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, such a report shall be 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 inspection official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, and changes of grade by more than 1%, etc., the subdivider shall obtain permission to modify the plans from the Board.
- D. At the close of each construction season the town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing, whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations of any problems which were encountered.

- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the plan has been installed.
- F. Upon completion of road construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, 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 town way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.
- G. The subdivider, builder or homeowners association shall be required to maintain all improvements and provide for snow removal on roads 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 this ordinance.
- B. No person, firm, corporation or other legal entity shall 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 shall 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. At the close of each construction season the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear to adequate to do the job they were designed for. The report shall also include a discussion and recommendations of any problems which were encountered.
- E. Prior to the sale of any lot, the subdivider shall provide the Board with a letter from a Registered Land Surveyor, stating that all monumentation shown on the Plan has been installed.
- F. Upon completion of road construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, 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 town way meets or exceeds the design and construction requirements of this ordinance. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility.

- G. The subdivider, builder or homeowners association shall be required to maintain all improvements and provide for snow removal on roads until acceptance of the improvements by the municipality.
- H. 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 this ordinance shall be punished by a fine of not less than \$100, and not more than \$5,000 for each such conveyance, offering or agreement. The Municipality shall institute proceedings to enjoin the violation of this section, and may collect attorney's fees and court costs if it is the prevailing party.
- I. No public utility, 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.
- J. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings which require a Final Plan approved as provided in this ordinance and recorded in the Registry of Deeds.
- K. No lot in a subdivision shall be sold, leased or otherwise conveyed before the road upon which the lot fronts is completed in accordance with this ordinance up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the road upon which the unit is accessed is completed in accordance with this ordinance.

Section 11 General Requirements

In reviewing applications for a 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 Buffer Strip: The Planning Board shall require a buffer strip when the proposed subdivision will be located adjacent to a use where separation is desirable.
- 11.2 Basement Drainage: If lots are being created to accommodate structures with basements, the subdivider shall show that the basement can be drained by gravity to the ground surface, or storm sewers, if they are required to be installed.
- 11.3 Conformance with other Laws, Regulations: The proposed subdivision shall be in conformance with all pertinent local, state and federal ordinances, statutes, laws and regulations and Jefferson's Comprehensive Plan. If the proposed subdivision meets the definition of subdivision as defined in the Site Location Act, Title 38, M.R.S.A., Section 482, the subdivider must secure the approval of the Board of Environmental Protection prior to approval, approval with conditions, or denial, of the Final Plan by the Planning Board. The Planning Board may deny approval of the subdivision even though the Board of Environmental Protection has granted an approval under the provision of the Site Location Act.
- 11.4 Construction Prohibited: No utility installations, no ditching, grading, or construction or roads, no grading of land or lots, and no construction of buildings shall be done on any part of the subdivision until a Final Plot Plan of the subdivision has been prepared, submitted, reviewed, approved, and endorsed as provided by this Ordinance, nor until an attested copy of the Final Plot Plan so approved and endorsed has been recorded by the subdivider in the Registry of Deeds.
- 11.5 Ditches, Catch Basins: The Planning Board may require the installation of ditches, catch basins, piping systems, and other appurtenance for the conveyance, control, or disposal of surface waters. Adequate drainage shall be provided so as to reduce the damage of flooding and erosion.
- 11.6 Easements: The Planning Board may require easements for sewerage, drainage, or other utilities.
- 11.7 Lots and Density:
- A. The lot size, width, depth, shape and orientation and the minimum setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall conform to any local Ordinances, standards and regulations.
- B. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it shall not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- 11.8 Land Not Suitable for Development: The Planning Board shall not approve for buildings or dwellings such portions of any proposed subdivision that are within the 100-year frequency flood plain, unless all principal structures are constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation, or on land which must be filled or drained or on land created by diverting a perennial stream. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds.

11.9 Open Space Provisions:

- A. The Planning Board shall require that a proposed subdivision design include a landscape plan that will show existing trees (10" dia. or more) to be preserved, the replacement of trees and vegetation, graded contours, streams, and the preservation of scenic, historic, or environmentally desirable areas. The road and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as much as possible.
- B. Where the proposed subdivision abuts a lake, pond, river or perennial stream, the Planning Board may require, where feasible and appropriate, that the subdivider reserve an area of land abutting the water body or water course as an open space and/or recreational area for use by property owners in the subdivision. The instrument of conveyance (deeds) from the subdivider to the property owners in the subdivision shall provide for an access right of way to this reserved land. The cost of maintenance and development of the reserved land shall be borne by the property owners of the subdivision.
 - 1. The manner of providing for the cost of development and/or maintenance of the reserved open space shall be included in the instrument of conveyance to each property owner of the subdivision.
- C. If the proposed subdivision contains an identified historical or archaeological sites, or any areas identified by the Maine Critical Areas Program as rare and irreplaceable natural areas, these areas shall be suitably protected by appropriate covenants and management plans.

11.10 Performance Guarantees:

- A. The Planning Board shall require that the subdivider file, with the Board before final approval of the Final Plan, a performance guarantee in an amount sufficient to defray all expenses of the proposed public improvements. This may be tendered in the form of a certified check payable to the Town of Jefferson, a savings account or certificate of deposit naming the Town as owner, an irrevocable letter of credit from a financial institution, or a performance bond running to the Town and issued by a surety company acceptable to the Town. The conditions and amount of such performance guarantees shall be determined by the Planning Board with the advice of the various municipal officers concerned. The amount shall be at least equal to the total cost of furnishing, installing, connection, and completing all of the road grading, paving, storm drainage, landscaping, screening, and utilities or other improvements specified on the Final Plan within two years of the date of the performance guarantee.
- B. The Planning Board may recommend a maximum extension of 12 months to the guaranteed performance period when the subdivider can demonstrate, to the satisfaction of the Board and the municipal officers, good cause for such extension. Such recommendation shall be referred to the Selectmen for official action.

- C. Before a subdivider may be released from any obligation requiring his guarantee of performance, the Planning Board shall require certification from the various municipal officers to the effect that all improvements have been satisfactorily completed in accordance with all applicable town ordinances regulations and standards and with the terms and conditions of Planning Board approval.
- D. The Planning Board may, at its discretion, waive the requirements of a performance guarantee and recommend execution of such agreements, conditions, or other terms as shall be deemed necessary and proper by the Board. Such agreement, if executed with the town, shall be endorsed in writing on the Final Plan or any part thereof, on the condition that no lot in the subdivision shall be sold and no permit shall be issued for construction of any building on any lot on any road in the subdivision until it shall have been certified in the manner set forth in paragraph 3 above that all improvements have been made within 2 years of the date executing such conditional agreement.

11.11 Sewage Disposal

The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a person duly licensed by the State to perform such work in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal rules. In addition, on lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.

11.12 Road Design Standards

- A. These design standards shall be met by all roads within subdivisions, and shall control the roadway, shoulders and culverts.
- B. Roads shall be designed to discourage through traffic on minor roads within a residential subdivision.
- C. Reserve strips controlling access to roads shall be prohibited except where the control is definitely placed with the municipality.
- D. Where a subdivision borders an existing narrow road (not meeting the width requirements of the standards of roads in this ordinance), or when the Comprehensive Plan indicates plan for realignments or widening of a road that would require use of some of the land in the subdivisions, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes."
- E. A road or roads accessing proposed subdivisions shall meet, at a minimum, the standards required for the proposed subdivision by Town of Jefferson Subdivision Ordinance.

Land reserved for such purposes shall not be included in computing lot area or setback requirements of the Town. 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 Town or State.

- E. Any subdivision expected to generate an average daily traffic of 200 trips per day or more, shall have at least town road connections with existing public roads, roads shown on an Official Map, or roads on an approved subdivision plan for which performance guarantees have been filed and accepted.
- F. The following design standards apply according to road classification.
- G. A road or roads accessing proposed subdivisions shall meet, at a minimum, the standards required for the proposed subdivision by Town of Jefferson Subdivision Ordinance, Section 11.12.

	Collector	Minor	Private	Ind. & Comm
Minimum Right-of-Way Width	60'	50'	50'	60'
Minimum Roadway Width	24'	20'	18'	30'
Minimum Grade	1%	1%	1%	1%
Maximum Grade	6%	8%	8%	5%
Minimum Center Line Radius	175'	110'	110'	230'
Minimum Tangent between Curves	100'	50'	50'	100'
Roadway Crown	1/4 ft	3/8ft	3/8 ft	1/4 ft
Minimum Angle of Road Intersections	90	75	75	90
Maximum Grade Within 75 Feet of Intersection	2%	2%	2%	2%
Minimum curb Radii at Intersections		20'	15'	30'
Minimum Right of Way Radii at Intersections	10'	10'	10'	10'
Minimum width of Shoulders	3'	3'	3'	4'

- G. The center line of the roadway shall be the center line of the right-of-way.
- H. Dead End Roads. In addition to the design standards above, dead end roads shall be constructed to provide a cul-de-sac turn-around with the following minimum requirements for radii: Property line: 65 feet, outer edge of pavement 56 feet. The Board may require the reservation of a 20 foot easement line with the road to provide continuation of pedestrian traffic or utilities to the next road. The Board may also require the continuation of the road where future subdivision is possible. Private roads may provide a permanent "T" turnaround in lieu of a cul-de-sac. It shall be a minimum of 25 feet in length by 15 feet in width. The right-of-way dimensions shall be 50 feet in length by 30 feet in width.

I. Grades, Intersections, and Sight Distances

1. Grades of all roads shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the road design speed.
3. 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 the portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with a height of the eye 3 1/2 feet, to the top of an object 4 1/2 feet above the pavement.

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

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

4. Cross (four-cornered) road intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 200 feet shall be maintained between center lines of side roads.

-
1. See Section 3 for the definition as used in this ordinance.
 2. Road intersection angles shall be as close to 90 degrees as feasible, but no less than the listed angle.
 3. Shall be based on turning radii of expected commercial vehicles, but no less than 30 feet.

11.13 Road Construction Standards

- A. Minimum thickness of material after completion.

<u>Road Materials</u>	<u>Minimum Requirements</u>			
	<u>Collector</u>	<u>Minor</u>	<u>Private</u>	<u>Comm/Indust</u>
Aggregate Sub-Base (Max. Size Stone 6")	18"	18"	16"	18"
Aggregate Base Course	3"	3"	3"	3"
Hot Bituminous				
Total Thickness	3"	3"	optional	4"
Surface Course	1 1/4"	1 1/4"		1"
Base Course	1 3/4"	1 3/4"		2"

B. Preparation

1. Before a clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty foot intervals.
2. Before grading is started, the right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material to within ten feet of the outside edge of the shoulders on both sides. All ledge, large boulders, and tree stumps shall be removed from the right-of-way.
3. All organic materials shall be removed to a depth of two feet below the subgrade of the roadway. 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 Road Commissioner as not suitable for roadways, the subsoil shall be removed from the road site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below. As an alternative, the Board may require the use of an engineering fabric (geotextile) which meets the appropriate "MDOT specifications (which were 620 and 722 for Stabilization Geotextile on March 1, 1989).
4. Except on 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 and fertilized, and seeded according to the specifications of an erosion and sedimentation control plan prepared by the developer.
5. 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 end of the right-of-way prior to paving.

C. Base and Pavement

1. Base
 - a. The aggregate Sub-base Course shall be sand or gravel of durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three inch square mesh sieve shall meet the following grading requirements:

Aggregate Sub-base Type "D"

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square Mesh Sieves</u>
1/4 inch	25-70%
No. 40	0-30%
No. 200	0-5%

Aggregate for the Sub-base shall contain no particles of rock which will not pass the six inch square mesh sieve.

2. Pavement Joints. Where pavement joints an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even vertical joint.
3. Pavements.
 - a. Minimum standards for the base layer of pavement shall be the Maine Department of Transportation's specifications for plant mix grade B with typical liquid asphalt content between 5.2% and 6.0% by weight.
 - b. Maximum standards for the surface layer of pavement shall meet the Maine Department of Transportation's specifications for plant mix grade C with a typical liquid asphalt content between 6.0% and 7.0 % by weight.
 - c. Placement of hot bituminous pavements shall meet the Maine Department of Transportation's specifications for Construction Requirements in Section 401.
4. Culverts
 - a. Culverts shall be a minimum of 18 inches in diameter and shall be of a material acceptable to the Planning Board.

Section 12. Waivers

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

12-2 In granting any waiver, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the provisions so waived.

Section 13. Validity, Effective Date, Conflict of Ordinances, Filing

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

13.2 Effective Date: The effective date of this Ordinance, as amended, is October 27, 1998.

13.3 Conflict of Ordinances: This Ordinance shall not repeal, annul or in any way impair or remove the necessity of compliance with any other ordinance, rule, regulation, by-law, permit, or provision of law where this ordinance imposes a higher standard for the promotion and protection of public health, safety, and welfare, the provision of this Ordinance shall prevail.

13.4 Filing: A certified copy of this Ordinance shall be filed at the Registry of Deeds, according to the requirements of State law.

Section 14. Appeals

If the Planning Board shall disapprove an application for a subdivision or grant approval with conditions that are objectionable to any person affected directly or indirectly, or when it is claimed that the provisions of this Ordinance do not apply, or that the true intent and meaning of this Ordinance have been misconstrued or wrongfully interpreted, any person, affected directly or indirectly, may appeal in writing from the decision of the Planning Board to the Jefferson Board of Appeals established in accordance with Title 30-A M.R.S.A., Section 2691, as adopted by the Town of Jefferson in Special Town Meeting. Said appeal must be made within 30 days of the Planning Board's written decision.

Section 15. Amendments

This Ordinance may be amended by a majority vote in a special or regular Town Meeting of Jefferson.

Appendix S

TYPICAL STREET CROSS SECTION

