

2018

Town of Limerick Maine Ordinances

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**+AMENDMENT TO ZONING ORDINANCE
ARTICLE X-BOARD OF APPEALS**

Article X of the Limerick Zoning Ordinance is hereby repealed and replaced with the following:

ARTICLE X-BOARD OF APPEALS

A. Establishment

A Board of Appeals is hereby established pursuant to 30-A M.R.S.A. § 2691.

B. Appointment

1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and be sworn by the municipal clerk or other person authorized to administer oaths.
2. The board shall consist of five (5) members.
3. The term of each member shall be three (3) years.
4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a voting resident of the town. The municipal officers may remove members of the board of appeals by majority vote, for cause, after notice and hearing.
5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

C. Organization, Rules and Procedures

1. The board shall elect a chairperson, co-chairperson, and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members of the board present and voting, except the member who is being challenged.
3. The chairperson shall call one regular meeting each month, provided there is business to conduct.

4. No meeting of the board shall be held without a quorum consisting of three (3) members. No action shall be taken on the issue before the board without a majority vote of those members present and voting.

5. The chairperson shall call one meeting annually to elect officers.

D. Duties and Powers

1. The board of appeals may adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.

2. The board of appeals shall file all rules and procedures and subsequent revisions with the Town Clerk. Copies shall be provided to the municipal officers for their information.

3. The board of appeals shall perform such duties and exercise such powers as are provided by the ordinances of the Town of Limerick and the laws of the State of Maine.

4. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

5. The Board may interpret the provisions of any applicable municipal ordinance it has been given the jurisdiction to hear.

E. Jurisdiction

1. The Board of Appeals is authorized to hear and decide appeals as an appellate review where it is alleged there is an error in any administrative decision, order, requirement, or determination made by the Code Enforcement Officer or Planning Board under the following Ordinances.

a. Zoning Ordinance of the Town of Limerick, Maine.

b. Planning Board Standards for Reviewing Subdivisions.

c. Shoreland Zoning Ordinance of the Town of Limerick, Maine.

d. Flood Plain Ordinance of the Town of Limerick, Maine.

e. Sludge Ordinance of the Town of Limerick, Maine.

f. Building Code Ordinance of the Town of Limerick, Maine.

g. The Growth Ordinance of the Town of Limerick, Maine.

h. The Communication Tower Ordinance of Limerick, Maine.

2. The Board of Appeals is authorized to hear variances in specific cases but only within the limitations set forth in this ordinance.
3. The Board of Appeals is authorized to hear the following:
 - A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.
 - B. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.
 - C. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.

F. Variances

1. Variances may be permitted only under the following conditions:
 - a. Variances are obtainable only for height, minimum lot size, structure size, setbacks, and open space requirements.
 - b. An application for a variance may be filed directly with the Board of Appeals in accordance with the procedures below.
 - c. For a variance appeal the applicant shall submit:
 1. A sketch drawn to scale of 1" = 100' showing lot lines, location of existing building and other physical features pertinent to the variance request.
 2. A concise written statement stating what variance is requested.
 - d. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.
 - e. The Board shall not grant a variance unless it finds that all the following criteria are met:
 1. that the land in question cannot yield a reasonable return unless a variance is granted;

2. that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;
3. that the granting of a variance will not alter the essential character of the locality; and
4. that the hardship is not the result of action taken by the applicant or a prior owner.

f. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary to this end.

g. The Board of Appeals is also authorized to hear and decide requests for disability variances as provided in 30-A M.R.S.A. § 4353 (4-A).

G. Appeal Procedure

1. Making an Appeal

a. Any appeal authorized by this Article may be taken to the Board of Appeals. Where an appeal is taken by an aggrieved person from any administrative decision of the Code Enforcement Officer or Planning Board, the appeal shall be taken within thirty (30) days 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.

b. An appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.

c. The Board of Appeals shall notify the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant of the appeal. Notice shall also be provided, where the appeal is of an approved permit, to the holder of the permit. In the case of an application for a variance in a shoreland zoning district, a copy of the application, together with all supporting information provided by the applicant, shall be forwarded to the Commissioner of the Maine Department of Environmental Protection at least twenty (20) days prior to taking any action on the variance application. If the Commissioner of the Department of Environmental Protection submits any comments in response to the variance application, the Board of Appeals shall make such comments part of the record and shall consider them prior to taking action on the variance application.

d. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from.

e. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal application. Notice of the date, time, and place of the hearing shall be placed in one newspaper of general circulation in the area at least seven (7) days prior to the hearing. All costs of the hearing such as: public notice, secretary fees, etc. are to be borne by the applicant.

f. In an administrative appeal the applicant has the burden of proof to demonstrate that the Code Enforcement Officer or Planning Board acted contrary to the Ordinance. The Board of Appeals shall hear an appeal of any decision of the Planning Board on an appellate basis and shall limit its review to the record developed before the Planning Board and shall not accept any new evidence or testimony. The Board of Appeals may only reverse a decision of the Planning Board if it determines that the Planning Board's decision was based on an error of law or a mistake of fact.

2. Hearings

a. In any appeal from a decision of the Code Enforcement Officer or any variance appeal, the Board shall conduct a de novo hearing as follows:

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

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

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

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

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

vi. The Board of Appeals shall include a statement of its findings of fact and conclusions of law as part of its decision.

b. The Board of Appeals shall hear any appeal of a decision of the Planning Board solely on an appellate basis and shall only reverse a decision of the Planning Board that contains one or more errors of law or fact.

i. The Board of Appeals shall not consider or accept new evidence or testimony and shall limit its review to the record developed before the Planning Board.

ii. The person bringing the appeal and any persons in opposition to the appeal shall be limited to a presentation of arguments as to why the decision of the Planning Board is in error.

H. Decisions of the Board of Appeals

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

2. The concurring vote of a majority of the members of the Board making up the quorum shall be necessary to reverse any 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 pass under this Ordinance, or to effect any variation in the application of this Ordinance. A tie vote shall constitute a rejection of the application being considered.

3. The Board shall decide all appeals or variances within thirty-five (35) days after hearing, and shall issue a written decision on all appeals or variances.

4. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Selectmen within ten (10) days of the decision date.

5. A copy of all variances effecting shoreland zoning granted by the Board of Appeals shall be submitted to the Dept. of Environmental Protection within fourteen (14) days of the decision.

6. The applicant shall be responsible for a recording a certificate of variance in the York County Registry of Deeds within 90 days of the final written approval. The variance will not be valid until it is recorded. If the variance is not recorded within the required 90-day period, it shall become void.

I. Appeal to Superior Court

Except as provided in Section J of this Article, any aggrieved party may take an appeal to Superior Court in accordance with State law within forty-five (45) days from the date of any decision of the Board of Appeals.

J. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision, if the applicant can provide new and substantial evidence to reconsider. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding Section I of this Article, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

K. Severability Clause

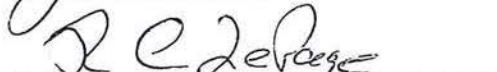
Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.


L. Effective Date

The effective date of this amendment is June 13, 2017

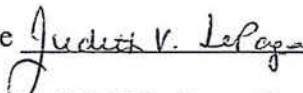
Board of Selectmen, Limerick, ME


Joanne L. Andrews


Roland C. LePage


John M. Medici

Attest: A true copy of an ordinance entitled, "Amendment to the Limerick Zoning Ordinance, Article X-Board of Appeals as certified to me by the municipal officers of Limerick on the 15th day of May, 2017."

Signature 
Judith V. LePage, Town Clerk



OFFICER'S RETURN

County of York, ss.

I certify that I have on this day posted one copy of an ordinance entitled, "Amendment to the Limerick Zoning Ordinance, Article X- Board of Appeals attested by the municipal clerk, at the Limerick Municipal Building, Limerick Post Office and Limerick Supermarket on May 23, 2017 which is at least seven (7) days prior to Election Day.

Dated at Limerick on May 23, 2017



Tawny Mann
Resident, Town of Limerick

Town of Limerick Budget Committee Ordinance

Section 1. Establishment.

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

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

The Committee shall consist of 7 members who shall be elected and who shall be registered voters in the Town of Limerick. No employee of the Town or head of a town department may be a member. Members shall serve for terms of three years, except that they shall continue in office until their successors are appointed. (For transition purposes, the initial terms shall be staggered 3 members at 1 yr. term, 2 at 2 yr. term and 2 at 3 yr. term, so that, as nearly as possible, an equal number of terms shall expire annually.) Any unfilled vacancies shall be filled with qualified individuals within 30 days by appointment of the Selectmen. Appointees will serve until the end of the elected term of the Board member they replace.

Section 3. Officers, Meetings, Quorum, Procedure.

The Committee shall annually elect a Chair, Vice-Chair and a Secretary from among its members. The Chairman shall call meetings as necessary or when so requested by a majority of members or the Municipal Officers. A quorum necessary to conduct business shall consist of at least a majority of members currently serving. The Chairman shall preside at all meetings. The Vice-Chairman shall preside in the absence of the Chairman. The Secretary shall maintain a record of all proceedings, including all correspondence of the Committee. All meetings and records shall be subject to the Maine Freedom of Access Act, A M.R.S.A. Sections 401-410. The Committee may adopt rules of procedure not inconsistent with this ordinance.

Section 4. Powers and duties, Authority, Recommendations, Official Cooperation.

The Committee shall have the following powers and duties:

- A. To accept testimony, review financial data and make monetary recommendations on the annual budget (Expenditures and Income) as submitted by the Elected Officials, Department Heads and Non-Municipal Agencies.
- B. To accept testimony, review financial data and make monetary recommendations on capital expenditures as submitted by Elected Officials and Department heads.
- C. To accept testimony, review financial data and make monetary recommendations regarding supplemental appropriations and expenditures and other budgetary action whenever proposed by the Elected Officials.
- D. To make such other recommendations on fiscal matters as it may from time to time deem advisable.

The Committee's authority shall be advisory only. The Committee on its own initiative may require the applicant before them to provide additional financial data if a simple majority of the Board feels it necessary. Any monetary recommendation as well as the Budget Committee's recommendation on a matter requiring town meeting action shall be printed with the article in the warrant and on the ballot, if any, along with such other recommendations as may be included by the Selectmen or required by law. The Municipal Officers shall cooperate with and provide the Committee with such information as may be reasonably necessary and available to enable it to carry out its functions under this ordinance.

Town of Limerick Budget Committee Ordinance

The election of the Budget Committee Members shall occur no later than August 31, 2011.

This ordinance shall supersede all previous town meeting warrant articles establishing a budget committee.

This ordinance shall become effective upon passage by the legislative body of the Town of Limerick at a duly called Special Town Meeting.

September 26,1996: “Revised Proposed” Town of Limerick Dog Ordinance. PASSED

Town of Limerick Dog Control Ordinance

Sec. 1. Title.

This ordinance shall be known as the Town of Limerick Dog Control Ordinance.

Sec. 2. Authority.

This ordinance is enacted pursuant to the authority granted in 7 M.R.S.A. s3950 and 30-M.R.S.A.s3001.

Sec. 3. Effective date.

This ordinance shall become effective when enacted by the voters of the Town of Limerick at a duly called Town meeting.

Sec. 4. Severability.

The invalidity of any section of this ordinance shall not render the entire ordinance invalid.

Sec. 5 Conflict with other laws.

This ordinance shall not effect the requirement to comply with any other law, ordinance rule or regulation. When this ordinance imposes a greater restriction on dogs than the provisions of any other law, ordinance, rule or regulation, the provisions of this ordinance shall control.

Sec. 6. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

At large shall mean off the premises of the owner or person charged with the responsibility of control of a dog and not under the control of any person whose personal presence and attention would reasonably control the dog.

Dangerous dog shall mean a dog which has a bitten person who was not a trespasser with criminal intent on the owner’s premises at the time of the incident, a dog which causes serious injury or death to another animal; or a dog which causes reasonable fear of bodily injury to a person acting in a peaceable manner outside the owner’s premises.

Nuisance shall mean the causing of unreasonable noise, smell, litter, or property damage, the chasing of automobiles, motorcycles, bicycles, or other vehicles; or the persistent or frequent entry on school grounds while school is in session, or the continued or repeated barking or howling.

Owner shall mean any person or organization, which owns, possesses, or has custody of a dog.

Continued or repeated barking and howling shall mean owning, possessing, or harboring any dog, which frequently or for continued duration, makes sounds, which create a noise disturbance across a residential real property boundary. For the purpose of this Ordinance, a barking dog shall mean a dog that barks, bays, cries, howls, or makes any other noise continuously and /or incessantly for a period of 10 minutes, or barks intermittently for ½ hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property, provided, however, that the dog shall not be deemed a “barking dog” for the purposes of this Ordinance if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which caused or provoked the dog.

Sec. 7. Purpose.

The purpose of this article is to require that all dogs in the town be kept under the control of their owners at all times so that they will not injure persons, damage property, or create a nuisance.

Sec. 8. Application to owner, custodian.

The provisions of this article, which apply to the owner of a dog, apply equally to any person having its custody or possession.

Sec. 9. Registration and identification.

A dog which is at least six (6) months old must be licensed by its owner in accordance with 7 M.R.S.A. s3921 et seq.

Sec. 10. Running at large.

A dog is not permitted to run at large. A dog, which is off the premises of the owner or the premises of a person having its custody, is prima facie running at large. A dog which is under the owners control may run at large while engage in field trials, training or legal hunting.

Sec. 11. Impounding.

The animal control officer shall apprehend any dog found running at large and shall impound it in the animal shelter or other suitable place. At that time the animal control officer shall register the breed, color, sex, license number, and name and address or telephone number of the owner in a book kept for that purpose. If ownership cannot be established, such animals may be handled as strays for the purpose of acceptance by an approved shelter.

Sec. 12. Disposition of dogs, which have bitten persons.

The owner of a dog who knows or has been advised that the dog has bitten a person shall confine the dog or have it confined by itself in a secure enclosure for at least fourteen (14) consecutive days and shall notify the health officer immediately of the time, place and reason for the confinement. During the period of confinement, the owner shall not destroy the dog nor allow it to be destroyed.

Sec. 13. Examination of confined dogs.

The animal control officer shall have a dog, which has been confined because of having bitten a person kept under observation for symptoms of rabies. At the end of the fourteen-day period of confinement, the health officer shall determine whether the dog is infected with rabies. In making this determination he shall employ such expert assistance as may be necessary. If he deems it necessary to keep the animal confined for longer than the fourteen-day period, he shall order it done. If the dog is found to be rabid, he shall notify the owner and person bitten, and shall have the dog destroyed immediately, following any procedure recommended by health and welfare. If the dog is not rabid, the owner shall thereafter muzzle the dog or keep it confined. All expenses incurred by the town in carrying out the procedure provided by this section shall be paid for by the owner of the dog.

Sec. 14. Penalties.

The following civil penalties apply to the violation of this article:

- (1) A written warning will be issued for a first offense, except in the case of a dangerous dog (see section #5).

- (2) **Running at large.** The owner of a dog, which is found running at large, shall be punished by a civil penalty of not more than fifty dollars (50.00) for the first offense. For the second and subsequent offenses, the owner shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).
- (3) **Running at large after causing nuisance.** The owner of a dog which is found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his control or under the control of a person in charge with that responsibility shall, for the first offense, be punished by a civil penalty of not more than fifty dollars (\$50.00). For the second and subsequent offenses, the owner shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).
- (4) **Disturbing the peace.** The owner of a dog which disturbs the peace of any person by frequently and habitually barking, howling, or creating other noise shall be punished, on the first offense, by a civil penalty of not more than fifty dollars (\$50.00). For the second and subsequent offenses, he shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).
- (5) **Dangerous dog.** The owner of a dangerous dog which is unconfined without a muzzle shall be punished by a civil penalty of not more than one hundred dollars (\$100.00) and the animal control officer may request the court for an order for the euthanasia of the dog.
- (6) **Refusing to reclaim dog.** A person who fails or refuses to reclaim his dog and pay the cost required by section 12 within one (1) week after receiving oral or written notice of its impoundment shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).

- (7) General penalty. A person who violates any other provision of this ordinance shall be punished by a civil penalty of not more than one hundred dollars (\$100.00).**
- (8) Waiver; civil penalty to Town. A person may waive court appearance by paying the specified civil penalty to the Town. All civil penalties assessed by the court shall insure to the benefit of the Town.**

Sec. 15. Unlicensed dogs; warrant.

The Board of Selectman shall annually, between January first and April thirtieth, issue a warrant to the animal control officer, returnable on the following July first, directing him to proceed forthwith to enter a complaint and summons to court the owner or keeper of any unlicensed dog named therein. Before entering the complaint, the animal control officer shall officially notify the owner or keeper by sending a notice of violation by certified mail, return receipt requested, to the last known address of the owner or keeper or call on the owner or keeper of the dog and demand that he conform with the law and obtain a license from the clerk within seven (7) days from the day of demand, paying to the clerk in addition, to the license fee, a late fee of three dollars (\$3.00) for each dog that is licensed. If the license fee is remitted after the 7-day period, the owner or keeper shall remit a late fee of ten dollars (\$10.00) for each dog that is licensed. The fee shall be paid to the town.

Sec. 16. Enforcement.

Except for the provisions required to be enforced by the health officer, the animal control officer shall enforce this article and shall notify the health officer of all incidents of rabies.

Limerick Municipal Volunteer Fire Department and Emergency Services Ordinance

The purpose of this Ordinance is to establish the "Limerick Fire-Rescue Department" as a municipal volunteer department of the Town of Limerick, pursuant to the home rule authority granted in Title 30-A M.R.S.A § 3001.

ARTICLE 1- NAME

The organization shall be known as the "Limerick Municipal Volunteer Fire-Rescue Department" (The "Department").

ARTICLE 2 - PURPOSE

2.1. Town of Limerick Protection: The primary purpose of the Department shall be to prevent and extinguish fires within the Town of Limerick, to handle emergencies affecting the health, safety and welfare, and to provide rescue, and medical transport services for all persons within the Town of Limerick, and elsewhere as consistent with Title 37-B §784B.

2.2. Cooperation with Other Communities: The Department may also assist other municipalities as its resources are available and may be needed in a cooperative effort for all of these purposes, and will comply with any written agreements signed by the Board of Selectmen. The Board of Selectmen upon recommendation of the Fire-Rescue Chief, shall have authority to enter into written agreements with other municipalities. The Selectmen shall also have authority to set fees and bill communities for all expenses incurred providing mutual aid should this become a burden on the Town of Limerick.

ARTICLE 3 - ORGANIZATION

3.1. The Department shall be a "Municipal Volunteer Fire-Rescue Department" as defined in Title 30-A M.R.S.A. §3151(1) and (1-A) as amended to prevent and extinguish fires, and to provide emergency medical services as authorized by this ordinance through the operation of a municipal rescue and ambulance service as an integral function of the Department. It shall be a department within the Town of Limerick.

ARTICLE 4 – MEMBERSHIP

4.1. Members: The membership shall include individual residents and non-residents of the Town of Limerick, who are at least 18 years old, and who have been accepted as members of the Department as described in section 4.2.

4.2. Application for Membership: All applications for membership in the Department must be approved by the Fire-Rescue Chief and the Fire Department Executive Board. Members must meet all membership standards described in any Limerick Municipal Volunteer Fire-Rescue

Department Standard Operating Guidelines. All new memberships will be probationary for a twelve month period, followed by a review of their performance by the Fire-Rescue Chief or his designee before full membership status is achieved. Full membership shall be considered for approval only after successful completion of the probationary period.

4.3. Junior Fire-Rescue Members: Any resident or non-resident of Limerick 14 to 17 years of age, may be accepted as a Junior Fire-Rescue Member in accordance with section 4.2, after meeting the membership standards described in any Limerick Municipal Volunteer Fire-Rescue Department Standard Operating Guidelines and applicable Maine laws. EMS requirements require a minimum age of 16.

4.4. Compensation: Members may be compensated consistent with the Department's appropriations provided through the Town's budget process.

4.5. Current active members and life time members shall have full membership status upon passage of this ordinance.

ARTICLE 5 - RULES AND REGULATIONS/STANDARD OPERATING GUIDELINES

5.1. Rules, Regulations and Standard Operating Guidelines: The SOG document provides a detailed description of operating rules for emergency situations, member qualifications and training standards, and officer responsibilities.

5.2. Emergency Rules, Regulations and SOGs: The Fire-Rescue Chief shall have the authority to adopt emergency rules, regulations, and SOGs when necessary to respond to immediate needs or changes in circumstances.

ARTICLE 6 - DISCIPLINE, SUSPENSION AND DISMISSAL

6.1. Causes for Discipline or Suspension: Causes for discipline, suspension and/or dismissal include, but are not limited to the following:

6.1.1. Those matters described in applicable sections of the SOGs and the Town of Limerick Personnel Policy.

6.1.2. Misrepresenting, falsifying or withholding information on any records.

6.1.3. Failure to follow orders of the Fire-Rescue Chief or superior officers.

6.1.4. Failure to respond to a call when on duty.

6.1.5. Discriminatory words, harassment or conduct relating to sex, race, religion, national origin, age or disability.

6.1.6. Attending any meeting or training session, responding to an emergency call, or doing any other activity for the Department while under the influence of drugs or alcohol.

6.2. Grievance Procedure: All grievances will be handled in accordance with applicable Sections of the SOGs and the Town of Limerick Personnel Policy as it may be amended. All members will be treated as employees under that policy for the purposes of grievances only.

6.3. Disciplinary Procedure: All discipline, suspensions, and dismissals shall be handled in accordance with applicable sections of the SOGs and the Town of Limerick Personnel Policy as they may be amended. All members will be treated as employees under these policies for the purposes of disciplinary action only.

ARTICLE 7 - APPOINTMENT OF OFFICERS

7.1. Appointment of Fire-Rescue Chief and other Department officers:

The Board of Selectmen of the Town of Limerick shall appoint the Fire-Rescue Chief for a three year (3) term after reviewing the recommendation of the voting members of the Fire-Rescue Department and determining whether that recommendation will meet the appropriate certifications, qualifications and expectations of a Fire-Rescue Chief. The Fire-Rescue Chief may be terminated for just cause by the Limerick Board of Selectmen.

7.2. Appointment of Fire-Rescue Officers and other officials:

After reviewing the recommendations of the voting membership of the Fire-Rescue Department and determining whether those recommendations will meet the appropriate certifications, qualifications and expectations of the Fire-Rescue Officers, the Board of Selectmen of the Town of Limerick shall appoint the Fire Rescue Officers and other officials for a term of one year (1). The Fire-Rescue Officers are as follows: Assistant Chief (Fire Operations), Assistant Chief (EMS Operations), Captains, Lieutenants and any other officers or officials. All officers and/or officials, upon recommendation of the Fire-Rescue Chief, may be terminated for just cause by the Limerick Board of Selectmen.

7.3. The Fire-Rescue Chief shall be compensated consistent with the Department's appropriations provided through the Town's budget process and considered a Department Head/Supervisor under the Town of Limerick Personnel Policy.

ARTICLE 8 - POWERS AND DUTIES OF FIRE CHIEF, OFFICERS AND OFFICIALS

8.1. Chain of Command: The chain of command shall be the Fire-Rescue Chief, Assistant Chief (Fire Operations), Assistant Chief (EMS Operations), Captains and Lieutenants. All other officers and officials shall follow the chain of command. The Fire-Rescue Chief shall determine who has the higher rank between officers with the same rank.

8.2. Fire-Rescue Chief: The Fire-Rescue Chief and/or his designee, shall exercise the duties and powers described in Title 30-A M.R.S.A. §3153 (see sections below), as it may be amended from time to time, except as described in this Ordinance, and as follows:

8.2.1. Generally, direct and control all officers and members of the Department in the performance of their duties.

8.2.2 Direct and control all municipal firefighters in the performance of firefighting operations.

8.2.3. Provide a training program for fire-rescue personnel within the municipality in cooperation with appropriate governmental agencies.

8.2.4. Arrange for the maintenance of all fire and rescue equipment owned by the municipality and buildings used by the Municipal Volunteer Fire-Rescue Department.

8.2.5. Prepare and submit annually to the Town Budget Committee and Board of Selectmen a budget related to fire protection and rescue activities. The budget will be reviewed by the officers for input prior to presentation to the Budget Committee and Board of Selectmen.

8.2.6. Suppress disorder and tumult at all department activities and, generally, to direct all operations to prevent further destruction and damage.

8.2.7. Exercise the powers relating to municipal fire protection and rescue as described in Article 5.

8.2.8. Appoint officers and officials of the Fire-Rescue Department. Recommend persons to be employed by the Fire-Rescue Department to the Board of Selectmen.

8.2.9. Obtain assistance from persons at the scene of a fire to extinguish the fire and protect persons and property from injury.

8.2.10. Pull down and demolish structures and outbuildings if the Fire Chief judges it necessary to prevent the spread of fire.

8.2.11. Exercise the power of the fire inspector with respect to dangerous buildings described in 25 M.R.S.A §2360, as it may be amended from time to time.

8.2.12. Exercise the power to bring civil actions, with the approval of the Board of Selectmen, described in 25 M.R.S.A §2361, as it may be amended from time to time.

8.2.13. Issue fire permits as the Fire Warden in accordance with Maine Department of Conservation rules and regulations.

8.2.14. Exercise any other powers and duties described in this Ordinance and powers of fire chief, officers and fire wardens generally as described in Maine State, Maine EMS and/or federal laws and regulations.

8.3. Officers Duties: Qualifications and expectations of duties of Officers, other officials and members are described in the SOGs.

ARTICLE 9 - DEPARTMENT ASSETS AND FUNDS

9.1. Municipal Appropriation: All funds raised or appropriated for the Department at town meeting shall be treated as municipal funds under Title 30-A M.R.S.A. §5652 et seq., as amended.

9.2. Other Funding: All funds raised or donated to the Department in the Town of Limerick or the Limerick Municipal Volunteer Fire-Rescue Department's name, by Department personnel or any Auxiliary Association, which are held or deposited in an account bearing the Town's tax identification number for department equipment or other purposes, shall be treated as municipal funds pursuant to Title 30-A M.R.S.A. §5652 as amended. The Selectmen may authorize or approve expenditure of these funds in accordance with its Policy on Purchases regarding Donated Funds, as it may be amended from time to time. Funds raised or donated in the name of any association or auxiliary to the department and held in an account bearing a tax identification number other than that of the Town of Limerick are not subject to the requirements regarding municipal funds pursuant to the provisions of Title 30-A M.R.S.A. §5652 as amended.

9.3. Other Assets and Equipment: Other assets and equipment of the Department shall be considered property of the Town of Limerick.

9.4. Acceptance of Gifts: If any funds or other assets and equipment are given to the Town or Department as conditional gifts, then the Selectmen shall at the annual town meeting or a duly called special town meeting shall comply with all conditions of Title 30-A M.R.S.A. §5653 and §5654 as amended. All unconditional gifts of property shall be considered at the annual Town Meeting or a duly called Special Town Meeting in accordance with Title 30-A M.R.S.A. §5655, as amended.

ARTICLE 10 — PRIVILEGES AND IMMUNITIES

10.1. Members of the Limerick Municipal Volunteer Fire-Rescue Department shall be entitled to the privileges and immunities provided by the Maine Tort Claims Act, Title 14, M.R.S.A. §8101 et. seq.

ARTICLE 11- VALIDITY / SEVERABILITY / CONFLICT

11.1. The invalidity of any provision of this ordinance shall not invalidate any other part or provision of this ordinance. If any of the provisions of this Ordinance are inconsistent with the provisions of other Ordinances of the Town of Limerick, or any of the provisions of this Ordinance are inconsistent with the provisions of State or Federal law or regulation, the more stringent requirements shall be applicable and controlling. If any inconsistencies exist between the provisions of this Ordinance and the provisions of the SOGS, Rules and Regulations of Limerick Municipal Volunteer Fire-Rescue Department, the provisions of this Ordinance shall govern.

ARTICLE 12 – AMENDMENTS

12.1. This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

ARTICLE 13 — EFFECTIVE DATE

13.1 This ordinance shall take effect immediately by a majority vote of the legislative body.

TOWN OF LIMERICK

FLOODPLAIN MANAGEMENT ORDINANCE

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60.3 d Rev. 1/07
(ordinance prepared Dec-1, 2008 by SPO/dlt)

ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

The Town of Limerick has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A MRSA, Sections 3001-3007, 4352, 4401-4407, and Title 38 MRSA, Section 440.

The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the Town of Limerick having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a Flood Hazard Development Permit system and review procedure for development activities in the designated flood hazard areas of the Town of Limerick, Maine.

The areas of special flood hazard, Zones A1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Limerick, Maine, York County," dated August 1, 1984 with accompanying "Flood Insurance Rate Map" dated February 1, 1985 and "Flood Boundary and Floodway Map" dated February 1, 1985, which are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

The application for a Flood Hazard Development Permit shall be submitted to the Code Enforcement Officer and shall include:

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

[Items H-K.2 apply only to new construction and substantial improvements.]

- H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
 - 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones A1-30, from data contained in the "Flood Insurance Study - Town of Limerick, Maine," as described in Article I; or,
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
- J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

- K. The following certifications as required in Article VI by a registered professional engineer or architect:
1. a Floodproofing Certificate (FEMA Form 81-65, 01/03, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Article III.H.4.; Article VI.G.; and other applicable standards in Article VI;
 2. a Hydraulic Openings Certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article VI.L.2.a.;
 3. a certified statement that bridges will meet the standards of Article VI.M.;
 4. a certified statement that containment walls will meet the standards of Article VI.N.;
- L. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,
- M. A statement of construction plans describing in detail how each applicable development standard in Article VI will be met.

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$50 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 Code Enforcement Officer and/or Board of Appeals needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within 10 days after the town submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the municipality at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the Board of Appeals.

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;

- B. Utilize, in the review of all Flood Hazard Development Permit applications, the base flood and floodway data contained in the "Flood Insurance Study - Town of Limerick, Maine," as described in Article I;
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
- D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 - 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 - 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 - 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as

provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.

- G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
 - 1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - 2. use construction materials that are resistant to flood damage;
 - 3. use construction methods and practices that will minimize flood damage; and,
 - 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be

constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

F. **Residential** - New construction or substantial improvement of any residential structure located within:

1. Zones A1-30, shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.

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

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

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

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

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

I. Recreational Vehicles - Recreational Vehicles located within:

1. Zones A1-30 shall either:
 - a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
 - c. be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article VI.H.1.

J. Accessory Structures - Accessory Structures, as defined in Article XIII, located within Zones A1-30 shall be exempt from the elevation criteria required in Article VI.F. & G. above, if all other requirements of Article VI and all the following requirements are met. Accessory Structures shall:

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,

6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

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

- L. Enclosed Areas Below the Lowest Floor -** New construction or substantial improvement of any structure in Zones A1-30 that meets the development standards of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

1. Enclosed areas are not "basements" as defined in Article XIII;
 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
 3. The enclosed area shall not be used for human habitation; and,
 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- M. **Bridges** - New construction or substantial improvement of any bridge in Zones A1-30 shall be designed such that:
1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
 2. a registered professional engineer shall certify that:
 - a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
 - b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

- N. **Containment Walls** - New construction or substantial improvement of any containment wall located within:
1. Zones A1-30 shall:
 - a. have the containment wall elevated to at least one foot above the base flood elevation;
 - b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.
- O. **Wharves, Piers and Docks** - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A1-30, in and over water and seaward of the mean high tide if the following requirements are met:

1. wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
2. for commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

- A. For New Construction or Substantial Improvement of any elevated structure the applicant shall submit to the Code Enforcement Officer, an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer, or architect, for compliance with Article VI, paragraphs F, G, or H.
- B. The applicant shall submit written notification to the Code Enforcement Officer that the development is complete and complies with the provisions of this ordinance.
- C. Within 10 working days, the Code Enforcement Officer shall:
 1. review the Elevation Certificate and the applicant's written notification; and,

2. upon determination that the development conforms with the provisions of this ordinance, shall issue a Certificate of Compliance.

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

- A. All such proposals are consistent with the need to minimize flood damage.
- B. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- E. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a Special Flood Hazard Area, are to be constructed in accordance with Article VI of this ordinance. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.

ARTICLE IX - APPEALS AND VARIANCES

The Board of Appeals of the Town of Limerick may, upon written application of an aggrieved party, hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration or enforcement of the provisions of this Ordinance.

The Board of Appeals may grant a variance from the requirements of this Ordinance consistent with state law and the following criteria:

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

- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
 2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
 3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
 4. The person filing the appeal shall have the burden of proof.

5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
 6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals
1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.

2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.

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

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

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

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

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

Building - see **Structure**.

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

Code Enforcement Officer - A person certified under Title 30-A MRSA, Section 4451 (including exceptions in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

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

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones A1-30, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, post, piers, or "stilts;" and
- b. adequately anchored so as not to impair the structural integrity of the building during a flood of up to one foot above the magnitude of the base flood.

In the case of Zones A1-30, **Elevated Building** also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article VI.L..

Elevation Certificate - An official form (FEMA Form 81-31, 02/06, as amended) that:

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

Flood or Flooding - means:

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

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

Flood Insurance Rate Map (FIRM) - means an official map of a community, on which the Federal Insurance Administrator has

delineated both the special hazard areas and the risk premium zones applicable to the community.

Flood Insurance Study - see **Flood Elevation Study**.

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or 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.L. of this ordinance.

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

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

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

Minor Development - means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

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

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

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

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;
- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

- a. means the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, and
- b. when not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

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

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

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

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

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

- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- b. Any alteration of a Historic Structure, provided that the alteration will not preclude the structure's continued designation as a historic structure, and a variance is obtained from the community's Board of Appeals.

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

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

ARTICLE XIV - ABROGATION

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

60.3 d Rev. 1/07
Prepared by SPO/fpm/dlt

(Passed March 13, 2009)

GENERAL ASSISTANCE ORDINANCE APPENDICES A-D 2016-2017

The Municipality of Limerick adopts the MMA Model Ordinance GA Appendices (A-D) for the period of Oct. 1, 2016—September 30, 2017. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with Title 22 M.R.S.A. §4305(4).

Signed the 3rd (day) of October (month) 2016 (year)
by the municipal officers:

R DePage

(Print Name)

Joanne L. Andrews

(Print Name)

John Medici

(Print Name)

(Print Name)

(Print Name)

(Print Name)

R DePage

(Signature)

Joanne L. Andrews

(Signature)

J M

(Signature)

(Signature)

(Signature)

(Signature)

GENERAL ASSISTANCE

NOTICE

The Municipality of Limerick, Maine administers a General Assistance program for the support of the poor. Pursuant to Title 22 MRSA §4305, the municipal officers have adopted an ordinance establishing that program. A copy of this ordinance is available for public inspection at the Town Office and/or in the Selectmen's Office. Also available for inspection is a copy of the State's General Assistance Statutes, as copies of the State law are made available to the municipality by the Maine Department of Human Services.

Persons who wish to apply for General Assistance may do so at the Municipal Building, 55 Washington St., Limerick, ME.

Tuesday and Thursdays 10:00 a.m. - Noon.
Please call for an appointment: 793-2166 x 16

In an emergency, applicants may contact:

Joanne Andrews	793-2668
John Medici	400-7140
Roland LePage	793-2743

The municipality's General Assistance administrator must issue a written decision within 24 hours of receiving an application.

The Department of Human Services toll-free telephone number is 1-800-442-6003 if you have a question regarding the General Assistance Program.

This notice is posted pursuant to Title 22 MRSA §§4304-4305

Limerick Board of Selectmen

Joanne L. Andrews, John M. Medici
Roland C. LePage, Jr.,

March 2, 2012

Article 3. Shall an ordinance entitled ‘Establishment of the Limerick Planning Board’ be enacted?

1. Establishment. Pursuant to Art. VIII, Pt. 2, Sec. 1 of the Maine Constitution and 30-A M.R.S.A. 3001, the Town of Limerick hereby establishes a planning board. The board which has been acting as a planning board for the Town of Limerick is hereby reestablished as the legal planning board for the purposes of this ordinance. The actions which the board took prior to the adoption of this ordinance are hereby declared to be the acts of the legally constituted planning board of the Town of Limerick.
2. Appointment
 - A. Board member shall be elected by the Town at the annual Town Meeting and sworn by the clerk or other person authorized to administer oaths.
 - B. The board shall consist of five (5) members.
 - C. The term of each member shall be three (3) years.

3. When there is a permanent vacancy, the municipal officers shall within 60 days of its occurrence appoint a person to serve only until the next annual meeting. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a legal resident of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least seventy-five (75%) of all meetings the preceding twelve (12) month period. When a vacancy occurs, the chairperson of the board shall immediately so advise the municipal officers in writing. The board may recommend to the municipal officers that the attendance provision be waived for the cause, in which case no vacancy will then exist until the municipal officers disapprove the recommendation.
4. Organization and Rules.
 - A. The board shall elect a chairperson and vice chairperson from among its members. The board may either elect a secretary from among its members or the Board of Selectmen may hire a non-board member to serve as secretary.”
 - B. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members except the member who is being challenged.
 - C. The chairperson shall call at least one regular meeting of the board each month.
 - D. No meeting of the board shall be held without a quorum consisting of three (3) members authorized to vote.
 - E. The board shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.
5. Duties; Powers
 - A. The board shall perform such duties and exercise such powers as are provided by Limerick ordinance and the laws of the State of Maine.
 - B. The board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

Passed 153 Yes / 83 No

TOWN OF LIMERICK, MAINE

RECALL ORDINANCE

SECTION 1. Establishment

This ordinance is enacted pursuant to Title 30-A M.R.S.A. 2602 (6) amended Oct. 13,1993. A town may enact an ordinance for the recall and removal of elected municipal officials with the exception of school board members as noted in Title 30-A M.R.S.A §2602.

SECTION 2. Purpose and Authority

This ordinance provides the means and methods by which citizens of the Town of Limerick seek the removal from office, a Town of Limerick elected official. This ordinance is enacted pursuant to Title 30-A M.R.S.A., §2528, §2602, §3001, and §3002.

SECTION 3. Procedure

- a. Recall shall be initiated by petition
- b. The petition for recall must contain only signatures of the registered voters of the Town of Limerick, equal to ten percent (10%) of the number of votes cast in the last gubernatorial election.
- c. The petition shall be addressed to those members of the Board of Selectmen having no interest in the subject matter of the petition; if petitions for the recall of all Selectmen are submitted, then the petitions shall be addressed to the Town Clerk but the petitions shall, in all cases, be filed with the Town Clerk or Deputy Clerk.
- d. The petition shall state the name and office or offices of the municipal official whose removal is being sought and a general statement of the reasons why such removal is desired.
- e. If recall of more than one municipal official is being sought there shall be a separate petition for each municipal official whose removal is being sought.
- f. Each page of the petition shall provide a space for the voter's signature, address and printed name
- g. All petition pages thereof shall be filed as one document.

Section 4. Incumbent Duties Continued

The incumbent (unless he/she has submitted a written resignation to the selectmen) shall continue to perform the duties of the office until the results of the recall election are certified. If not recalled, the official shall continue in the office for the remainder of the unexpired term, subject to subsequent recall. If recalled, the official shall be deemed removed from the office upon certification of the election results.

SECTION 5. Clerk's Certification

Within ten (10) days of receipt of the petition, the Town Clerk shall certify the signatures contained on the petition and shall determine if the petition meets all of the qualifications as set forth in

Section 3 of this ordinance. Should the petition be found insufficient, the petition will be filed in the clerk's office and the voter who filed the petition will be notified.

SECTION 6. Calling the Recall Election

- a. If the petition is certified by the Town Clerk to be sufficient, he or she will submit the same with his or her certification to the Board of Selectmen at their next regular meeting and shall notify the official or officials whose removal is being sought of such action
- b. The Selectman upon receipt of the certified petition shall within ten (10) days time of receipt order an election by written ballot, pursuant to 30-A MRSA §2528, to be held not less than 30 nor more than 60 days thereafter, provided that a regular municipal election will not be held within 90 days of receipt of the certified petition. In this case the selectmen may, at their discretion, for the holding of the recall election on the date of the regular municipal election.
- c. In the event that the Town Selectman fail or refuse to order an election as herein provided, the Town Clerk shall call the election to be held not less than 30 days nor more than 60 days following the selectmen's failure or refusal to order the required election
- d. If, between the time of ordering the recall election and the 21st day before said election, the official whose recall is being sought requests a public hearing, the Selectmen shall promptly schedule such a hearing to occur not fewer than 7 days before the election, and shall provide adequate posting a least 7 days before said hearing.

SECTION 7. Ballots for Recall Election

Unless the official or officials whose removal is being sought have resigned within ten (10) days of receipt of the petition by the Board of Selectmen, the ballots shall be printed and shall ask the question, "SHALL (name of official) BE RECALLED FROM THE POSITION OF (name of office)?" and provide adjacent boxes for "Yes" or "No" responses.

SECTION 8. Result of Election

- a. In the event of an affirmative vote for removal, such vote shall take effect immediately upon the recording of the vote tabulation into the records.
- b. A tie vote will defeat the recall

SECTION 9. Vacancies to be filled

A vacancy resulting from removal from office under this ordinance shall be filled in accordance with Title 30-A M.R.S.A. §2602

SECTION 10. Limitations

- a. No petition for recall shall be filed against an official that has held office less than 4 months,

- b. If an official has been subjected to a recall election and not removed, no recall petition shall be filed against that official until at least six (6) months have passed since said recall election.

SECTION 11. Validity

It is the intention that each section of this ordinance shall be deemed independent of all other sections herein and that if any provision within this ordinance is declared invalid, all other sections shall remain valid and enforceable.

SECTION 12. Effective date

This ordinance shall be in full force and effect as soon as the town votes to enact it

**TOWN OF
LIMERICK, MAINE**

SHORELAND ZONING ORDINANCE

Adopted March 9, 2018



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017

DEPARTMENT ORDER

IN THE MATTER OF

TOWN OF LIMERICK) MANDATORY SHORELAND ZONING ACT
YORK COUNTY)
SHORELAND ZONING ORDINANCE)
ORDER #11-2018) APPROVAL

Pursuant to the provisions of 38 M.R.S. §§ 435-448, the *Mandatory Shoreland Zoning Act* ("Act"), and the Maine Department of Environmental Protection's *Guidelines for Municipal Shoreland Zoning Ordinances*, 06-096 C.M.R. ch. 1000 (amended January 26, 2015) ("Guidelines"), the Department of Environmental Protection has considered the request for approval of the Town of Limerick Shoreland Zoning Ordinance (Ordinance), as amended on March 9, 2018, and FINDS THE FOLLOWING FACTS:

1. The Act requires municipalities to establish zoning controls in areas within 250 feet of the normal high-water line of great ponds and rivers; within 250 feet of the upland edge of freshwater and coastal wetlands; and within 75 feet of the normal high-water line of streams. Such zoning standards must be consistent with or no less restrictive than those in the Guidelines. 38 M.R.S. §§435 & 438-A.
2. The Act specifies that before a locally adopted shoreland zoning ordinance, or amendment to that ordinance, is effective, it must be approved by the Commissioner of the Department of Environmental Protection ("Commissioner"). The Commissioner may approve, approve with conditions, or deny the ordinance or amendment. If denied, or approved with conditions, such action must be preceded by notice to the municipality. If the Commissioner fails to act within 45 days of receipt of the ordinance or amendment, then the ordinance or amendment is automatically approved. 38 M.R.S. § 438-A.
3. On January 5, 2010, the Department issued Order #105-09, conditionally approving the Town of Limerick Shoreland Zoning Ordinance, as amended on November 3, 2009. The Order addressed a deficiency related to the regulation of non-conforming lots. This Ordinance provision was determined to be less restrictive than the provisions of the Guidelines.
4. On March 21, 2018, the Town of Limerick submitted Ordinance amendments adopted on March 9, 2018. The amendments make extensive revisions throughout the Ordinance, including minor corrections and clarifications, as well as substantive changes in standards including, but not limited to: expansion of nonconforming structures, lot coverage, shoreline stabilization projects, hazard and storm damaged tree removal, revegetation requirements, and associated definitions. The submitted amendments purport to update the Ordinance to bring it into compliance with the Guidelines as amended on January 26, 2015. The amendments also satisfy the condition in Order 105-09.

TOWN OF LIMERICK)
 YORK COUNTY) MANDATORY SHORELAND ZONING ACT
 SHORELAND ZONING ORDINANCE)
 ORDER # 11-2018) APPROVAL

- 5. The Department's review of the submitted amendments determined that the amendments are consistent with the Act and the Guidelines, as amended on January 26, 2015.

BASED on the above Findings of Fact, the Commissioner makes the following CONCLUSIONS:

- 1. The Town of Limerick has adequately met the requirements of the Act, and the amendments are consistent with the Guidelines.
- 2. The amendments fully satisfy the condition in Department Order #105-09.

THEREFORE, the Commissioner APPROVES the ordinance, as amended on March 9, 2018.

All CONDITIONS of Department Order #105-09 are hereby REPEALED.

DONE AND DATED AT AUGUSTA, MAINE, THIS 15TH DAY OF MAY, 2018.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

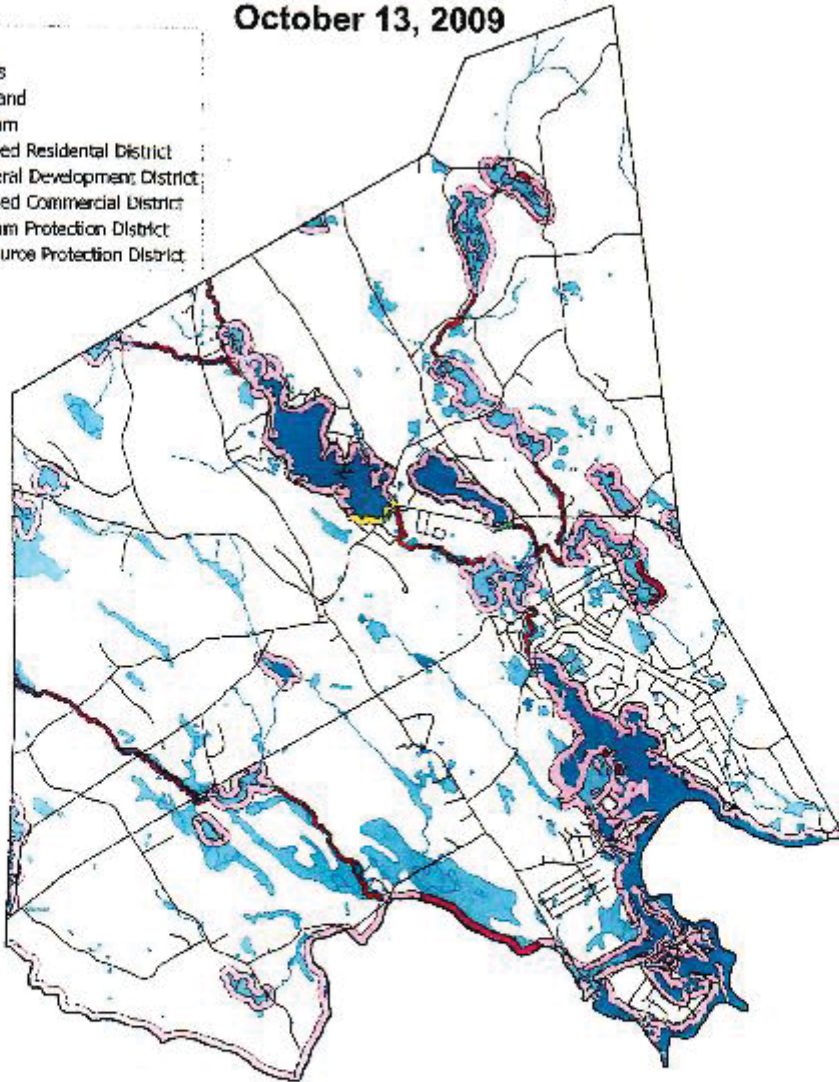
BY: *Paul Mercer*
 For: Paul Mercer, Commissioner



PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES.

**Town of Limerick
Shoreland Zoning Map
October 13, 2009**

- Legend**
- Lakes
 - Wetland
 - Stream
 - Limited Residential District
 - General Development District
 - Limited Commercial District
 - Stream Protection District
 - Resource Protection District



Approved: *Bridgette Lefay*
Town Clerk
7/2/10
Dan O'Connell

LIMERICK SHORELAND ZONING ORDINANCE

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LIMERICK SHORELAND ZONING ORDINANCE

Shoreland Zoning Ordinance for the Municipality of

LIMERICK, MAINE

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, 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, or
 - upland edge of a freshwater wetland,

and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

4. **Effective Date of Ordinance and Ordinance Amendments.** This Ordinance, which was adopted by the municipal legislative body on March 9, 2018, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, or Ordinance Amendment, if the Ordinance, or Ordinance Amendment, is approved by the Commissioner.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
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) Limited Commercial
 - (4) General Development I
 - (5) General Development II
 - (6) Stream Protection
- B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
- C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
- D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.
- Description of All Districts** taken from and according to the Town of Limerick Tax Maps prepared by John E. O'Donnell Associates of New Gloucester, Maine and dated April 1, 2008.

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A. 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 by the Maine Department of Inland Fisheries and Wildlife (MDIF&W).
- (2) Those areas depicted on the Town of Limerick Shoreland Zoning Map, adopted by the Maine Department of Environmental Protection and Town of Limerick as of October 4, 1993.

B. Limited Residential District

- (1) The area 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, exclusive of the Stream Protection District, except those areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development.
- (2) Those areas depicted on the Town of Limerick Shoreland Zoning Map, adopted by the Maine Department of Environmental Protection and Town of Limerick as of October 4, 1993.
 - (a) This district includes, but may not be limited to, the area within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Sokokis Lake, beginning at a point on the easterly side of Sokokis Lake at the southern property line of Map 23:Lot 25 extending northerly to Map 16, extending along the shore of Sokokis Lake to and along Map 17, to and along Map 10, ending at the northeasterly property line of Map 10:Lot 37. Also, an area beginning at a point on the westerly side of Sokokis Lake at the southeast corner of Map 23:Lot 9, extending northwesterly along the shore of Sokokis lake to and along Map 17, to and along Map 10, ending at the northerly property line of Map 10:Lot 60.
 - (b) This district includes, but may not be limited to, the area within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Pickerel Pond, with the exception of portion of Map 24:Lot 61E and Map 28:Lot 22. (See Limited Commercial and General Development regarding exceptions).

C. Limited Commercial District.

- (1) The area 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 and meeting the criteria in Paragraph 2 below.
- (2) Those areas depicted on the Town of Limerick Shoreland Zoning Map, adopted by the Maine Department of Environmental Protection and Town of Limerick as of October 4, 1993.
 - (a) This district includes, but may not be limited to, the area beginning at a point on the south westerly side of Sokokis Lake at the northeasterly corner of Map 23:lot 11 extending southerly along the shore of Lots 19, 12, 13, 14, 15, 16, 17, 18, 19c,

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bounded further by Carroll Lane and Washington street. Also, that area of Map 23: lLots 19b, 20, 21, 22a, 22, and 23, further bounded by the northerly side of Washington Street. Also, that area of Map 23: lLot 24 ending at the northwesterly property line at Sokokis Lake and further bounded by the westerly side of Emery Corner Road. Also, that area within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line at Map 23: lLots 48, 58, 59, and 60, also Map 24: lLots 104, 104a, and 105.

- (b) This district includes, but may not be limited to, the area on Map 24: Lot 61e, which is within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Pickerel Pond.

D. General Development District.

- (1) The area 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 and meeting the criteria in Paragraph 2 below.
- (2) Those areas depicted on the Town of Limerick Shoreland Zoning Map, adopted by the Maine Department of Environmental Protection and Town of Limerick as of October 4, 1993.
 - (a) This district includes, but may not be limited to, the area on Map 23: Lot 60, which is within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Sokokis Lake.
 - (b) This district includes, but may not be limited to, the area on Map 28: Lot 22, which is within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of Pickerel Pond.

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.

12. Non-conformance.

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

B. General

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

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- (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: Sokokis Lake and Pickerel Pond

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

- (a) Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
- (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1).
- i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.
- i. For structures located less than 65 feet, horizontal distance, from the normal high water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure that is within 65 feet, horizontal distance, of a water body, tributary stream or upland

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edge of a wetland may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

- (ii) In addition to the limitations in subparagraphs (i), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 65 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.
 - (d) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary and evidence of approval by the municipal review authority.
- (2) **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a 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 in Section 12(D)(3) Relocation, below.

D. Non-conforming Structures: All Other Water Bodies, Tributories & Streams

- (1) **Expansions.** All new principal and accessory structures, excluding functionally water-dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a) through (d) below.
 - (a) Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.

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- (b) Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(D)(1).
- i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.
- (c) All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(D)(1) or Section 12(D)(1)(a), above.
- i. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.
 - ii. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the footprint and height limits of Section 12(D)(1)(b)(i) and Section 12(D)(1)(c)(i) above.
 - (iii) In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(D)(1)(b)(i) and Section 12(D)(1)(c)(i), above.

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

2. **Foundations.** Whenever a new, enlarged, or replacement foundation is constructed under a 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 in Section 12(D)(3) Relocation, below

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

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

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(Q). 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.

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

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

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

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

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

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

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

F. 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 area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate 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.

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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 August 25, 1993, and recorded in the registry of deeds if the lot is served by a public sewer or can accommodate a subsurface sewage disposal system in conformance with the State of Maine Subsurface Wastewater Disposal Rules; and

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

13. Establishment of Districts

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

- (1) 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.
- (2) Areas of two or more contiguous acres with sustained slopes of 20% or greater.
- (3) Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
- (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

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

C. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District, which should not be developed as intensively as the General Development Districts. This district includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

D. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

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- (1) Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - (a) Areas devoted to manufacturing, fabricating or other industrial activities;
 - (b) Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - (c) Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.
- (2) Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

E. General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

Portions of the General Development District I or II may also include residential development. However, no area shall be designated as a General Development I or II District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA, and adjacent to rivers that flow to great ponds classified GPA.

F. Stream Protection District. The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or 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.

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

Key to Table 1:

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

No - Prohibited

PB - Allowed with permit issued by the Planning Board.

CEO - Allowed with permit issued by the Code Enforcement Officer

LPI - Allowed with permit issued by the Local Plumbing Inspector

Abbreviations:

RP - Resource Protection GD - General Development I and General Development II

LR - Limited Residential LC - Limited Commercial

SP - Stream Protection

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TABLE 1. LAND USES IN THE SHORELAND ZONE

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

¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.

²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.

³In RP not allowed in areas so designated because of wildlife value.

⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.

⁶See further restrictions in Section 15(L)(2).

⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.

⁸Except as provided in Section 15(H)(4).

⁹Single 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.

¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

¹²Permit not required but must file a written "notice of intent to construct" with CEO.

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 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.

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)		
(a) Residential per dwelling unit	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure	60,000	300
(c) Public and Private Recreational Facilities	40,000	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.		

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least sixty-five (65) feet, horizontal distance, on Sokokis Lake and Pickerel Pond and at least one hundred (100) feet horizontal distance, from the normal high-water line of other 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, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

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- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
- (c) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

NOTE: A tributary stream may be perennial or intermittent. Where a tributary stream is present within the shoreland zone, setback standards from that tributary stream are applicable.

- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
- (4) With the exception of General Development Districts located adjacent to coastal wetlands and rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone. This limitation does not apply to public boat launching facilities regardless of the district in which the facility is located

In a General Development District located adjacent to rivers that do not flow to great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone

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

- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(N)(2)(a), may traverse the buffer;

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- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

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

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

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

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Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

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

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

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

F. 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 in Districts other than the General Development I District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.

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- (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.

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

- (1) Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief 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, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

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

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.

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- (4) 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.
- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(R).
- (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (7) 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.
- (8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - (a) Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- (b) Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.
- (c) On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

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- (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.
 - (9) 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.
- H. Signs.** The following provisions shall govern the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:
- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. In the Limited Commercial District, however, such signs shall not exceed sixteen (16) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.
 - (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
 - (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
 - (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
 - (5) Signs relating to public safety shall be allowed without restriction.
 - (6) No sign shall extend higher than twenty (20) feet above the ground.
 - (7) Signs may be illuminated only by shielded, non-flashing lights.

I. 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.

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

and less than 5 acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.

J. Septic Waste Disposal

- (1) All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the shoreland zone.

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

K. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (3) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

L. Mineral Exploration and Extraction. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Code Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(3) below.
- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water

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body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.

- (3) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

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

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

M. Agriculture

- (1) All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- (2) Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- (3) Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

- (4) There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.
- (5) Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, of other water bodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

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

- (1) In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees as described in Section O.

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

- (2) Except in areas as described in Section N(1), above, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - (a) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline, provided that a cleared line of sight to the water through the buffer strip is not created.
 - (b) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(N)(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.

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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 15N(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(N) 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, dead or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species in accordance with Section O, below, unless existing new tree growth is present.
 - (f) In order to maintain the vegetation in the shoreline buffer, clearing or removal of vegetation for allowed activities, including associated construction and related equipment operation, within or outside the shoreline buffer, must comply with the requirements of Section 15.(N)(2).
- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development Districts.

- (4) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- (5) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(N).

O. Hazard Trees, Storm-Damaged Trees and Dead Tree Removal

- (1) Hazard trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met:
 - (a) Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no

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less than two (2) inches in diameter. Stumps may not be removed.

- (b) Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level.
 - (c) The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision dead trees are those trees that contain no foliage during the growing season
 - (d) The Code Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone
 - (e) The Code Enforcement Officer may require more than a one-for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4.5) feet above the ground level
- (2) Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Code Enforcement Officer if the following requirements are met
- (a) Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met
 - (i) The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 - (ii) Stumps from the storm-damaged trees may not be removed;
 - (iii) Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and
 - (iv) If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy
 - (b) Outside of the shoreline buffer, if the removal of storm damaged trees exceeds 40%

of the volume of trees four (4) inches or more in diameter, measured at four and one half (4.5) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding 25% of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

P. Exemptions to Clearing and Vegetation Removal Requirements

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

- (1) The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(N) apply;
- (2) The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;
- (3) The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- (4) The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(M) are complied with;
- (5) The removal of vegetation associated with brownfields or voluntary response action program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a general development district, commercial fisheries and maritime activities district or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:
 - (a) A coastal wetland; or
 - (b) A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.
- (6) The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - (a) If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

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- (b) Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - (c) If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.
- (7) The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

Q. Revegetation Requirements

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

- (1) The property owner must submit a revegetation plan, prepared with and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.
- (2) Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed:
- (3) If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.
- (4) Revegetation activities must meet the following requirements for trees and saplings:
 - (a) All trees and saplings removed must be replaced with native noninvasive species;
 - (b) Replacement vegetation must at a minimum consist of saplings;
 - (c) If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - (d) No one species shall make up 50% or more of the number of trees and saplings planted;
 - (e) If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then

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trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

- (f) A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- (5) Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
- (a) All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;
 - (b) Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (c) If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - (d) No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - (e) Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years
- (6) Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- (a) All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;
 - (b) Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and
 - (c) Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

R. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (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.

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- (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.
- S. 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.
- T. 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.

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

16. Administration

A. Administering Bodies and Agents

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

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

- (1) A permit is not required for the replacement of an existing road culvert as long as:
 - (a) The replacement culvert is not more than 25% longer than the culvert being replaced;
 - (b) The replacement culvert is not longer than 75 feet; and
 - (c) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- (2) A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.
- (3) Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.

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- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.
- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
- (5) When an excavation contractor will perform an activity that requires or results in more than one (1) cubic yard of soil disturbance, the person responsible for management of erosion and sedimentation control practices at the site must be certified in erosion control practices by the Maine Department of Environmental Protection. This person must be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion. The name and certification number of the person who will oversee the activity causing or resulting in soil disturbance shall be included on the permit application. This requirement does not apply to a person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and municipal, state and federal employees engaged in projects associated with that employment.

D. Procedure for Administering Permits. Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

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

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

- (1) Will maintain safe and healthful conditions;

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- (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 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 statute administered by the municipality.

E. Special Exceptions. In addition to the criteria specified in Section 16(D) above, excepting structure setback requirements, the Code Enforcement Officer may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; 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.

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- (4) The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (5) All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream or upland edge of a wetland to the greatest practical extent, but not less than 75 feet, horizontal distance. In determining the greatest practical extent, the Code Enforcement Officer shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit. Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one year of the issuance of the permit, the applicant shall have one additional year to complete the project, at which time the permit shall expire.

G. Installation of Public 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 administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.

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

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

(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.

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- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals, or the Code Enforcement Officer if authorized in accordance with 30-A MRSA Section 4353-A, may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure. Any permit issued pursuant to this subsection is subject to Sections 16(H)(2)(f) and 16(H)(4)(b)(iv) below.
- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to 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.
- (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 reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings are inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

(4) Appeal Procedure

(a) Making an Appeal

- (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, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
- (ii) Applications for appeals 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 the appeal or variance 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 receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (ii) The person filing the appeal shall have the burden of proof.
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (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.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

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,

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removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

- (b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.
 - (c) The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.
- (3) **Legal Actions.** When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.
- (4) **Fines.** Any person, including but not limited to a landowner, a landowner's agent or a contractor, who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. section 4452.

NOTE: Current penalties include fines of not less than \$100 nor more than \$2500 per violation for each day that the violation continues. However, in a resource protection district the maximum penalty is increased to \$5000 (38 M.R.S.A. section 4452).

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 or animals, including but not limited to: forages and sod crops, grains and seed crops; dairy animals and dairy products;

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poultry and poultry products, livestock, fruits and vegetables; and ornamental green-house products. Agriculture does not include forest management and timber harvesting activities.

Aquaculture - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Basal Area - the area of cross-section of a tree stem at 4 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.

Bureau of Forestry – State of Maine Department of Agriculture, Conservation and Forestry, Bureau of Forestry.

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

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

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

Development – a change in land use involving alteration of the land, water or vegetation, or the addition or alteration of structures or other construction not naturally occurring.

Dimensional requirements - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

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

Driveway - a vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

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

Essential services - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and

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

Excavation contractor- an individual or firm engaged in a business that causes the disturbance of soil, including grading, filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

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

Expansion of use - the addition of one or more months to a use's operating season; or the use of more footprint of a structure 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.

Footprint - the entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forested wetland - a freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frostwalls, or other base consisting of concrete, block, brick or similar material.

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

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

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

Functionally water-dependent uses - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, 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, finfish and shellfish processing, fish-related storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, 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. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

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

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

Hazard tree - a tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height of a structure - the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances 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,

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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.

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.

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

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

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

Non-native invasive species of vegetation - species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

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

Outlet stream - any perennial or intermittent stream, as shown on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map, that flows from a freshwater wetland.

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

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

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

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

Recent 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

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Suncook Sunday Winooski

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

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

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

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

River - a free-flowing body of water including its associated 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, excluding a driveway as defined.

Sapling - a tree species that is less than two (2) inches in diameter at four and one half (4.5) feet above ground level.

Seedling - a young tree species that is less than four and one half (4.5) feet in height above ground level.

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

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles 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

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- 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 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, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

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

Storm-damaged tree - a tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - a free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent highest resolution version of the national hydrography dataset available from the United States Geological Survey on the website of the United States Geological Survey or the national map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets a shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structure - anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons, animals, goods or property of any kind, or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface waste water disposal systems as defined in Title 30-A, section 4201, subsection 5; geothermal heat exchange wells as defined in Title 32, section 4700-E, subsection 3-C; or wells or water wells as defined in Title 32, section 4700-E, subsection 8.

Substantial start - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

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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. “Timber harvesting” does not include the cutting or removal of vegetation within the shoreland zone when associated with any other land use activities. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

Tree - a woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4.5) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary stream – 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) feet) 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.

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Wetland - a freshwater wetland.

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

TOWN OF LIMERICK
SUBDIVISION ORDINANCE

REVISED

APRIL 2010

TOWN CLERK FILE

ARTICLE 1 Purpose

- 1.1 The purpose of these standards shall be to assure the comfort, convenience, safety, health and welfare of the people, to protect the environment and to promote the development of an economically sound and stable Town of Limerick, Maine.**

ARTICLE 2 Authority and Administration

2.1 Authority

- 2.1.1 These standards have been prepared in accordance with the provisions of Title 30 M.R.S.A., Chapter 454, Section 4956.**
- 2.1.2 These standards shall be known and may be cited as “Subdivision Standards of the Planning Board of the Town of Limerick, Maine.”**
- 2.1.3 The invalidity of any portion of these standards shall not invalidate any other part.**

2.2 Administration

- 2.2.1 The Planning Board of the Town of Limerick, Maine, hereinafter called the Board, shall administer these standards.**
- 2.2.2 The provisions of these standards shall pertain to all the land proposed for subdivision as herein defined to all the land proposed for subdivision as herein defined within the boundaries of the Town of Limerick, Maine.**
- 2.2.3 These standards shall take effect on adoption of the same by the Planning Board and legislative body.**

ARTICLE 3 Definitions

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

Comprehensive Plan or Policy Statement:

Any part or element of the over-all plan or policy for development of the Town as defined in Title 30 M.R.S.A. Chapter 239, Section 4961.

Construction Drawings:

Means drawings showing the location, profile, grades, size and type of drains, sewers, water mains, underground fire alarm ducts, underground power ducts and underground telephone ducts, pavements, cross section of streets, miscellaneous structures, etc.

Contiguous Lot:

For the purpose of these regulations, a lot shall be considered to be contiguous if either or both of the following conditions exist:

The lots adjoin, or are coterminous at any point or line.

Easement:

The authorization of a property owner for the use by another, and for a specified purpose, of any designated part of his property.

Engineer:

Professional Engineer licensed by the State of Maine.

Final Subdivision Plan:

The final drawings on which the sub-divider's plan of subdivision is presented to the Planning Board for approval and which, if approved, shall be filed for record with the Municipal Clerk and County Registry of Deeds.

High Water Elevation Line, Normal:

Along lakes and ponds, the elevation at which continuous, contiguous vegetation changes from predominantly aquatic to predominantly terrestrial, and along rivers and streams, the highest elevation on the bank of a channel at which the water has left a definite mark.

High Intensity Soil Survey:

A high-intensity soil survey shall meet the standards of the National Co-operative Soil Survey which contrasts soils down to 1/10 acre or less, at a scale greater than 1" = 1320'. It shall be performed by a soil scientist registered in the State of Maine. The mapping units shall be the soil series. Single test pits and their analyses shall not be considered to constitute high intensity soil surveys.

100 Year Frequency Flood:

The highest level of flood that, on the average, is likely to occur once every 100 years (i.e. that has a one percent chance of occurring each year). For the purpose of this regulations, land designated as Flood Hazard Areas on the Flood Hazard Boundary Maps of the Federal Insurance Administration, shall be considered to be within the 100 year frequency flood plain until proven otherwise by the applicant.

Legislative Body:

Town Meeting.

Official Map:

The Official Zoning Map and Shoreland Zoning Map of the Town of Limerick, Maine.

Official Submittal Date:

The time of submission of a Pre-application Plan, Final Plan for Minor Subdivision, Preliminary Plan for Major Subdivision or Final Plan for Major Subdivision shall be considered to be the date written acknowledgement by the Planning Board of the receipt of a completed application.

Pursuant to 30 M.R.S.A. Section 4956, Subsection 2, Paragraph G1, the Planning Board upon receipt of an application shall issue a written dated receipt. Within 30 days of this dated receipt, the Planning Board shall notify the applicant in writing either that the application is a complete application or, if it is incomplete, the specific additional material needed to make a complete application.

After it has been determined that a complete application has been filed, the Planning Board shall notify the applicant (which shall constitute the official submittal).

Person:

Includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Preliminary Subdivision Plan:

The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.

Re-subdivision:

The division of an existing subdivision or any change of lot size therein or the relocation of any street or lot in a subdivision.

Soil Scientist:

A soil scientist, soil engineer or soil geologist registered by the State of Maine.

Street:

The word “street” means and includes such public or private ways as alleys, avenues, boulevards, highways, roads, streets and other right-of-way. The term “street” shall also apply to areas on subdivision plans designated as “streets”, etc.

Subdivision, Major:

Any subdivision containing more than four (4) lots, or any subdivision requiring any new public street extension, or the extension of municipal facilities.

Subdivision, Minor:

A subdivision containing not more than four (4) lots.

Tract or Parcel of Land:

For the purposes of this ordinance, a tract or parcel of land is defined as all contiguous land in the same ownership, whether or not the tract is separated at any point by: An intermittent or non-navigable stream, tidal waters where there is no flow at low tide, a public road or a private road established by the abutting land owner (s).

ARTICLE 4 Administrative Procedure

4.1 AGENDA

- 4.1.1 Applicants shall request to be placed on the Planning Board’s agenda at least 10 days in advance of a regularly scheduled meeting.**
- 4.1.2 Applicants who attend a meeting but who are not on the Planning Board’s agenda may be heard but only after all agenda items have been completed and then only if a majority of the Board so votes.**

ARTICLE 5 Pre-application

5.1 Procedure

- 5.1.1 The sub divider shall arrange for a joint inspection of the site with the Planning Board.**
- 5.1.2 Prior to the preapplication inspection, the subdivider shall submit for informal discussion a Sketch Plan* and other data relative to the proposed subdivision which may be of assistance to the Planning Board in making its determinations.**
- 5.1.3 After such preliminary inspection, the Planning Board shall within 30 days inform the subdivider in writing of the contour interval which will be required for his subdivision plans; and will classify the Sketch Plan into one of two categories as defined herein:**

Minor Subdivision

Major Subdivision

- 5.1.4 If classified as a Minor Subdivision the subdivider shall then comply with the procedure outlined in Article 6 of these standards. If classified as a Major Subdivision the subdivider shall comply with procedures outlined in Article 7 and Article 8 of these standards.**
- 5.1.5 The Planning Board shall determine whether the Sketch Plan complies with these standards and shall, where it deems necessary, make specific suggestions in writing to be incorporated by the applicant in his subsequent submissions.**

5.2 Submissions

- 5.2.1 The Sketch Plan shall show, in simple sketch form on a topographic map the proposed layout of streets, lots, and other features in relation to existing conditions.**

5.2.2 The Sketch Plan shall include data on existing covenants, high-intensity soil survey and soil interpretation log sheets, available community facilities and utilities, information describing the subdivision proposal such as number of residential lots, typical lot width and depth, business areas, playgrounds, park areas, other public areas, proposed utilities and street improvements.

***(See Appendix VI and VII for sample Sketch Plan and Survey Map)**

ARTICLE 6 Review and Approval of Minor Subdivision

6.1 Procedure

6.1.1 Within six months after classification of the Sketch Plan as a Minor Subdivision by the Planning Board, the subdivider shall submit an application for approval of a Final Plan. * Failure to do so shall require resubmission of the Sketch Plan. The Final Plan shall conform to the layout shown on the Sketch Plan plus any recommendations or changes agreed to by the Planning Board.

~~**6.1.2. All applications for Plan approval for Minor Subdivisions shall be accompanied by a fee of \$25 payable by check to the Town of Limerick, Maine, stating the specific purpose of the fee. If a public hearing is deemed necessary by the Board, an additional fee of \$15 shall be paid by the applicant to cover additional costs.**~~

March 11, 2005 Passed to replace Article 6.1.2 with the following reading:

6.1.2 As determined by the Limerick Planning Board, all fees and costs to the Town associated with the review of an application for a Minor Subdivision will be charged to the applicant.

6.1.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Final Plan.

6.1.4 The Planning Board shall within 30 days of a public hearing or within 60 days of receipt of a completed application, if no hearing is held, approve, modify and approve, or disapprove the Final Plan. The Board shall specify in writing its reasons for any such modification or disapproval.

6.2 Submissions

6.2.1 The final subdivision plan for a Minor Subdivision shall consist of one original and three copies of one or more maps or drawings drawn to a scale of not more than one hundred (100) feet to the inch, which shall be legibly reproduced on a durable material or clearly drawn in India ink on linen, and the size of the sheets shall be 8 ½ x 11 inches or a multiple thereof, but in no case larger than 24x36 inches. Such sheets shall have a margin of two(2) inches outside of the border lines on the left side for binding and a one (1) inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by all appropriate agencies. The application for approval of a Minor Subdivision shall include all the information presented on the Final Plan plus the following:

- 1) A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.**
- 2) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall be located on the ground and marked by monuments as herein required, and shall be referenced as shown on the Plan.**
 - (See Appendix x for sample Final Plan)**
- 3) When connection to the district system is possible, the developer shall install a complete sewerage collection system consistent with the specifications and pipe size requirements of the sewer district.**
- 4) All proposed on-site sewage disposal systems and / or water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local codes. Compliance shall be stated on the plan and signed by a licensed civil engineer.**
- 5) When connection to the district system is possible, the developer shall install a complete water system including mains, gates, valves, etc., consistent with the specifications and pipe size requirements of the water district.**
- 6) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the Planning Board that pertinent State and local code specifications will be met.**
- 7) Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located.**

8) The date, north point, both a written and graphic scale, name and address of record owner and subdivider, and names of adjoining property owners.

9) Street construction shall meet the requirements of these standards and be approved by the Selectmen.

ARTICLE 7 - Preliminary Plan for Major Subdivision

7.1 Procedure

7.1.1 Within six months after classification of the Sketch Plan as a Major Subdivision by the Planning Board, the subdivider shall submit an application for the consideration of a Preliminary Plan * for a Major Subdivision. Failure to do so shall require resubmission of the Sketch Plan. The Preliminary Plan shall conform to the layout shown on the Sketch Plan plus any recommendations or changes agreed to by the Planning Board.

~~**7.1.2 Fee Schedule**—The application for conditional approval of the Preliminary Plan shall be accompanied by a fee of \$50 payable by check to the Town of Limerick, Maine.~~

March 11, 2005 Passed to delete 7.1.2 and replace 7.1.2 to read as follows:

As determined by the Limerick Planning Board, all fees and costs to the Town associated with the review of an application for a Major Subdivision will be charged to the applicant.

7.1.3 The subdivider, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Preliminary Plan.

7.1.4 A public hearing may be held by the Planning Board in accordance with Title 30, S.R.S.A., Ch.454, Sec. 4956. All abutters shall be notified and if the subdivision is located within five hundred (500) feet of Limerick's border. The adjacent town's governing body shall also be notified.

7.1.5 When granting approval to a Preliminary Plan, the Planning Board shall state the conditions of such approval, the amount of all bonds therefore which it will require as prerequisite to the approval of the Final Subdivision Plan. The decision of the

Planning Board plus any conditions imposed shall be noted on three (3) copies of the Preliminary Plan. One copy shall be returned to the subdivider, one retained by the Planning Board and one forwarded to the Selectmen.

7.1.6 Approval of a Preliminary Plan shall not constitute approval of the Final Plan, but rather it shall be deemed an expression of approval of the design submitted on the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the Final Subdivision Plan, the Planning Board may require additional changes as a result of further study of the subdivision in final form or as a result of new information obtained at a public hearing.

*** (see Appendix ix for sample Preliminary Plan.)**

7.2 Submissions

7.2.1 Location Map*

The Preliminary Plan shall be accompanied by a Location Map drawn at a scale of not over four hundred (400) feet to the inch to show the relation of the proposed subdivision to the adjacent properties and to the general surrounding area. The Location Map shall show: 1. all the area within two thousand (2,000) feet of any smaller area between the tract and all surrounding existing streets, provided any part of such a street used as part of the perimeter for the Location Map is at least five hundred (500) feet from any boundary of the proposed subdivision.

7.2.2 Preliminary Plan

The Preliminary Subdivision Plan shall be submitted in four (4) copies of one or more maps or drawings which may be printed or reproduced on paper with all dimensions shown in feet or decimals of a foot, drawn to a scale of 1 inch equals not more than one hundred (100) feet, showing or accompanied by the following information:

- 1) Proposed subdivision name or identifying title and the name of the Municipality.**
- 2) Name and address of record owner, subdivider and designer of Preliminary Plan.**

- 3) Number of acres within the proposed subdivision location of property lines, existing easements, buildings, watercourses and other significant existing physical features.**
- 4) The names of all subdivisions immediately adjacent and the names of owners of record of adjacent acreage.**
- 5) The name or designation of the Zoning District applicable to the area to be subdivided and any zoning district boundaries affecting the subdivision.**
- 6) The location and size of any existing sewers and water mains, culverts and drains on the property to be subdivided.**
- 7) The width and location of any streets or other public ways or places shown upon the Official Map and the Comprehensive Plan, if any, within the area to be subdivided, and the width, location, grades, and street profiles of all streets or other public ways proposed by the subdivider.**
- 8) Contour lines at intervals of not more than five (5) feet or at such intervals as the Planning Board may require, based on United States Geological Survey datum of existing grades where change of existing ground elevation will be five (5) feet or more. (See Appendix viii for sample Location Map)**
- 9) A soils report and high intensity soils survey prepared and signed by a soils scientist registered in the State of Maine identifying the soils names and soils boundaries in the proposed development.**
- 10) Typical cross-sections of the proposed grading for roadways and sidewalks. All streets shall conform to the Town of Limerick Street Standards.**
- 11) Date, true north point and both a written and graphic scale.**
- 12) Deed description and map of survey of tract boundary made and certified by a registered land surveyor, tied into established reference points.**
- 13) When connection to the district system is possible the developer shall install a complete water system, including mains, gates, valves, etc.,**

consistent with the specifications and pipe size requirements of the water district.

- 14) If an on-site water supply is proposed, the developer must submit materials which will reasonably satisfy the Planning Board that pertinent State and local code specifications will be met.
- 15) When connection to the district system is possible, the developer shall install a complete sewerage collection system consistent with the specifications and pipe size requirements of the sewer district.
- 16) All proposed on-site sewage disposal system and/or water supply facilities shall be designed to meet the minimum specifications of these standards and all pertinent State and local codes. Compliance shall be stated on the plan and signed by a licensed civil engineer.
- 17) Provisions for collecting and discharging storm drainage, in the form of a drainage plan.
- 18) Preliminary designs of any bridges or culverts which may be required.
- 19) The proposed lot lines with approximate dimensions and suggested locations of buildings.
- 20) The location of temporary markers adequate to enable the Board to locate readily and appraise the basic layout in the field.
- 21) All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
- 22) The location of all natural features or site elements to be preserved.
- 23) A soil erosion and sediment control plan containing the endorsement of the County Soil and Water Conservation District or the Maine Soil and Water Conservation Commission.

Article 8 Final Plan For Major Subdivision

8.1 Procedure

March 11, 2005 Passed to delete the last sentence of 8.1.1.

8.1.1 The subdivider shall, within six months after the preliminary approval of the Preliminary Plan, file with the Planning Board an application for approval of the Final Subdivision Plan* in the form described herein. If the Final Plan is not submitted to the Planning Board within six months after approval of the Preliminary Plan, the Planning Board may refuse without prejudice to act on the Final Plan and require resubmission of the Preliminary Plan. ~~All applications for Final Plain approval for Major Subdivisions shall be accompanied by a fee of \$25 payable by check to the Town of Limerick, Maine.~~

8.1.2 If the proposed subdivision in any way fails within the jurisdiction of and is subject to review by the State of Maine Department of Environmental Protection, the approval of the State of Maine, Department of Environmental Protection shall be secured in writing before official submission of the Final Plan.

8.1.3 Water supply system proposals contained in the Subdivision Plan shall be approved in writing by:

- 1) The Limerick Water District if existing public water service is to be used, or**
- 2) The State of Maine, Department of Human Services if the subdivider proposes to provide a central water supply system, or**
- 3) A civil engineer registered in the State of Maine if individual wells serving each building site area are to be used. The Board may also require the subdivider to submit the results of water quality tests as performed by the Department of Human Services.**
- 4) Such approval shall be secured before official submission of the Final Plan.**

8.1.4 Sewage disposal system proposals contained in the Subdivision Plan shall be properly endorsed and approved in writing by:

- 1) The servicing Sanitary Sewer District if existing public disposal systems are to be used, or**
- 2) The State of Maine, Department of Human Services, if a separate central sewage collection and treatment system is to be utilized, or if individual septic tanks are to be installed by the developer, or (see Appendix X for sample Final Plan)**

3) The Maine Department of Environmental Protection if the municipal system to be utilized is inadequate by State standards and the waste generated is of a “significant” nature, or if the waste is to be discharged, treated or untreated, into any body of water.

4) Such approval shall be secured before official submission of the Final Plan.

8.1.5 In accordance with Title 30, M.R.S.A. –Ch. 454- Section 4956, a public hearing may be held by the Planning Board.

8.1.6 Before the Planning Board grants approval of the Final Plan, the subdivider shall, in an amount set by the Planning Board, either file with the Town Clerk a certified check to cover the full cost of the required improvements, or the subdivider shall file with the Town Clerk a performance bond to cover the full cost of required improvements. Any such bond shall be satisfactory to the Selectmen and Town attorney as to form, sufficiency, manner of execution and surety. A period of one year (or such other period as the Planning Board may determine appropriate, not to exceed three years) shall set forth in the bind time within which required improvements must be completed. The certified check or bond shall include an amount required for recreation land or improvements as specified. The applicant shall present, as part of his completed application, a copy of the receipt from the Town Clerk. Provisions for phasing road construction and subdivision development are contained in Paragraph 11.9.2.

8.1.7 The Planning Board shall, within thirty (30) days from the public hearing or within 60 days of receiving a completed application, if no hearing is held, approve, modify and approve or disapprove the Final Plan. The reasons for any modification required or the grounds for disapproval shall be stated upon the records of the Planning Board.

8.2 Inspection of Required Improvements

8.2.1 At least five (5) days prior to commencing construction of required improvements the subdivider shall notify the Building Inspector in writing of the time when he proposes to commence construction of such improvements so that the Selectmen 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 the satisfactory completion of improvements and utilities required by the Planning Board.

8.2.2 If the Building Inspector shall find, upon inspection of the improvements performed before expiration date of the performance bond, that any required improvements have not been constructed in accordance with plans and specifications filed by the subdivider, he shall so report to the Selectmen and the Planning Board. The Selectmen shall then notify the subdivider and if necessary, the bonding company, and take all necessary steps to preserve the municipality's rights under the bond. No plan shall be approved by the Planning Board as long as the subdivider is in default on a previously approved plan.

8.2.3 If at any time before or during the construction of the required improvements it is demonstrated to the satisfaction of the Building Inspector that foreseen conditions make it necessary or preferable to modify the location or design of such required improvements, the Building Inspector may, upon approval of the Planning Board, authorize modifications provided these modifications are within the spirit and intent of the Planning Board 's approval and do not extend to the waiver or substantial alteration of the function of any improvements required by the Board. The Building Inspector shall issue any authorization under this section in writing and shall transmit a copy of such authorization to the Planning Board at its next regular meeting.

8.2.4 The applicant shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of said improvements by the legislative body.

8.3 Submissions

8.3.1 The Final Plan shall consist of four copies of one or more maps or drawings which shall be printed or reproduced in the same manner as the Preliminary Plan. Space shall be reserved thereon for endorsement by all appropriate agencies. The Final Plan shall show:

- 1) All information presented on the Preliminary Plan and Location Map and any amendments thereto suggested or required by the Board.**
- 2) The name, registration number and seal of the land surveyor, architect, engineer or planning consultant who prepared the plan.**
- 3) Lots and blocks within the subdivision numbered in accordance with local practice.**
- 4) Permanent reference monuments shown thus: "X." They shall be**

constructed in accordance with specifications herein and their location noted and referenced upon the Final Plan.

8.3.2 There shall be submitted to the Planning Board with the Final Plan:

- 1) Written offers of cession to the Town of all public open space shown on the Plan, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the subdivider, are to be maintained.
- 2) Written evidence that the Selectmen are satisfied with the legal sufficiency of the documents referred to in Paragraph 8.3.2.1, above. Such written evidence shall not constitute an acceptance by the Town of any public open space referred to in Paragraph 8.3.2.1), above.
- 3) A performance bond to secure completion of all improvements required by the Board and written evidence that the Selectmen are satisfied with the sufficiency of such bond.
- 4) Copy of the receipt for fee paid to the Town Clerk for Final Plan.

8.4 Final Approval and Filing

8.4.1 Upon completion of the requirements in Articles 7&8 above and notation to that effect upon the Plan, it shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board and shall be filed by the applicant with the Selectmen. The Plan shall then be filed with the York County Registry of Deeds. Any Subdivision Plan not so filed or recorded within ninety (90) days of the date upon which such Plan is approved and signed by the Planning Board as herein provided shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two additional periods of ninety (90) days.

8.4.2 At the time the Planning Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. The applicant may file a section of the approved Plan with the Selectmen and Registry of Deeds if said section constitutes at least 10% of the total number of lots contained in the approved Plan. In these circumstances, Plan approval of the remaining sections of the Plan shall remain in effect for three years or a period of time mutually agreed to by the Selectmen, Planning Board and the subdivider.

8.5 Plan Revisions after Approval

8.5.1 No changes, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, unless the Plan is first re-submitted and the Planning Board approves any modifications. In the event that a Final Plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the Town records and the Registry of Deeds.

8.6 Public Acceptance of Streets

8.6.1 The approval by the Planning Board of a Subdivision Plan shall not be deemed to constitute or be evidence of any acceptance by the Municipality of any street, or easement, shown on such Plan.

ARTICLE 9 Enforcement

See Title 30, M.R.S.A., Section 4956, Paragraph 4. (Reproduced in the Appendix to these Standards, pages I-iv.)

ARTICLE 10 General Requirements

10.1 In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the person proposing the subdivision.

10.2 Subdivision Plan shall conform to Comprehensive Plan

10.2.1 Any proposed subdivision shall be in conformity with a Comprehensive Plan and policy statement of the municipality and with the provisions of all pertinent state and local codes and ordinances.

10.3 Relationship of Subdivision to Community Service

10.3.1 Any proposed subdivision may be reviewed by the Board with respect to its effect upon existing services and facilities. The Final Plan shall include a list of the construction items that will include a list of the

construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not limited to:

Schools, including busing
Road maintenance and snow removal
Police and Fire Protection
Solid Waste Disposal
Recreation facilities
Runoff water disposal drainage ways and/or
Storm sewer enlargement with sediment traps

10.3.2 The Board may further require the developer of a Major Subdivision to provide accurate cost estimates to the town for the above services, and the expected tax revenue of the subdivision.

10.4 Retention of Proposed Public Sites and Open Spaces

10.4.1 Depending on the size and location of the subdivision the Board may require the developer to provide up to 10% of his total area for recreation. It is desirable that areas reserved for recreation be easily accessible from all lots within the subdivision.

10.4.2 Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended.

10.5 Preservation of Natural and Historic Features

10.5.1 The Board may require that a proposed subdivision design include landscape plan that will show the preservation of some existing trees, the replacement of trees and vegetation, graded contours, streams and preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.

10.6 Land Not Suitable for Development

10.6.1 The Board shall not approve such portions of any proposed subdivision that:

1) Are located within the 100-year frequency flood plain as identified by an authorized Federal State agency, or when such identification is not available, are located on flood plain soils identified and described in the National Cooperative Standard Soil Survey, unless the applicant shows proof through the submittal of materials prepared by a Registered Land Surveyor which show that the property in question lies at least two (2) feet above the 100 year frequency flood. (Elevation not to include filled or made land), or if the applicant presents materials which insure:

2) i. That proposed developments are consistent with the need to minimize flood damage.

ii. that all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage.

iii. that adequate drainage is provided so as to reduce exposure to flood hazards.

iv. that new or replacement water supply systems and / or Sanitary Sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood water, and require that on-site waste disposal systems be located so as to avoid impairment of them or contamination from them during flooding.

v. that construction within the 100 year flood plain conforms to the Town Ordinance for Building Permit selection Procedure for Flood Hazard Areas.

3) Are located on land which must be filled or drained or on land created by diverting a watercourse; except the Board may grant approval if a central sewage collection and treatment system is provided. In no instance shall the Board approve any part of a subdivision located on filled or drained Great Ponds (natural body of water 10 acres or more in size).

4) For the purpose of Section 10.6.1.3), the boundary of a body of water shall be defined as the one hundred (100) year flood plain line of that body of water as defined by the U.S. Army Corps of Engineers.

5) For the purpose of Section 10.6.1.4), a body of water shall be defined to include, but shall not be limited to, marshes, brooks, streams, estuaries, rivers, ponds, lakes. Questions as to whether or not an area constitutes a body of water shall be determined by the Planning Board.

10.7 Blocks

10.7.1 The length, width and shape of blocks shall be determined with due regard to:

- 1) Zoning requirements as to lot sizes and dimensions.**
- 2) Needs for convenient access, circulation, control and safety of street traffic.**

10.7.2 In blocks exceeding 800 feet in length, the Planning Board may require the reservation of a 20-foot wide easement through the block to provide for the crossing of underground utilities and pedestrian traffic where needed or desirable and may further specify, at its discretion, that a 4-foot wide path be included. The Planning Board shall require the subdivider to provide a mechanism for the proper maintenance of any such easement.

10.8 Lots

10.8.1 Land that is not suitable for construction as delineated in Section 10.6. or by reason of being wetlands as defined by the State or Federal law, shall not be included in the calculation of the lot area.

10.8.2 Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.

10.8.3 The subdividing of the land shall be such as to provide that all lots shall have a minimum frontage conforming to zoning requirements in effect at time of subdivision.

10.8.4 Double frontage lots and reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

10.8.5 Side-lot lines shall be substantially at right angles or radial to street lines.

10.8.6 Where a tract is subdivided into lots substantially larger than

the minimum size required in the Zoning District in which a subdivision is located, the Board may require that streets and lots be laid out so as to permit or prohibit future resubdivision in accordance with the requirements contained in these standards.

10.8.7 If a lot on one side of a stream, road, or other similar barrier fails to meet the minimum requirement lot size, it may not be combined with a lot on the other side of the stream, or road to meet the minimum lot size of these standards, or for the purposes of on-site disposal.

10.9 Easements of Natural Drainage Ways

10.9.1 Where a subdivision is traversed by a natural water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will assure that no flooding occurs and all storm water can be disposed of properly. Such easement or right-of-way shall be not less than 30 feet in width.

10.10 Utilities

10.10.1 The size, type and location of public utilities, such as street lights, electricity, telephone, gas lines, fire hydrants, etc., shall be approved by the Board and installed in accordance with local practice.

10.11 Required Improvements

10.11.1 Monuments, street signs, streets, sidewalks (when appropriate), water supply, sewage disposal and storm drainage, except where the Board may waive or vary such improvements in accordance with the provision of these standards.

10.11.2 Monuments

1) Permanent monuments shall be set at all corners and angle points of the subdivision boundaries; and at all street intersections and points of curvature.

2) Monuments shall be stone, granite, concrete, or metal pipe located in the ground at final grade level, and indicated on the Final Plan.

March 9, 1990 Passed: Shall the Following amendment be made to the “Limerick Zoning Ordinance”?

Section 10.12 Additional Standards for Certain Subsurface Waste Disposal Systems.

10.12.1 Whenever a subsurface waste disposal system is proposed to be located on a lot or a mobile home park lot, as defined by 30-M.R.S.A. section 4358, sub-(1) (B-1), with an area less than one and one-half acres, the subdivider shall present an analysis, prepared by a competent professional, showing that projected post development nitrate-nitrogen concentration, measured at the lot line, will not exceed 5.0 milligrams/liter.

10.12.2 In the case of mobile home park lots served by a common subsurface disposal system, the nitrate-nitrogen, projected concentrations shall not exceed 5.0 milligrams per liter measured at any wells within the mobile home park, at the mobile home park boundaries, or at a distance of 1000 feet from potential contamination points, whichever is a shorter distance.

Article 11 Street Design and Construction Standards

11.1 General Procedures and Requirements

11.1.1 Upon receipt of an application for subdivision approval which includes proposed streets, the Planning Board shall confirm, in writing, the classification of the proposed streets. In addition, the Planning Board shall notify the Selectmen and the Road Commissioner of said application and its classification, and shall request a review and comment of the proposed street plans.

11.2 Street Classification Definitions

11.2.1 Collector Street: A Collector Street shall be defined as a street servicing at least 15 units of residential development, or streets which serve as feeders to arterial streets, and collectors of traffic from minor streets.

11.2.2 Minor Street: A Minor Street shall be defined as a street servicing less than 15 units of residential development.

11.3 Street Design Standards

11.3.1 Proposed streets shall conform, as far as practical, to such Comprehensive Plan or policy statement as may have been adopted, in whole or in part, prior to the submission of the Preliminary Plan.

1) All streets in the subdivision shall be so designed that, in the opinion of the Board, they will provided safe vehicular travel while discouraging movement of through traffic.

2) The arrangement, character, extent, width, grade, and location of all streets shall be considered in their relation to existing or planned streets, to topographical conditions to public convenience and safety, and their appropriate relation to the proposed use of the land to be served by such street. Grades of streets shall conform as closely as possible to the original topography.

3) In the case of dead-end streets, where needed or desirable, the Board may require the reservation of a ten (10) foot easement in the line of the street to provide continuation of pedestrian traffic or utilities to the next street.

4) Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Town under conditions approved by the Planning Board.

5) Where a subdivision borders an existing narrow road (below standards set herein) or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the subdivider shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes." It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the Zoning Ordinance.

6) Subdivisions containing fifteen (15) lots or more shall have at least two street connections with existing public streets or streets shown on the Official Map as such exists, or streets on an approved Subdivision Plan for which a bond has been filed.

11.3.2

The following design standards apply according to street classifications:

<u>Description</u>	<u>Type of Street</u>	
	<u>Collector</u>	<u>Minor</u>
Minimum Right of way Width	50'	50'
Minimum Pavement Width	22'	20'
Sidewalk Width	4'	4'
Minimum Grade	0.5%	0.5%
Maximum Grade	6.0%	10%
Minimum Centerline Radius	200'	150'
Minimum Tangent Between Curves of Reverse Alignment	200'	200'
Roadway Crown	¼ " /ft.	¼" /ft.
Slope of Shoulder from Pavement	½" /ft.	½" /ft.
Slope of Sidewalk from Street	1/8" /ft.	1/8" /ft.
Minimum Angle of Street Intersections	60 degrees	60 deg.
Maximum Grade at Intersection (within 75' of Intersection)	3%	3%
Minimum Curb Radii at Intersection 90 degrees	20'	15'
Minimum Width of Shoulders (each side)	4'	4'
Minimum Sight Distance (in all directions)	200'	100'

11.3.3 The centerline of the roadway shall be the centerline of the right-of-way.

11.3.4 Dead-end Streets shall be constructed to provide a turn-around with the following requirements for radii. To the property line 65’; to the outer edge of pavement 50’, to the inner edge of pavement 30’.

11.3.5 Intersections, and Sight Distances

1) Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A distance of at least two hundred (200) feet shall be maintained between center lines of offset intersecting streets.

2) Street intersections and curves shall be so designed as to permit adequate visibility for both pedestrian and vehicular traffic. That portion of any corner lot which is necessary to allow 25 foot sight lines between intersecting streets shall be cleared of all growth (except isolated trees) and obstructions above the level two (2) feet higher than the center line of the street. If desired, ground shall be excavated to achieve visibility.

11.4 Street Construction Standards

11.4.1 Minimum thickness of materials after compaction:

<u>Street Materials</u>	<u>Minimum Requirements</u>	
	Collector	Minor
Aggregate Sub-base Course (Max. sized stone – 4”)	18”	18”
Crushed Aggregate Base Course	3”	3”
Hot Bituminous Pavement (after compaction)		
Total Thickness (after compaction)	2 ½ “	2 ½”

Liquid Asphalt: Two applications of asphalt applied at not less than 1 gallon per square yard each.

Hot Bituminous Pavement conforming to the standards set herein shall be used on all streets within town or village centers. Hot Bituminous Pavement also shall be used on heavily trafficked streets, through streets, and where deemed necessary by the Planning Board. Liquid Asphalt may be used in more rural areas where traffic volume is low and where through traffic is minimal. The final determination of the paving materials shall be made by the Planning Board.

11.4.2 Preparation

Tree stumps and other organic materials shall be removed to a depth of 2 feet below the sub-grade of the roadway. Rocks and boulders should also be removed to depth of 2 feet below the subgrade of the roadway. Soils which are designated as being Poor or Very Poor for road fill by the “Soil Suitability Guide for Land Use Planning in Maine,” as revised in February, 1975 shall be removed from the street site to a depth of two (2) feet below the subgrade and shall be replaced where necessary with soils listed by the Soil Suitability Guide as being good and fair for road fill.

Side slopes shall not be steeper than a slope of 3 feet horizontal to 1 foot vertical, graded fertilized and seeded with a conservation mix meeting the standards of York County Soil and Water Conservation District.

11.4.3 Pavement

Pavement Joints: 1. Where payment placed joins an existing pavement, the existing pavement shall be cut along a smooth line and to a neat, even, vertical joint, which joint shall be sealed with liquid tar. 2. Joints shall be overlapped not less than 6” with the application of successive layers.

11.5 Storm Drainage Design Standards

11.5.1 Adequate provision shall be made for disposal of all storm water collected in streets and areas tributary to the street system and underground water through ditches, culverts, underdrain and / or storm water drainage system.

All storm water systems shall be designed to meet the criteria of a twenty year storm based on rainfall data from the weather bureau records in Portland. Asphalt coated steel culverts and asphalt coated steel pipes or equivalent shall

be used where drainage is required.

11.5.2 Existing or future down stream drainage requirements shall be studied to determine the effect on proposed drainage . The applicant shall demonstrate that the storm drainage will not, in any way, overload existing or future storm drainage systems downstream from the proposed development.

11.6 Storm Drainage Construction Standards

11.6.1 All material utilized for storm drain construction shall be in conformity with State of Maine Specifications for Highways and Bridges, revision 1968, or latest revision thereof.

11.6.2 General Construction Requirements

- 1) Trenching shall be accomplished in accordance with all appropriate state and federal safety requirements.**
- 2) Manholes shall be provided at abrupt changes in alignment, and at all junctions. In straight runs, manholes shall be placed at a maximum of 400 feet intervals.**
- 3) Outlets shall be terminated in an endwall of concrete construction, or shall be rip-rapped, or other appropriate measures taken, to prevent erosion.**

11.7 Additional Improvements and Requirements

11.7.1 Cleanup: Following street construction, the developer or contractor shall conduct a through cleanup of stumps and other debris from the entire road or street right-of-way.

11.7.2 Street Name, Street Signs, and Street Lights: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bare phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Planning Board. Street name signs shall be furnished and installed by the developer. The type, size, and location shall be subject to the approval by the Planning Board. Street lighting shall be installed as required by the Planning Board. All such streets shall be

designated as private ways by the use of a sign in accordance with Paragraph 11.7.2.

11.8 Design and Construction Plans

11.8.1 Prior to the commencement of each major phase of construction, the Building Inspector shall be notified.

11.8.2 Upon completion of street construction and prior to a vote by the Selectmen to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered with the State of Maine shall be submitted to the Selectmen at the expense of the applicant, certifying that the proposed town way meets the design and construction requirements set forth herein.

11.9 Performance Bonds

11.9.1 At the time of the approval of the application, the applicant shall tender either a certified check payable to the Town or a performance bond payable to the Town issued by a surety company in the amount of 100 percent of the cost of street construction, which includes furnishing installing, connecting and completing all grading, paving, storm drainage and utilities specified in the application. The bond shall be for a period of one year or such other period as the Planning Board may determine to be appropriate.

11.9.2 The Planning Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision road which is covered by performance quarantines. When development is phased, road construction shall commence from the public way. Final approval of house lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to the first phase of development.

11.9.3 Prior to the release of such check or bond, the Planning Board shall determine to its satisfaction, in part by the written certification required

pursuant to Section 11.8.2, that the proposed street meets the design and construction requirements set forth herein.

Article 12 Release of Guaranty Check or Bond

12.1 Before a subdivider may be released from obligation required by his guarantee of performance, the Board shall require certification from the Municipal Engineer or appointed engineer, and whatever other agencies and department that may be involved, to the effect that all improvements have been satisfactorily completed in accordance with all applicable standards, State and Local Codes and Ordinances.

Article 13 Variances and Waivers

13.1 Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these standards or where there are special circumstances of a particular Plan, it may vary these standards so that substantial justice may be done and the public interest secure; provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map, the Comprehensive Plan, or the Zoning Ordinance, where such exist.

13.2 Where the Planning Board finds that, due to special circumstances of a particular Plan, the provision of certain required improvements is not requisite in the interest of public health, safety, and general welfare, or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

13.3 In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or modified.

ARTICLE 14 Appeals

14.1 An appeal from a decision of the Planning Board may be taken to a General Board of Appeals if one has been established by the municipality in accordance with Title 30, M.R.S.A. Chapter 213, Section 2411, or to the Superior Court.

**APPENDIX
STATE OF MAINE
M.R.S.A. TITLE 30, CH. 454, SEC. 4956 (L.D. 1800)**

**AN ACT Relating to Municipal Regulation of Land Subdivisions.
R.S.T. 30, Sec. 4956, repealed and replaced. Section 4956 of Title 30 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:**

Sec. 4956 Land Subdivisions

1. Defined. A subdivision is the division of a tract or parcel of land into 3 or more lots within any 5-year period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of an interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purposes of this section. In determining whether a tract or parcel of land is divided into 3 or more lots,

the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first 2 lots and the next dividing of either of said first 2 lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a 3rd lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single family residence for a period of at least 5-years prior to such 2nd dividing. Lots of 40 or more acres shall not be counted as lots. For the purposes of this section, a tract or parcel of land is defined as all contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof.

2. Municipal review and regulation.

A. Reviewing authority. All request for subdivision approval shall be reviewed by the municipal officers, hereinafter called the municipal reviewing authority.

B. Regulations. The municipal reviewing authority may, after a public hearing, adopt additional reasonable regulations governing subdivisions which shall control until amended, repealed or replaced by regulations adopted by the municipal legislative body. The municipal reviewing authority shall give at least 7 days' notice of such hearing.

C. Record. On all matters concerning subdivision review, the municipal reviewing authority shall maintain a permanent record of all its meetings, proceedings and correspondence.

C-1. Upon receiving an application, the municipal reviewing authority shall issue to the applicant a dated receipt. Within 30 days from receipt of an application, the municipal reviewing authority shall notify the applicant in writing either that the application is a complete application or, if the application is incomplete, the specific additional material needed to make a complete application. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.

D. Hearing Order. In the event that the municipal reviewing authority determine to hold a public hearing on an application for subdivision approval, it shall hold such hearing within 30 days of receipt by it of a completed application, and shall cause notice of the date, time and place of such hearing to be given to the person making the application and to be published in a newspaper of general circulation in the municipality in which the subdivision is proposed to be located, at least 2 times, the date of the first publication to be at least 7 days prior to the hearing.

The municipal reviewing authority shall, within 30 days of a public hearing or within 60 days of receiving a completed application, if no hearing is held, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or granting approval upon such terms and conditions as it may deem advisable to satisfy the criteria listed in subsection 3 and to satisfy any other regulations adopted by the reviewing authority, and to protect and to protect and preserve the public's health, safety and general welfare. In all instances the burden of proof shall be upon the persons proposing the subdivisions. In issuing its decision, the reviewing authority shall make findings of fact establishing that the proposed subdivision does or does not meet the foregoing criteria.

3. Guidelines. When promulgating any subdivision regulations and when reviewing any subdivision for approval, the planning board, agency or office, or the municipal officers, shall consider the following criteria and before granting approval shall determine that the proposed subdivision:

- A. Will not result in undue water or air pollution. In making this determination it shall at least consider: The elevation of 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; the availability of streams for disposal of effluents: and the applicable state and local health and water resources regulations.**
- B. Has sufficient water available for the reasonably foreseeable needs of the subdivision;**
- C. Will not cause an unreasonable burden on existing water supply, if one is to be utilized;**
- D. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;**
- E. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highway or public roads existing or proposed;**
- F. Will provide for adequate sewage waste disposal;**
- G. Will not cause an reasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;**
- H. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;**
- I. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; and**
- J. The subdivider has adequate financial and technical capacity to meet the above state standards.**
- K. Whenever situated, in whole or in part, within 250 feet of any pond, lake,**

river or tidal waters, will not adversely affect the quality of such body of water or unreasonably affect the shoreline of such body of water.

L. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.

3-A Access to direct sunlight. The Planning Board, agency or office or the municipal officers may, for purposes of protecting and assuring access to direct sunlight for solar energy systems, prohibit, restrict or control development through subdivision regulations. The regulations may call for subdivision development plans containing restrictive covenants, height restrictions, side yard and setback requirements or other permissible forms of land use controls.

4. Enforcement. No person, firm, corporation or other legal entity may sell, lease or convey for consideration, offer or agree to sell, lease or convey for consideration any land in a subdivision which has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and recorded in the proper registry of deeds. The term “permanent marker” includes but is not limited to the following: A granite monument, a concrete monument, an iron pin or a drill hole in ledge. No subdivision plat or plan shall be recorded by any register of deeds which has not been approved as required. Approval for the purpose of recording shall appear in writing on the plat or plan. No public utility, water district. Sanitary district or any utility company of any kind shall install services to any lot in a subdivision for which a plan has not been approved.

Any person, firm, corporation or other legal entity who sells , leases or conveys for consideration, offers or agrees to sell, lease or convey for consideration any land in a subdivision which has not been approved as required by this section shall be punished by a fine of not more than \$1,000 for each such sale, lease or conveyance for consideration, offering or agreement. The Attorney General, the municipality, the Planning Board of any municipality or the appropriate municipal officers may institute proceedings to enjoin the violations of this section and if a violation is found by the court, the municipality, municipal Planning Board or the appropriate municipal officers may be allowed attorney fees.

5. Exemptions. This section shall not apply to proposed subdivisions approved by the Planning Board or the municipal officials prior to

September 23, 1971 in accordance with laws then in effect not shall it apply to subdivisions as defined by this section in actual existence on September 23, 1971 that did not require approval under prior law or to a subdivision as defined by this section, a plan of which had been legally recorded in the proper registry of deeds prior to September 23, 1971. The division of a tract or parcel as defined by this section into 3 or more lots and upon all of which lots permanent dwelling structures legally existed prior to September 23, 1971 is not a subdivision.

The dividing of a tract or parcel of land and the lot or lots so made, which dividing or lots when made are not subject to this section shall not become subject to this section by the subsequent dividing of said tract or parcel of land or any portion thereof, however, the municipal reviewing authority shall consider the existence of such previously created lot or lots in reviewing a proposed subdivision created by such subsequent dividing.

TOWN OF LIMERICK ZONING ORDINANCE



MARCH 2018

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LIMERICK ZONING ORDINANCE

An ordinance to promote the health, safety and general welfare of the community by regulating and restricting the use and construction of buildings and premises in the Town of Limerick, Maine.

Article I - Preamble

In pursuance of the authority conferred by 30-A M.R.S.A. § 4351 and §4352, for the purpose of promoting the health, safety, and general welfare of, as well as efficiency and economy in the process of development in, the incorporated Town of Limerick, Maine, by:

- securing safety from fire, panic and other dangers;
- providing areas between buildings and various rights-of-way;
- preserving the amenities now attached to our town;
- promoting good civic design and arrangements;
- providing for wise and efficient expenditure of public funds;
- provide adequate public utilities and other public requirements, and by other means.

Now, therefore, the following ordinance is hereby enacted by the voters of the Town of Limerick, Maine in official meeting convened.

Article II - Definitions

For the purposes of this ordinance, terms are defined as provided in this section.

Agronomy: Agronomy is the science and technology of producing and using plants for food, fuel, fiber and land reclamation

Automobile graveyard: An “automobile graveyard” as defined in 30-A M.R.S.A. § 3752(1), as may be amended from time to time.

Automobile recycling business: An “automobile recycling” business as defined in 30-A M.R.S.A. § 3752(1-A), as may be amended from time to time.

Base Station: The primary sending and receiving site in a Communication Towers.

Bed and Breakfast: A single-family dwelling in which lodging or lodging and meals are provided to paying guests, offering no more than ten bedrooms for lodging purposes.

Buffer: Undeveloped natural land with improvements and maintenance.

Business office: A space used to conduct the administrative affairs of an organization.

Campgrounds: Any premises used for the purpose of temporary camping for which a fee is charged.

Communication Tower: As used in this ordinance shall mean a tower, pole, or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, free-standing, guyed, or on a building.

Conditional use: A use permitted only after review and approval by the Planning Board and that would not be appropriate without review, but which, if controlled under the provisions of the Ordinance, would promote the purpose of this Ordinance.

Construction Trade: A business involved in construction, repair or demolition of residential or commercial structures and/or fixtures.

Day Care Center or Nursery School:

- A. A facility registered with or licensed by the State that provides care or instruction to more than eight (8) children or a facility registered and licensed by the State that is not located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.

- B. A facility registered with or licensed by the State that provides care or instruction to eight (8) or fewer children and is located within a residence. This term may also apply to facilities which provide day care to the elderly or to adults with disabilities.

Domestic Animal Services: Establishments primarily engaged in providing care services, including but not limited to training and grooming (cleaning, maintaining, or clipping the appearance) of domestic animals that do not require housing or boarding of such animals.

Duplex: A fixed structure containing two dwelling units.

Dwelling: A fixed structure containing one or more dwelling units.

Dwelling unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one household, including provisions for living, sleeping, cooking, bathing, and eating. The term shall include mobile homes but shall not include trailers or recreational vehicles.

Financial Institution: A business or nonprofit organization providing retail financial services, including but not limited to banks, credit unions, financial exchanges, and check cashing facilities.

Flea Market: A shop or open market customarily providing tables or space rented to vendors selling antiques, used and new household goods, curios and the like.

Forest Products Industry: A business involved in the processing of logs, tree length timber or resawn lumber to produce a product such as lumber, firewood, chips, mulch, pellets, or sawdust.

Frontage: The length of the lot bordering on the public right-of-way, or in the case of land fronting on public water, the length in a straight line measured along the extreme boundaries adjacent to such public water at mean high water level.

Front Yard: Area of land extending for the full width of a lot between the nearest portion of a building and the nearest side of the right-of-way.

Government/Municipal Facilities: Any facility, including but not limited to buildings, property, recreation areas, police protection, fire protection, libraries, and municipal offices which are owned, leased or otherwise operated or funded by a governmental body.

Grand fathered: A lawfully pre-existing nonconforming use, structure or lot that does not conform to one or more requirements of the current ordinance.

Hammerhead Turn: A gravel or paved area built entirely outside of the right of way a minimum of fourteen feet by fifty feet (14' x 50') with fifteen feet (15') radii for the purpose of vehicular maneuvering.

Home Occupation: An occupation or profession carried on within a dwelling unit or accessory structure that is clearly incidental to the use of the dwelling unit for residential purposes. Customary home occupations include, but are not limited to: hairdressing, millinery, laundering, craft-making, woodworking, preserving and home cooking, or similar uses, or the office of a doctor, dentist, lawyer, musician, teacher, architect, real estate broker, computer programmer, or member of any recognized profession. Home occupation shall also include any occupation or trade carried on or away from the premises and not requiring outside storage of an inventory,

stock in trade, or other equipment. This definition does not apply to farming and agriculture. A structure, use or activity not otherwise permitted by this ordinance shall not be permitted as a home occupation.

Housing for the elderly: Housing constructed or adapted specifically for occupancy by elderly persons which may include central dining facilities and the provision of supportive social services.

Industrial: Uses involving manufacturing, finishing, packaging or processing of goods or the extraction of minerals.

Inn: A single building containing fewer than 20 sleeping rooms and built or converted to accommodate, for a fee, travelers who are staying for a limited duration. An inn may provide dining services to its guests and may host special functions, such as weddings, but does not include a restaurant to serve the public at-large, unless restaurants are otherwise allowed in the zoning district.

Junk: “Junk” as defined in 30-A M.R.S.A. § 3901, as may be amended from time to time.

Junkyard: A “junkyard” as defined in 30-A M.R.S.A. § 3752(4), as may be amended from time to time.

Kennel: An establishment operated as a business to house dogs, cats or other domesticated animals not considered to be livestock and where such animals are groomed, bred, boarded, trained or sold.

Manufacturing: A use that involves the manufacture, compounding, assembly, or treatment of articles or materials.

Manufactured Housing: “Manufactured housing” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

Marijuana: As defined by 7 M.R.S.A. Sec. 2442.

Mobile Classroom: A self-contained building transportable in one or more sections used for the purpose of providing educational instruction to students and which may or may not be attached to another building.

Mobile home: A structure transportable in one or more sections which is ten (10) body feet or more in width and is thirty-two (32) body feet or more in length and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical systems contained therein. Such a structure shall be certified by the United States Department of Housing and Urban Standards or by the applicable federal agency or act as described in 30-A M.R.S.A § 4358, as may be amended from time to time.

Mobile home pad or pad: A concrete area that has been established for the placement of a mobile or manufactured home, appurtenant structures, or addition.

Mobile home park: A “mobile home park” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

Mobile home subdivision: A “mobile home subdivision” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

Motel: A building or group of buildings in which lodging is offered to the general public for compensation and where entrance to rooms may be made directly from the outside of the building.

Motor Vehicle Repair & Service Facility: An establishment that provides service and maintenance to motor vehicles, including the accessory sale of fuel, parts and supplies. Such establishments include service stations; muffler, transmission and brake shops; car washes; tune up centers; painting and auto body work shops; and establishments performing engine rebuilding or structural repairs and alterations to motor vehicles.

Multi-family residential building: A building or portion thereof principally designed, adapted, or composed of three or more dwelling units.

Non-conforming use: A building or structure or the use of land, buildings or structures lawfully existing at the time of enactment of this ordinance, or any amendment thereto, that currently does not conform to the regulations of the district in which it is situated.

Nursing Home: A facility licensed by the State that provides skilled nursing care and medical supervision to persons who are unable to care for themselves.

Older mobile homes, trailers: Terms used interchangeably that mean any factory-built home that fails to meet the definition of “manufactured housing” above and, more specifically, any mobile home constructed prior to June 15, 1976.

Permanent foundation: A “permanent foundation” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

Personal Services Establishment: An establishment primarily engaged in providing services involving the non-medical care of a person or of his or her apparel. Such establishments may include but are not limited to beauty shops, barber shops, shoe repair shops, photographic studios, coin-operated laundries, fitness studios, and similar establishments.

Pitched, shingled roof: A “pitched, shingled roof” as defined in 30-A M.R.S.A. § 4358, as may be amended from time to time.

Processing Facility: A facility that prepares or packages and sells beef, poultry, fish products, vegetables, fruit etc.

Recreation Facility, Indoor: A building or portion of a building designed and equipped for the conduct of indoor sports, leisure time activities and other customary and usual recreational activities. Such facilities include, but are not limited to, skating rinks, gymnasia, bowling alleys, and video arcades.

Recreation Facility, Outdoor: A facility offering outdoor recreation activities including, but not limited to, cross country ski centers, ball fields, parks and playgrounds, livery, and ski tows, but not including campgrounds, outdoor movies, and outdoor dine and dance facilities, or games and activities as described in the definition of amusements.

Repeater: A small receiver/relay transmitter of not more than 20 watts output designed to provide service to areas which are not able to receive adequate coverage directly from a Base Station.

Retail Business: An establishment that sells goods or commodities directly to the consumer. For the purposes of this Ordinance, the term retail business shall include sales rooms or showrooms.

Right-of-Way: The easement encompassing an existing or future public or private road.

Road, Private: A road or way that is privately maintained. A private road shall receive no Town services, such as snowplowing, grading, paving or other maintenance.

Road, Public:

- A. An existing accepted state, county or Town way;
- B. A road dedicated to public use and shown upon a plan approved by the Planning Board and recorded in the York County Registry of Deeds;
- C. A road dedicated for public use and shown on a plan recorded in the York County Registry of Deeds prior to the establishment of the Planning Board.
- D. Does not include those ways which have been discontinued or abandoned.

Seasonal residence: Buildings used for seasonal residence only, including camps and cottages, that are structurally permanent and occupied less than six (6) months in any one twelve (12) month period.

Single-family residence: A fixed structure containing one dwelling unit.

Structure:

Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, anything constructed or erected on or in the ground, exclusive of:

- A. Fences;
- B. Poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors;
- C. Mailboxes;

- D. Light fixtures;
- E. Flagpoles;
- F. Equipment or structures necessary for the purpose of making a dwelling accessible to a person with a disability, as defined by this chapter;
- G. Subsurface wastewater disposal systems as defined in 30-A M.R.S.A. §4201, Subsection 5;
- H. Geothermal heat exchange wells as defined in 32 M.R.S.A. §4700-E, Subsection 3-C; or
- I. Wells or water wells as defined in 32 M.R.S.A. §4700-E, Subsection 8.

The term "structure" includes structures temporarily or permanently located, including, but not limited to, decks, satellite dishes, or portable storage garages.

Transportation Service: A business engaged in the movement of goods and materials, including a for-hire service. Such businesses include, but are not limited to, the transportation of logs, sand & gravel, produce, freight and passengers.

Two-family residence: A fixed structure containing two dwelling units, also known as a duplex.

Article III - General Provisions

- A. No owner or occupant of property in any District shall permit fire-damaged buildings beyond repair or other ruins to remain, but shall remove the same within one (1) year.
- B. Any uses that may be obnoxious or injurious by reason of the production or emission of odor, dust, smoke, refuse matter, fumes, noise vibrations, light, glare or similar conditions, that would be considered dangerous or a nuisance, disturbance or annoyance are prohibited.
- C. Nothing in this ordinance shall be construed to prevent the storage of agricultural equipment in any zone or for the shelter of riding horses for non-commercial recreational uses in any zone, provided that at least one-half acre of open space is available adjacent to the buildings.
- D. Subdivisions shall be regulated by the Town of Limerick, Maine Planning Board Standards for Reviewing Land Subdivision and by 30-A M.R.S.A. §§ 4400 – 4408.
- E. No permit for the erection of any building shall be issued unless there exists a street or road giving access to such proposed structure. Before such permit shall be issued, such street or road be improved to the satisfaction of the Road Commissioner and the Planning Board in accordance with the applicable design and construction standards and specifications of the Town of Limerick. Alternatively, and at the discretion of the Planning Board, a performance bond sufficient to cover the full cost of such improvement as estimated by the Road Commissioner may be furnished to the Town by the owner. Such performance bond shall be issued by a bonding or Surety Company approved by the Road Commissioner and shall also be approved by the Road Commissioner as to form, sufficiency and manner of execution. A satisfactory letter of credit from a financial institution may be substituted for a performance bond.

Where the enforcement of the provisions of this section would entail unnecessary hardship, or where the circumstances of the case do not require the structure to be related to the existing or proposed streets, roads or highways, the applicant for such a permit may appeal from a decision of the Building Inspector, and the same provisions for the grant of a variance shall be applied by the Board of Appeals in considering the appeal. The Board of Appeals may, in considering such appeal, impose any reasonable conditions that will protect any future street, road or highway layout. For the purposes of this section, the term “access” shall mean that the lot upon which such structure is proposed to be erected directly abuts on a street or road and has sufficient frontage thereon to allow the ingress and egress of fire trucks, ambulances, police cars and other emergency vehicles, and the frontage requirements of this ordinance shall presumptively be sufficient for that purpose.

- F. As determined by the Limerick Planning Board, all fees and costs to the Town associated with the Board's review of an application or proposal will be charged to the applicant.

- G. Land susceptible to flooding or with slopes of greater than 20%, 100-year frequency floodplains as identified by authorized State and federal authorities and land not suitable for development because of soil characteristics, i.e. hydric soils, which may also be hazardous to life, health or property shall not be accepted as part of a proposed subdivision or to meet minimum lot size requirements.

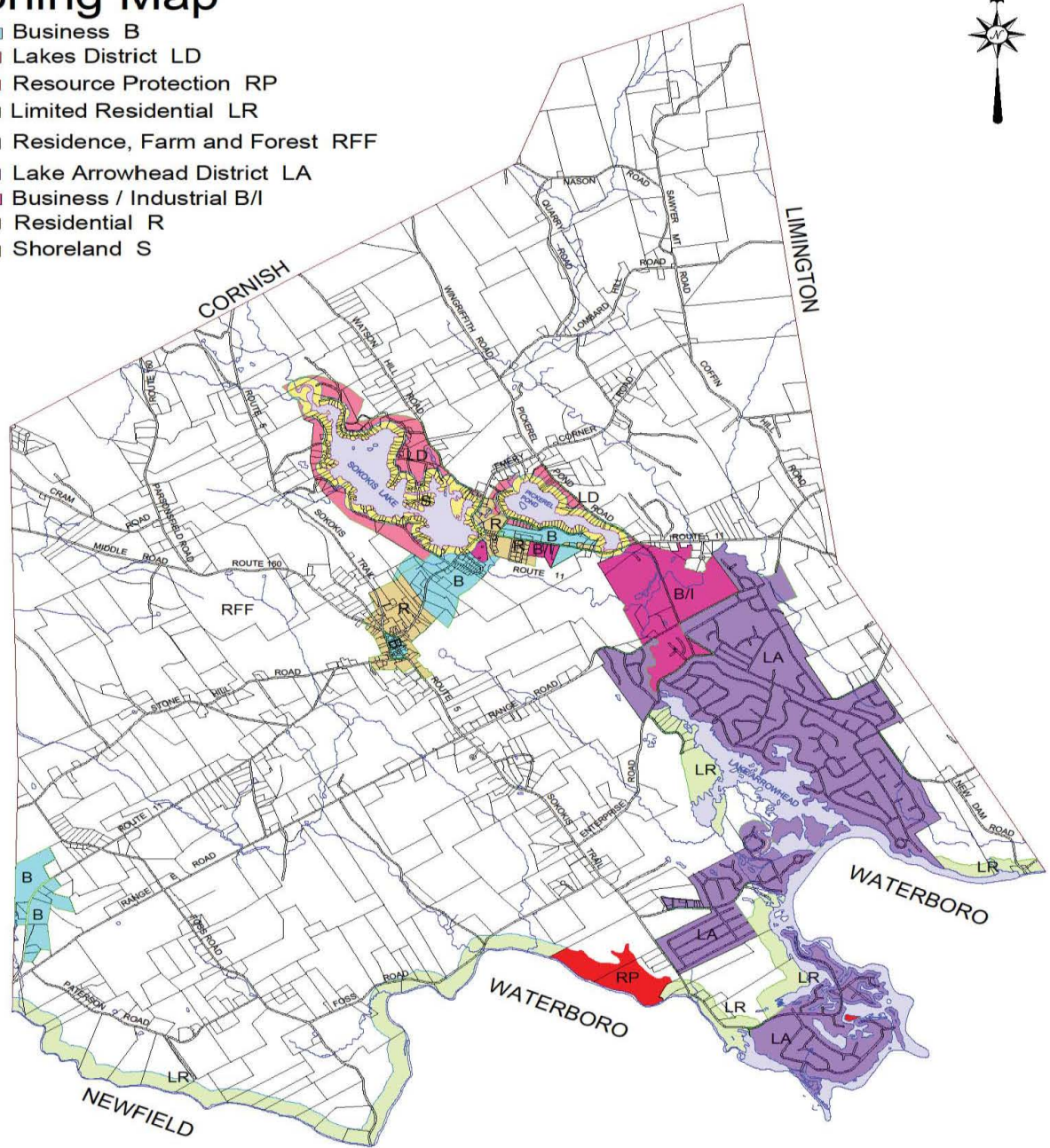
Article IV - Establishment of Zoning Districts

For the purpose of this ordinance, the Town of Limerick, Maine is divided into districts as shown on the zoning map filed with the Town Clerk and dated November 5, 2013, as subsequently amended, and including the following:

- A. Residential District (Res)**
- B. Lake District (LD)**
- C. Arrowhead Residence District (LA)**
- D. Residence, Farm and Forest District (RF&F)**
- E. Business District (Bus)**
- F. Business/Industrial District (B/I)**

LIMERICK Zoning Map

- Business B
- Lakes District LD
- Resource Protection RP
- Limited Residential LR
- Residence, Farm and Forest RFF
- Lake Arrowhead District LA
- Business / Industrial B/I
- Residential R
- Shoreland S



1500 0 1500 3000 Feet

Prepared by:
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207 926 4044

ZONE LINES WERE EXTRAPOLATED FROM AN OLDER ZONING MAP.
ZONE BOUNDARIES ARE PICTORAL AND NOT INTENDED TO DEFINE GEOGRAPHIC AREAS.
PARCEL DEPICTION AS REPRESENTED ON TAXMAPS
AND MAY VARY FROM DEED DESCRIPTION

Approved March 10, 2017

Town Clerk _____, Date _____

Article V - District Regulations

A. In each district, uses and conditional uses shall be those shown on the following table:

KEY: P = Permitted C = Conditional Use NP = Not Permitted

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Airplane Runways	P3	P	P	P	NP	NP
Antique Shops	C	P	P	P	C	NP
Automobile Graveyards*, Junkyards*	NP	C1	NP	C1	NP	NP
Bed & Breakfast*, Inn*	P2	C	P	NP	C	NP
Bulk Storage & Distribution & Dry Storage	C	P	P	P	NP	NP
Business Offices*	NP	P3	P	P	C	C
Campgrounds*	NP	C	NP	NP	C	NP
Cemeteries	P	P	NP	NP	NP	NP
Churches	P	P	P	P	NP	NP
Communication Towers*	C	C	C	P	C	C
Construction Trades*	NP	P	P	P	NP	NP
Daycare & Nursery Schools (A)*	C	C	P	P	C	C
Daycare & Nursery Schools (B)*	P	P	P	NP	C	C
Domestic Animal Services*	C	P	P	P	NP	NP
Farming	NP	P	P6	P	NP	NP
Financial Institutions*	NP	C	P	P	NP	NP
Flea Markets*	NP	C	P	P	NP	NP
Funeral Homes	P3	P3	P	P	NP	NP
Forestry Products Industry*	NP	P	P	P	NP	NP
Government/Municipal Facilities*	P	P	P	P	P	P
Home Occupations*	P	P	P	NP	C	C
Hospitals	NP	C	P	P	NP	NP
Housing for the Elderly*	C	C	P	NP	NP	NP
Kennels*, Exotic Animals & Animal Shelters	NP	C	C	C	NP	NP
Lawyer's Office, Law Real Estate & Insurance Office	P3	P	P	P	NP	C
Manufacturing*	NP	C	C	P	NP	NP
Marijuana – Retail Cultivation Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Products Manufacturing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Stores**	NP	NP	NP	NP	NP	NP
Marijuana – Retail Testing Facilities**	NP	NP	NP	NP	NP	NP
Marijuana Testing Facilities**	NP	NP	NP	NP	NP	NP
Marinas	C	C	P	P	C	C

Land Use	Res	RF&F	Bus	B/I	Lake (LD)	Arrowhead Residence (LA)
Mining & Quarrying	NP	P	NP	P	NP	NP
Mobile Classroom*	C	C	C	C	C	NP
Mobile Home Parks*	C	P	NP	NP	NP	NP
Motels*	P2	C	P	NP	C	NP
Motor Vehicle Repair & Service Facilities*	NP	C	P	P	C	C
Nursing Homes* & Health Care Facilities	C	C	P	NP	NP	NP
Multi-Family Residential Buildings*	NP	NP	P	NP	NP	NP
Personal Services Establishment*	P	P	P	P	NP	C
Physicians, Dentist & Optometrists	P3	P	P	P	NP	NP
Processing Facilities*	NP	C	P	P	NP	NP
Public Sewage Collection Inceptor Treatment Disposal Syst.	NP	P	P	P	NP	NP
Recreation Facilities (indoor & outdoor)*	C	C	P	P	C	C
Redemption Center (Bottle & Can)	NP	C	P	P	NP	NP
Restaurants & Take Out Foods	C	P	P	P	NP	NP
Retail Businesses*	C	C	P	P	C	NP
Schools	C	C	C	P	C	C
Seasonal Residences*	P	P	P	NP	P	P
Single-family Residences*	P	P	P	NP	P4	P5
Slaughter House	NP	C	P	P	NP	NP
Small Engine Repair & Sales (snowmobile, ATV & Lawn Equip.)	NP	C	P	P	C	C
Theaters, Halls, Clubs & Night Clubs	NP	C	P	P	NP	NP
Transportation Services* (less than 5 employees)	NP	P	P	P	NP	NP
Transportation Services*(5 or more)	NP	C	P	P	NP	NP
Two-family Residences (Duplex*)	C	NP	P	NP	NP	NP
Used/New Car Lots	NP	C1	P1	P1	NP	NP
Veterinarians	NP	P	P	P	NP	NP
Warehousing	NP	P	P	P	NP	NP
Wholesale Business	NP	C	P	P	NP	NP

* Definition provided in Article II.

** these uses are not allowed as principal or accessory uses

Key for Land Use Chart

1. Requires permit from Selectmen.
2. An area of 200 square feet (including a bay measuring 10' X 20') shall be considered sufficient for each automobile parking space. Parking areas with more than 2 parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled.
3. Any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one parking space for each 200 square feet of building floor area used for business.
4. Minimum lot area of 22,500 square feet.
5. Lot of Record: A lot shown on the plan entitled: Plan of Lake Arrowhead Estates, Section 1, Prepared by Wright, Pierce, Barnes and Wyman, and recorded in the York County Registry of Deeds in Plan Book 50, Page 12, that has been in separate ownership and has not been contiguous with any other lot under the same ownership at any time since the date of recording of that plan. If two or more contiguous lots are in the same ownership of record, they shall be considered to be a single parcel and shall not be divided except in compliance with the requirements for new lots, except that contiguous lots under the same ownership, each of which was improved with existing principal residential structure prior to July 1, 2013 and does not separately meet the lot requirements for new lots, may be divided without a variance, provided that the improved lots are divided in a manner that meets the other applicable dimensional requirements to the greatest extent possible as determined by the CEO.
6. Agronomy permitted

B. Dimensional Requirements.

All lots created and buildings erected after the effective date of this ordinance shall meet the following minimum requirements.

District:	Minimum	Minimum	Minimum	Minimum	Minimum
	Lot area	Road	Front	Side	Rear
		Frontage	Setback	Setback	Setback
	(Sq. ft.)	(feet)	(feet)	(feet)	(feet)
Residential:					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
Lake District					
Seasonal Use Only	20,000	100	15	10	20
Year-round use-off site water	35,000	100	15	10	20
Year-round use-on site water	62,500	100	15	10	20
Arrowhead Residence District					
Lots of Record under					
Separate Ownership	20,000	100	15	10	20
Year Round-off site water	20,000	100	15	10	20
Year Round –on site water	62,500	100	15	10	20
Residential, Farm & Forest:					
On public water and sewer	35,000	175	15	10	20
On site water and/or sewer	62,500	175	15	10	20
Business:					
On public water and sewer	22,500	100	15	10	20
On site water and/or sewer	62,500	175	15	10	20
Business/Industrial:					
On public water and sewer	22,500	100	25	10	20
On site water and/or sewer	65,500	175	25	10	20

Article VI - Performance Standards

A. Multi-family and Two-family Residential Buildings, New and Existing

The following provisions shall apply to all multi-family and two-family residential buildings except as noted:

Review of multi-family and two-family residential buildings:

- i. When a conditional use permit is required, review is under the Limerick Zoning Ordinance, including the conditional use provisions. Multi-family residential buildings will also be reviewed under the Planning Board Standards for Reviewing Land Subdivision.
 - ii. When a permitted use, review is under the Limerick Zoning Ordinance, excluding the conditional use provisions. If the proposed use is one or more multi-family buildings, review will also be under the Planning Board Standards for Reviewing Land Subdivision.
 - iii. Financial ability to construct a new multi-family or two-family residential building or to convert an existing structure into a multi-family or two-family residential building shall be proven at the sketch plan phase of application.
1. **Site Plan.** All applicants shall submit a site plan to the Planning Board at a scale of not more than 1" - 20' showing locations of principal and accessory structures, location and layout of parking, driveways, all turn radii, and road intersection radii, provisions for snow and rubbish removal, buffering, screening, and surface drainage, and provisions for playground, recreation or open space. If the complete site cannot be shown on one plan at this scale, then an additional plan at scale 1" - 50' shall be submitted. A site location map at a scale of not more than 1" - 500' shall also be submitted.
 2. **Fire Safety.** All multi-family residential buildings shall be located within five hundred (500) feet of an NFPA hydrant, as hose is laid on the street from the hydrant, and shall be sprinklered in accordance with NFPA standards and furnished with an NFPA approved fire alarm system.
 3. **Surface Water Runoff.** Surface water runoff shall be minimized and detained on-site if possible and practicable. If it is not possible to detain water on-site, downstream improvements to the channel may be required of the developer to prevent flooding caused by the project. The natural state of watercourses, swales, floodways, or rights-of-way shall be maintained to the extent possible.
 4. **Lighting.** Outdoor lighting shall be positioned and/or shielded in order to deflect bright light or glare away from neighboring residential properties.

5. Maintenance; etc. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance.
6. Parking. Multi-family or two-family-residential buildings shall not be constructed or enlarged (in terms of adding dwelling units) unless one paved off-street car parking space is provided for each bedroom-, except that one paved car parking space shall be required for each dwelling unit within designated housing for the elderly.

An area measuring 10' feet x 20' feet shall be considered sufficient for each automobile parking space. Parking areas with more than two (2) parking spaces shall be so arranged that it will be unnecessary for vehicles to back into the street. Each parking space shall be accessible when all other spaces are filled. Parking spaces shall be provided as required, and made available for use before a final inspection is completed by the Building Inspector. An extension of one year may be granted by the Building Inspector, provided a performance bond, or its equivalent, is posted equaling the cost to complete the improvements as estimated by the Building Inspector and provided the parking space is not required for immediate use. In the event the improvements are not completed within the specified time, the bond or its equivalent shall be forfeited and the improvements henceforth constructed under the direction of the town.

7. Accessory Buildings. Garages or other accessory buildings shall not be located between the multi-family or two-family residential buildings and the front lot line. Accessory buildings shall be located so as not to inhibit the access of emergency vehicles and fire apparatus to any side of a residential building.
8. Access. The proposed development shall provide for safe access to and from public and private roads.
 - a. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distance, intersections, schools and other traffic generators. No off-street parking area shall have more than two (2) openings onto the same street, each opening not to exceed twenty-four (24) feet in width.
 - b. All corner lots shall be kept clear from visual obstructions higher than three (3) feet above ground level, for a distance of twenty-five (25) feet measured along the intersecting street lines.
 - c. The proposed development shall not have an unreasonable adverse impact on the town road system, and shall assure safe interior circulation within its site by separating pedestrian and vehicular traffic and by providing adequate parking and turn-around areas.

9. Buffers. All buffer areas shall be maintained in a tidy and sanitary condition by the property owner.
10. Recreational Space. An additional 7,200 sq. ft. of open space shall be added to the land requirements for every ten (10) bedrooms. This land shall be set aside for recreational space with a finish grade between 1.5% to 3%. Arrangements for maintenance shall be specified on the plan or in a separate document for review and approval by the Planning Board.

B. New Construction of Multi-Family or Two-Family Residential Buildings.

The following additional standards shall apply to all new construction of multi-family or two-family residential buildings:

1. Dimensional standards.
 - a. A maximum of four dwelling units shall be permitted in any single building.
 - b. Lot size shall be the larger of: 85,000 sq. feet or 6,000 sq. ft. per bedroom for each dwelling unit. Buffers, easements, right-of-ways, designated recreational open spaces and other land not suitable for development shall not be used in the above calculation.
 - c. The maximum height of new construction shall be thirty-five (35) feet from the average grade of the grounds at the foundation.
 - d. Front, rear and side setbacks shall be forty (40) feet minimum and include a twenty (20) foot buffer. If the front setback is increased to provide parking area, the width and landscaping of a front buffer shall be negotiated with the Planning Board.
 - e. Structures containing multi-family or two-family dwelling units shall be located at least fifty (50) feet apart from each other, and fifty (50) feet from structures on adjacent lots.
2. Parking. Required off-street parking for all new construction shall be located on the same lot as the principal building or facility or within one hundred (100) feet measured along lines of access as defined in Article III(E).
3. Orientation. New multi-family or two-family residential buildings shall be orientated with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with the overall plan for site development landscaping.

4. Erosion Control. Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by employing the following soil and water conservation “best-management” practices.
 - a. Stripping of vegetation, soil removal, and regrading or other development shall be minimized as far as is practicable, and shall be done in such a way as to minimize erosion.
 - b. The duration of exposure of the disturbed area shall be kept to a practical minimum.
 - c. Adequate vegetation and/or mulching shall be used to protect exposed critical areas during prolonged development.
 - d. Until a disturbed area is stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
 - e. During grading operations, methods of dust control shall be employed.

C. Standards for Existing Multi-Family or Two-Family Structures.

The following additional standards shall apply to the proposed uses of an existing structure as a multi-family or two-family residential building.

1. Dimensional standards.
 - a. Side and rear lot-line setbacks shall be twenty-five (25) feet, and the front setback shall be ten (10) feet.
 - b. The maximum number of dwelling units to be permitted within a multi-family residential building shall be determined by the available land area for open space and parking but shall not exceed four.
2. Parking. Where residential off-street parking cannot reasonably be provided on the same lot, the Planning Board may authorize its provision on another lot within three hundred (300) feet of the existing structure. Such parking areas shall be held under the same ownership as the residential uses served, and shall be permanently dedicated to such use with a recordable document acceptable to the Planning Board.

D. Signs.

1. Signs relating to goods and services sold on the premises shall not exceed thirty-two (32) square feet in area, and shall not exceed two (2) signs per premises. Two-sided signs shall be considered as two separate signs.
2. Signs relating to goods and services not rendered on the premises require a permit issued by the CEO. Such signs must comply with all applicable provisions within Article VI.D.
3. Signs related to agricultural sale of products on and off premises are governed per MRSA, Title 23, Section 1913-A, Paragraph 2g.
4. Name signs shall be permitted, provided such sign shall not exceed two (2) signs per premises.
5. Residential users may display signs not more than four (4) square feet in area relating to the sale, rental or lease of the premises:-
6. Signs relating to trespassing and hunting shall be permitted without restriction as to number, provided that no such sign shall exceed two (2) square feet in area.
7. No sign shall extend higher than twenty (20) feet above the ground.
8. Signs may be illuminated only by shielded, non-flashing lights.
9. No sign shall obstruct or impair the vision of vehicular and pedestrian traffic or otherwise constitute a hazard. No sign shall reduce the sight distance from any driveway, road or street below a distance of ten (10) feet for every mile per hour of the posted speed limit, Sight distance shall be measured from the driver's side of an exit lane ten (10) feet behind the curb or edge of shoulder line with the height of the eye ranging from three point-five (3.5) to six (6) feet above the pavement.
10. The following non-illuminated signs are permitted in all districts without a permit:
 - a. Signs for the control of traffic, street signs, signs indicating danger;
 - b. Signs identifying public schools and government buildings;
 - c. Political signs of less than twenty (20) square feet relating to an election, primary or referendum provided that these signs may be erected no more than six (6) weeks before voting day, and must be removed no later than one (1) week thereafter;
 - d. One (1) contractor's sign up to six (6) square feet is allowed on a property on which the contractor is performing work. The sign may identify the

contractor's name, address, and a phone number. A contractor's sign shall be removed within twenty (20) days of the completion of the job.

11. The following signs are permitted in all districts upon obtaining a sign permit from the Code Enforcement Officer:
 - a. One (1) sign not exceeding twenty (20) square feet in area at each entrance from a street to identify a residential subdivision or multi-family development;
 - b. One (1) sign not exceeding twenty (20) square feet in area, which identifies a building such as a school, fire station, church or business other than a home business;
 - c. One (1) freestanding, one or two sided, sign not to exceed twenty-five (25) square feet shall be allowed on a lot;
 - d. One (1) building mounted sign not to exceed ten (10) square feet may be mounted on each building face having a customer entrance;
 - e. One (1) free-standing sign, either one or two-sided, not to exceed fifty (50) square feet may be located at the entrance road to an industrial park or business subdivision for the identification of the park and its occupants;
 - f. Frame or trailer mounted signs are allowed for one hundred twenty (120) consecutive days once a year.

12. Variances from these provisions may be granted by the Board of Appeals only in cases where the sign or signs in question have cultural or historic significance, and aesthetically enhance the appearance of the Town of Limerick.

E. Mobile Home Parks

1. Licenses:
 - a. No person, firm or corporation shall establish or maintain a mobile home park within the town of Limerick without a license issued in conformity with the provisions of this Ordinance. A mobile home park existing prior to the adoption of this Ordinance is required to conform only with the licensing and fee requirements of this Ordinance, unless it has been commercially inactive for two (2) or more years in which case all the relevant provisions of this Ordinance must be met before a license may be issued. All new extensions to mobile home parks shall be required to meet the provisions of this Ordinance. Any increase in the number of mobile home lots shall be deemed an "extension" of said use, even if the outer boundaries of the premises are not proposed to be enlarged.

 - b. Application for a mobile home park license shall be filed with the Planning Board for review as a subdivision, except that applications for license renewals are not subject to Planning Board review. The Planning Board shall review plans of the proposal and approve, approve with conditions, or deny

approval of the proposal on the basis of standards contained herein and as contained in the Subdivision Regulations of the Planning Board. The Planning Board shall inform the Selectmen of its decision in writing and they shall act on the application.

- c. Each application for a mobile home park license shall be accompanied by a fee of one hundred dollars (\$100.00). Each application for a license renewal shall be accompanied by a fee of twenty-five dollars (\$25.00). Each such license shall expire on the last day of April next following the date of issuance. Before any license shall be renewed, the premises shall be inspected by the Health Officer and the Selectmen. If they find that all requirements of this and other Town and State Ordinances and Laws have been complied with, they shall certify the same, and the Selectmen shall issue the license.
- d. Such licenses shall be posted at all times at the mobile home park entrance or office and shall not be transferable.
- e. Upon receipt of a written request from either the Health Officer or the Selectmen, the Planning Board is authorized to revoke any license issued pursuant to the terms of this Ordinance if, after due investigation, they determine the holder hereof has violated any of the provisions of this or any applicable code, law or statute.

2. Density of Development

- a. The area of a mobile home park shall have provision for at least ten (10) mobile homes.
- b. Each mobile home park shall contain lots measuring 100' roadside by 200' depth, exclusive of roads and open spaces.

3. Utility Services and Site Management

- a. Sanitary Facilities: All provisions of the Maine Department of Human Services, Division of Health Engineering, must be met in planning of sanitary facilities.
- b. Solid Waste Disposal: The management shall dispose of refuse at least once a week.
- c. Streets and Parking:

- i. All roads shall be constructed to the standards contained in the Limerick Subdivision Standards, except that the paved width of the roads shall be 30' including sidewalks at the same level.
 - ii. There shall be at least two (2) off-street parking spaces for each mobile home lot.
 - d. Underground Utilities: All electrical, telephone, or cable television distribution lines shall be installed underground. Electrical lines shall be buried to a minimum depth of twenty-four (24) inches, and telephone and cable television lines shall be buried at least eighteen (18) inches.
4. Construction Standards:

Mobile home parks shall be constructed and installed in accordance with the following minimum standards and in accordance with all sections of this ~~Code~~ Ordinance. Mobile home parks shall provide specific areas for the location and development of mobile homes, as defined in this Ordinance-

- a. Pads: Each pad or stand, for foundation purposes, shall consist of reinforced concrete sufficiently adequate to support the weight of a mobile home without movement due to frost heaving or settling. Suitable tie-downs shall be installed and secured to each mobile home.
- b. Sewage Disposal: Each pad shall be equipped with a three (3) inch inside diameter sewage line extending at least six (6) inches above the pad and being capable of being securely sealed when not in use. Sewage systems must conform to the Plumbing Code and the MRSA.
- c. Water Supply: Each individual mobile home stand shall be provided with a five (5) foot deep manhole three (3) feet in diameter, containing a 3/4" water pipe with an adequate shut-off valve. If an adequate public supply of water is available within eight hundred (800) feet of a mobile home park, such supply must be used, subject to an engineering feasibility study. If no public water supply is available, a central water system must be provided by the owner. Water systems shall be capable of delivering two hundred fifty (250) gallons per day per lot.
- d. Electricity supply: The park electrical system or electrical equipment shall comply with all applicable state standards and regulations.
- e. Telephone: Each mobile home space shall be equipped with a telephone outlet.

- f. Street Lighting: Adequate street lights shall be placed and maintained along all roads every two hundred (200) feet, beginning at the entrance.
 - g. Oil and Gas: All oil tanks shall be furnished and placed underground by the park owner. All gas tanks shall be securely fastened.
 - h. Screened Storage: The licensee shall provide a separate screened storage area for the storage of major items or equipment owned by the tenants, such as boats, trailers, snowmobiles, etc.
 - i. Fire Protection: A mobile home park shall provide suitable ingress and egress so that mobile homes may be readily serviced in emergency situations. An adequate source of water for fire protection shall be available at all times of occupancy.
5. Individual Mobile Home Spaces
- a. Where rear abutments of units are closer than sixty (60) feet, vegetation or other screening at least eight (8) feet in height shall be provided, and sites should be oriented to natural features, topography and drainage areas where appropriate.
 - b. Each mobile home shall be skirted with fire resistant materials. All materials shall comply with the Fire Code of the State of Maine.
 - c. All outside storage sheds shall be capable of being closed, shall be placed toward the rear of lots, and may be used as a screening device.
 - d. All skirting, plus one storage shed, measuring a minimum of eight (8) feet by six (6) feet per site, shall be of uniform conventional construction materials.
 - e. All cabanas, carports, porches, extra rooms and other attached accessory structures shall comply with current zoning regulations.
 - f. All mobile homes and structures on separate lots shall be no closer than fifty (50) feet at any point. All mobile homes shall be set back at least fifty (50) feet from the street right-of-way.
6. Occupancy:
No portion of a park shall be occupied until at least one-quarter of the mobile home spaces proposed in the mobile home park have been fully developed and are ready for use.
7. Open Space and Recreation Requirements:

A mobile home park shall contain a minimum of one-half space or 10,000 square feet of open space per ten (10) lots.

8. Responsibilities of Licensee:

The licensee of a mobile home parks shall be responsible for operating his or her respective park in accordance with all Town codes and ordinances and all State laws and regulations. The licensee shall be responsible for the maintenance of all open space areas, facilities, roads and utilities in a park, proper placement and stability of mobile homes, installation and hook-up of all utilities and skirting- and the plowing and maintenance of all roads and driveways within the mobile home park.

F. Manufactured Housing.

1. Purpose

The purposes of this section are to establish minimum standards for the placement of manufactured housing in accordance with the provisions of Title 30-A MRSA, Section 4358, "Regulation of Manufactured Housing," to restrict the location of older mobile homes and trailers, to require that manufactured housing (the newer mobile homes and single-wide modulars) be compatible with site-built homes, and to provide opportunities for the location of affordable and safe housing within the community.

2. Permit Requirements

No person, firm, corporation or other legal entity shall locate a manufactured home in the Town of Limerick, or move a manufactured home from one lot or parcel of land to another, without a permit from the Building Inspector. The Building Inspector shall issue the permit within seven (7) days of receipt of a written application and submission of proof that the manufactured home meets the requirements of this Ordinance.

3. Prohibitions

No person, firm, or corporation or other legal entity shall locate, or move from one lot or parcel of land to another, an older mobile home, trailer, or manufactured home which fails to meet the requirements of Article VI.F.5, except in a mobile home park.

4. Non-Conforming Structures

Older mobile homes and trailers, and manufactured homes which fail to meet the standards set forth in Article VI.F.5, which were lawfully established prior to the effective date of this Ordinance, shall be considered non-conforming structures and may continue and may be maintained, repaired, improved and expanded. No non-conforming structure may be moved to another lot or parcel in the Town of

Limerick, and no non-conforming structure may be replaced by another non-conforming structure but shall be replaced by a manufactured home that meets the requirements of this Ordinance. A non-conforming structure may be moved to a different location on the same lot or parcel of land.

5. Manufactured Housing Standards

All manufactured housing located in the Town of Limerick shall be at least fourteen (14) feet in width, shall contain at least seven hundred fifty (750) feet of living space, shall have a pitched, shingled roof and siding that is residential in appearance, and shall have a permanent foundation or pad. The foundation may include a poured or block frost wall, a paved pad and skirting material, or a full basement.

G. Automobile Graveyards, and Junkyards

No automobile graveyard or junkyard shall be maintained in the Town of Limerick except in accordance with the Limerick Zoning Ordinance, 30- A M.R.S.A. §§ 3751-3760 and any applicable State of Maine rules. The following additional provisions apply:

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations, and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species. The Planning Board may require construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.
4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

H. Parking

In the Business District, any proposed use shall provide ample parking space on the property to accommodate all such vehicles attracted by the business, but in no case shall there be less than one (1) parking space for each two hundred (200) square feet of building floor area used for business.

The purpose of this ordinance is to control and regulate parking of motor vehicles on Main Street, Limerick. The following provisions shall apply:

1. Parking by any motor vehicle in the same spot for more than two hours is prohibited.
2. Parking by any motor vehicle weighing more than $\frac{3}{4}$ tons in the same spot for more than thirty minutes is prohibited.
3. Stopping or standing, especially by delivery vehicles, in the travel lanes of Main Street is prohibited.
4. Wrong parking, that is parking facing opposite the direction of travel of that side of the street, is prohibited.

The area covered by this ordinance is all of route 5, Main Street, between the Old Baptist Church and the Free Baptist Church.

I. Mobile Classrooms Regulations:

Mobile Classrooms will not be allowed in the municipality which do not provide the following within the classroom:

1. A restroom
2. Drinking water
3. A temperature controlled environment.

All Classrooms must be equipped with:

4. * An emergency fire warning system
5. * Fire extinguishers
6. * A communication system that operates in conjunction with the main building.

All mobile classrooms must be placed on a concrete slab and enclosed within the school area by a fence.

J. Communication Towers Ordinance

1. Purpose and Intent:

It is the express purpose of this ordinance to minimize the visual and environmental impacts of Communication Towers. It is the intent of this ordinance to be consistent with the State and federal law, particularly the Telecommunications Act of 1996 in that:

- a. It does not prohibit or have the effect of prohibiting the provision of Communications Towers;
- b. It is not intended to be used to unreasonably discriminate among providers of functionally equivalent services;

- c. It does not regulate Communication Towers on the basis of the environmental effect of radio frequency emissions to extent that the regulated services and facilities comply with the regulations of the Federal Communications Commission concerning such emissions; and
- d. It must comply with Article VII Conditional Uses when applicable per Article V District Regulations.

2. Dimensional Requirements:

Height: Communication Towers shall be permitted to a maximum height of two hundred feet (200') above ground level (AGL) unless limited by Federal Aviation Administration in and around existing airports.

3. Setbacks:

New Communication Towers shall be set back:

- a. at least one (1) times the height , plus fifty feet (50') from all boundaries of the site on which the facility is located; and
- b. at least three hundred feet (300') horizontally from any existing dwelling units.

4. Visual Buffer:

A screen of plantings not less than twenty feet (20') in depth shall be permanently maintained as a visual barrier to conceal Communication Towers' ground operations from view of any dwelling or public ways. Such vegetative screen shall have a planting height of at least ten feet (10') or more and a mature height of not less than thirty feet (30') unless there is a natural wooded forest to meet these requirements.

5. Lighting:

- a. No external lighting is permitted, except for manually or motion-sensor operated lights for use only when operating personnel are on site.
- b. Tower lighting is permitted if required by Federal Aviation Administration.

6. Fencing:

Security fencing shall be installed by the owner operator of any freestanding tower and shall be erected around the base and all accessory structures. All anchor points of the guy wires of a guyed tower shall also be fenced. Minimum fence height of eight feet (8') tall required.

7. Co-location:

Licensed carriers shall share Communication Tower and sites where feasible and appropriate, thereby reducing the number of Communication Towers that are stand-alone

facilities. All applicants for Communication Tower shall demonstrate a good faith effort to co-locate with other carriers. Such good faith effort includes:

- a. A survey of all existing structures that may be feasible sites for co-locating Communication Towers facilities.
- b. Contact with all the other licensed carriers for commercial mobile radio services operating in the County.
- c. Sharing information necessary to determine if co-location is feasible under the design configuration most accommodating to co-location; and
- d. Personal Cell Service (PCS) Coverage maps are required.

8. Radio Frequency Radiation (RFR) Monitoring:

After the Communication Towers is operational, the applicant shall submit to the Town of Limerick, within ninety (90) days of beginning operations, and at annual intervals from the date of issuance of the permit, existing measurements of RFR from the Communication Towers. Such measurements shall be signed and certified by a Radio Frequency engineer, stating that RFR measurements are accurate and meet Federal Communications Commission Guidelines.

9. Inspection:

Inspection of communication towers by a licensed structural engineer shall be required to ensure structural integrity. Such inspections shall be at the owner's expense and required as follows:

- a. All towers-upon completion of construction.
- b. Monopole towers-at least once every ten (10) years.
- c. Self-support towers-at least once every five (5) years.
- d. Guyed towers-at least once every three (3) years.

The inspection report shall be provided to the Town of Limerick within thirty (30) days of its receipt by the tower owner. Based upon results of the inspection the Town may require the repair or removal of the communication tower.

10. Removal:

- a. Any Communication Towers which ceases to operate for a period of eighteen months shall give a letter of intent of future operations to the Town of Limerick or be removed at the expense of the applicant and/or its assigns.
- b. A Removal Bond to the Town of Limerick of sufficient funds to remove and dispose of the entire facility shall be required for the duration of the Communication Tower's existence.

11. Access Roads and Above Ground Utilities:

- a. Access roads shall be at minimum of fourteen feet (14') wide and a gravel road.

- b. Reasonable placed turnout(s) measuring four feet by forty feet (4'x40') may be required for emergency vehicles.
- c. A hammerhead turn is required.

12. Municipal:

- a. Space to be reserved on the tower for municipal's future communication purposes.
- b. Exact height to be negotiated in good faith.
- c. There will be no fees charged to the municipality for space on the tower.
- d. Municipality to supply all necessary supplies and equipment at its own expense.

K. Accessory Dwelling Units:

One (1) accessory dwelling unit shall be permitted within an owner-occupied single family dwelling in all districts, which meet the following conditions:

1. The lot on which the accessory dwelling unit is situated meets all current dimensional requirements of the district.
2. The accessory dwelling shall contain no more than one (1) bedroom, kitchen area, living room and a bathroom, and shall not exceed six hundred (600) square feet of habitable floor area.
3. The accessory dwelling unit shall be located in the same building or a building attached to the principal structure. If the accessory dwelling unit is located in the basement of a single family dwelling, it must meet the egress standards of the NFPA Life Safety Code #101, as well as, all other required codes and standards.
4. Egress must be through the principle structure or a breezeway, although a secondary egress may be allowed in the rear of the building.
5. The building containing the accessory dwelling unit shall have the exterior appearance of a single-family home.
6. The unit must comply with applicable building codes, and expansion criteria of the Maine State Subsurface Wastewater rules.
7. Driveways longer than two hundred (200) feet must provide an adequate emergency vehicle turnaround.
8. On street parking will not be permitted. Additional parking and a turnaround space must be provided if needed.

L. Home Occupation

A structure, use, or activity listed as NP (not permitted) within a district in the Land Use Chart (Article V) shall not be permitted as a home occupation. The following standards apply to home occupations:

1. Except for signs as permitted by this ordinance, there shall be no external evidence of the occupation.

2. At least one member of the family occupying the premises must be engaged in the occupation.
3. There shall be no more than four employees engaged in the occupation, excluding family members.
4. The home occupation may utilize:
 - a. Not more than twenty percent (20%) of the dwelling unit floor area, provided that the (for purposes of this calculation, unfinished basement and attic spaces are not included);
 - b. Unfinished attic and basement spaces.; and
 - c. One accessory structure. The floor area utilized in the accessory structure shall not exceed fifty percent (50%) of the total floor area of the dwelling unit floor area as previously calculated.
5. Retail or other sales of merchandise produced or manufactured on the premises shall be considered a home occupation.
6. Except for excluding residential requirements, parking for a home occupation shall not exceed ten (10) spaces.
7. Home occupations that would have significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light glare or other causes that would be considered dangerous or a nuisance, disturbance or annoyance to a reasonable person are prohibited.

M. New/Used Car Lots

1. No structures or equipment shall be located within fifty (50) feet of any property line, public way, or within two hundred (200) feet of any dwelling not on the premises.
2. The use of burning torches for repair or dismantling of vehicles shall be confined to non-combustible floors in enclosed buildings, or in the open, only upon areas cleared of all vegetation and other combustible materials.
3. A buffer of plantings not less than fifteen (15) feet in depth shall be permanently maintained as a visual barrier to conceal salvage operations and dismantled or stored vehicles from view of any dwelling or public right-of-way. Such vegetative screen shall have a mature height of not less than fifteen (15) feet. The Planning Board may require the planting of evergreen species or construction of an eight (8) foot high wooden fence, which shall blend harmoniously with its environs, in such cases where vegetation is not feasible, desirable or effective.

4. The proprietor of any such facility shall apply for renewal of his conditional use permit every two (2) years. Failure to comply with the provisions of this ordinance, as interpreted by the Planning Board, shall be cause for revocation of the conditional use permit after public hearing on the non-compliance.

N. Marijuana

Retail marijuana establishments, including retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities, and retail marijuana social clubs are expressly prohibited as either a principal use or an accessory use in the Town of Limerick.

No person or organization shall develop or operate a business that engages in retail sales of marijuana or any retail marijuana product, both as defined by 7 M.R.S.A. § 2442.

This prohibition does not include the growing or distribution of Medical Marijuana as allowed by 22 M.R.S.A. Chapter 558-C. It also does not include personal use of marijuana or home cultivation of marijuana for personal use as allowed by 7 M.R.S.A. § 2452.

Article VII - Conditional Uses

- A. Purpose. A conditional use permit is designed for those uses which that may be permitted as a service to the community or for the benefit of the Town's general welfare. The standards of this provision are designed to ensure adequate control of the location, design and operation of conditional uses.
- B. Planning Board Approval Standards. The Planning Board may approve an application for a Conditional Use Permit if the applicant demonstrates that the proposed use:
1. Will meet the definition and specific requirements set forth in this ordinance for the specific use;
 2. Will not have a significant detrimental effect on the use and peaceful enjoyment of adjacent or nearby property as a result of noise, vibrations, fumes, odor, dust, light, glare or other cause;
 3. Will not have a significant adverse effect on adjacent or nearby property values;
 4. Will not result in significant hazards to pedestrian or vehicular traffic or significant traffic congestion;
 5. Will not result in significant fire danger;
 6. Will not result in significant flood hazards or flood damage, drainage problems, ground or surface water contamination, or soil erosion;
 7. Will not create a safety hazard because of inadequate access to the site, or to the buildings on the site, for emergency vehicles;
 8. Has proposed exterior lighting that will not create hazards to motorists traveling on adjacent public streets, is adequate to the safety of occupants or users of the site, and will not damage the value and diminish the usability of adjacent properties;
 9. Makes provisions for buffers and on-site landscaping which provide adequate protection to neighboring properties from detrimental features of the development;
 10. Makes provisions for vehicular loading and unloading and parking for vehicular and pedestrian circulation on the site and onto adjacent public streets which neither create hazards to safety nor impose significant burdens on public facilities;
 11. Makes adequate provision for disposal of waste water or solid waste and for the prevention of ground or surface water contamination;
 12. Makes adequate provision to control erosion or sedimentation;

13. Makes adequate provision to handle storm water run-off and other drainage problems on the site;
14. Provides for a water supply which that will meet the demands of the proposed use;
15. Makes adequate provision for the transportation, storage, and disposal of hazardous substances and materials as defined by State law;
16. Will not have an adverse impact on significant scenic vistas or on significant wildlife habitat which that could be avoided by reasonable modification of the plan.

- C. Public Hearing. A public hearing shall be held by the Planning Board following an application for a Conditional Use Permit.
- D. Written Findings. All findings by the Planning Board under these provisions shall be accompanied by written statements that set forth the reasons why the findings were made.
- E. Attachment of Conditions; Violation. Upon consideration of the standard in Article VII.B, the Planning Board may attach such conditions, in addition to those required elsewhere in this ordinance, that it deems advisable to satisfy those standards. Violation of any of these conditions shall be a violation of the ordinance. Failure to comply with the provisions of this ordinance, as interpreted by the Code Enforcement Officer shall be cause for revocation of the Conditional Use Permit. Changes that alter the conditions or provisions of the permit as issued will be a violation. Such conditions may include, but are not limited to, specifications for: type of vegetation;; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational of controls; professional inspection and maintenance; sureties; deed restrictions; restrictive covenants; location of piers, docks, parking and signs; type of construction; or any other condition necessary to satisfy the standards in Article VII.B.
- F. Conditional Use Permit for Spreading of Sludge.

Definitions:

In-Vessel Composting: Sludge that is maintained in a heating vessel at 55 degrees for ten days or longer.

Sludge: The solid, semi-solid or liquid generated by a municipal, commercial or industrial wastewater treatment plant. Sludge is one type of residual and is included when the term "residual" alone is used. The term "sludge" does not include (nor does this Ordinance seek to regulate) either material of the same origin that has been treated and packaged for retail sale as garden fertilizer or any non-processed agricultural waste.

1. Application Procedure: An application form may be obtained from the Code Enforcement Officer and must be filed with the Planning Board ninety (90) days before the first delivery date. The application shall include the following:
 - a. Completed “Application for Sludge Utilization” prepared for the Department of Environmental Protection (“DEP”).
 - b. Fee of five hundred dollars (\$500.00).
 - c. Map of the proposed site.
 - d. Results of baseline testing from wells and soils tests located adjacent to the spreading site.
 - e. Description of management techniques to protect ground and surface waters.
 - f. By descriptive letter and/or other proof of insurance, evidence of the applicant’s complete acceptance of liability and financial capacity to mitigate any potential damage to humans, animals, soil or water resources caused by the storage or application of proposed residual. The amount of insurance shall be no less than three million dollars (\$3,000,000.00) covering liability to the Town of Limerick.
 - g. The Board, after initial review of the application, may require other such information as it deems necessary to guarantee adequate protection of the public health and safety. This may include, but is not limited to, background water tests of existing wells or additional hydrogeologic data. Additional testing shall only be required when there is evidence of a circumstance at or in the vicinity of a specific site that was not adequately addressed by the DEP in its review or that the Planning Board believes was not adequately addressed by the applicant. Well-substantiated public comment may give cause for the Board to require additional baseline testing or other information.

2. Review Procedure

Upon receipt of the application, the Chairman or Secretary of the Board shall set a date for the first consideration of the application and prepare a public notice thereof. The notice will include mention of the baseline water tests recommended for wells within five hundred (500) feet of the proposed activity. The Board shall provide the applicant with a copy of the notice and direct the applicant to deliver a copy to all abutters and property owners within one thousand (1,000) feet of affected sites of the proposed activity. The applicant is responsible for all costs incurred in fulfilling the review requirements.

The Board shall communicate with the DEP to ascertain the status of the applicant’s State permit. If the Town permitting process moves ahead of the State process, the Town shall make receipt of a DEP permit a conditional requirement of the Town’s permit.

Utilizing any information received from abutters and other concerned citizens, the CEO shall inspect the proposed site(s) to verify information presented in the application. The CEO shall notify the DEP and the Board of his/her findings. The Planning Board shall determine whether additional or corrected information is required of the applicant.

Within thirty (30) days of filing the application, the Board shall notify the applicant in writing either that the application is complete, or what other material must be provided. The Board shall grant, grant with conditions, or deny the permit within sixty (60) days of the meeting at which it determines that it has received a completed application.

If sufficient interest is shown, the Board shall hold a public hearing within forty-five (45) days of receiving the completed application in order to solicit public input.

Within seven (7) days of reaching its decision, the Board shall notify the applicant in writing of the action taken by the Board.

A permit issued under this Ordinance shall be valid for a period of five (5) years from the date of issuance and shall be subject to annual review by the Board. Each November, the Code Enforcement Officer shall make a report to the Board on the status of each permit conditions of approval to determine if the conditions were met for the previous year. A permit to add one or more site(s) to an existing permit shall lapse at the same time as the original permit.

3. Monitoring and Enforcement

- a. Monitoring of all testing and spreading shall be supervised by the Code Enforcement Officer and the Health Officer of the Town of Limerick and/or their appointed representatives in conformity with EPA standards or more stringent standards set by the Limerick Planning Board. Enforcement of this Ordinance shall be the duty of the Selectmen of the Town who is hereby given power and authority, to enforce the provisions of this Ordinance.
- b. Testing of Sludge: All material shall be tested using levels, tests and standards as set by the EPA document #40 CFR Part 503 regulation approved by the EPA (11-25-92) with a test frequency at least as strict as EPA standards, set by the Town of Limerick and carried out by an independent laboratory, and with the option of increasing the stringency of all tests, levels, standards and frequencies as deemed necessary by the Limerick Planning Board.

Minimum testing shall be as follows:

- i. Within seventy-two (72) hours of delivery to the site to any spreading.
- ii. Sixty (60) and One hundred twenty (120) days after spreading (for loading only).

- iii. Prior to any additional material being spread.
 - c. The cost of all testing will be paid by the license holder.
 - d. The Town of Limerick will only accept Sludge that has been processed by “in 55 degrees Celsius, or higher, for ten (10) days or longer.
4. Testing of Water Wells
- a. Any persons having land abutting the spreading areas shall be entitled to have their well water tested:
 - i. Before spreading for a baseline.
 - ii. Yearly, while license remains in effect.
 - iii. Once after license ends as a closing baseline.
 - b. All cost of testing will be paid by the license holder.
5. Covenant on Deed of Landholder
- a. The spreading of sludge on any land will require a protective covenant to be recorded at the County seat on the deed of the landholder.

6. Field Stacking

The term “field stacking” is defined as the stacking of materials for no longer than seventy-two (72) hours before spreading. In the case of inappropriate spreading, conditions, or lack of test results, an extension may be granted.

- a. Conditions for field stacking materials:
 - i. Materials to be field stacked shall be placed on and covered with a waterproof material to prevent leaching into the soil and becoming airborne.
 - ii. Each load of material shall be kept separate from ~~the~~ others for testing.

7. Overseeing of Spreading

- a. Forty-eight (48) hours notice will be given to the CEO of the town.
- b. At the CEO’s discretion, a time shall be given to the licensee to spread. The spreading shall be overseen by the CEO or his appointed alternate.

Article VIII - Nonconforming Uses

- A. Any nonconforming use other than the uses specified in B. and C. below may continue in its present use except that the use may not be:
 - 1. Changed to another non-conforming use.
 - 2. Re-established after discontinuance for one (1) year except to a use conforming to the District in which it is located.
 - 3. Expanded.
- B. No junkyard may continue as a non-conforming use for more than one (1) year after the effective date of this Ordinance, except that a junkyard may continue as a non-conforming use in a Business/Industrial District if within that period it is completely enclosed within a continuous solid fence of such height, not less than eight (8) feet high in any case, as to screen completely the operations of the junkyard. Plans of such building or fence shall be approved by the Board of Selectmen before it is erected.
- C. No outdoor advertising structure may continue as a non-conforming use for more than two (2) years after the effective date of this Ordinance unless it is designed to direct attention to a business or profession conducted on the premises.
- D. In the case of existing non-conforming uses, a structure may be rebuilt within the limits of the existing footprint and design.

Article IX - Enforcement

- A. It shall be the duty of the Code Enforcement Officer, who is hereby given power and authority, to enforce the provisions of this Ordinance.
- B. The Code Enforcement Officer shall issue any and all building permits requested when such permit is in accordance with the provisions of this Ordinance.
- C. Permits. After the passage of this Ordinance, it shall be unlawful to erect any building or alter the dimensions of any building or relocate any building in any district without first obtaining a building permit from the Building Inspector.
- D. Basic maintenance and repairs to structures such as roof replacements, clapboard or vinyl siding installation, painting, or window replacement, etc. do not require a permit. It is the responsibility of the property owner to contact the CEO to determine if a permit is required prior to beginning work on a structure.
- E. Upon any well-founded information that this Ordinance is being violated, the Code Enforcement Officer shall, on their own initiative, take immediate steps to enforce the provisions of this Ordinance by seeking an injunction in the Superior Court or by any other legal action.

ARTICLE X-BOARD OF APPEALS

A. Establishment

A Board of Appeals is hereby established pursuant to 30-A M.R.S.A. § 2691.

B. Appointment

1. Members of the board of appeals shall be appointed by the municipal officers, who shall determine their compensation, and be sworn by the municipal clerk or other person authorized to administer oaths.
2. The board shall consist of five (5) members.
3. The term of each member shall be three (3) years.
4. When there is a permanent vacancy, the municipal officers shall appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member fails to attend four (4) consecutive regular meetings without a reasonable excuse, or when a member ceases to be a voting resident of the town. The municipal officers may remove members of the board of appeals by majority vote, for cause, after notice and hearing.
5. Neither a municipal officer nor his or her spouse may serve as a member or alternate member of the board of appeals.

C. Organization, Rules and Procedures

1. The board shall elect a chairperson, cochairperson, and a secretary from among its full voting members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for reelection.
2. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the members of the board present and voting, except the member who is being challenged.
3. The chairperson shall call one regular meeting each month, provided there is business to conduct.
4. No meeting of the board shall be held without a quorum consisting of three (3) members. No action shall be taken on the issue before the board without a majority vote of those members present and voting.
5. The chairperson shall call one meeting annually to elect officers.

D. Duties and Powers

1. The board of appeals may adopt rules and procedures for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings, and determinations.
2. The board of appeals shall file all rules and procedures and subsequent revisions with the Town Clerk. Copies shall be provided to the municipal officers for their information.
3. The board of appeals shall perform such duties and exercise such powers as are provided by the ordinances of the Town of Limerick and the laws of the State of Maine.
4. The board of appeals may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.
5. The Board may interpret the provisions of any applicable municipal ordinance it has been given the jurisdiction to hear.

E. Jurisdiction

1. The Board of Appeals is authorized to hear and decide appeals as an appellate review where it is alleged there is an error in any administrative decision, order, requirement, or determination made by the Code Enforcement Officer or Planning Board under the following Ordinances.
 - a. Zoning Ordinance of the Town of Limerick, Maine.
 - b. Planning Board Standards for Reviewing Subdivisions.
 - c. Shoreland Zoning Ordinance of the Town of Limerick, Maine.
 - d. Flood Plain Ordinance of the Town of Limerick, Maine.
 - e. Sludge Ordinance of the Town of Limerick, Maine.
 - f. Building Code Ordinance of the Town of Limerick, Maine.
 - g. The Growth Ordinance of the Town of Limerick, Maine.
 - h. The Communication Tower Ordinance of Limerick, Maine.
2. The Board of Appeals is authorized to hear variances in specific cases but only within the limitations set forth in this ordinance.
3. The Board of Appeals is authorized to hear the following:

A. Permit a non-conforming temporary use for an initial period of not more than two years. Permits may be renewed by the Board of Appeals for successive periods of not more than one year each.

B. Permit in a Commercial District manufacturing which is incidental to a retail business where articles are sold at retail on the premises and where not more than five (5) operators are employed in such manufacturing.

C. Permit in a Commercial District trailer camps or mobile home subdivisions provided that no trailer or mobile home shall be located on a lot smaller than 2,000 square feet in area and follow the regulations adopted by the Selectmen and as outlined in the State Plumbing Code.

F. Variances

1. Variances may be permitted only under the following conditions:

a. Variances are obtainable only for height, minimum lot size, structure size, setbacks, and open space requirements.

b. An application for a variance may be filed directly with the Board of Appeals in accordance with the procedures below.

c. For a variance appeal the applicant shall submit:

1. A sketch drawn to scale of 1" = 100' showing lot lines, location of existing building and other physical features pertinent to the variance request.

2. A concise written statement stating what variance is requested.

d. Variances cannot, under any circumstances, be obtainable for establishment of any uses otherwise prohibited.

e. The Board shall not grant a variance unless it finds that all the following criteria are met:

1. that the land in question cannot yield a reasonable return unless a variance is granted;

2. that the need for a variance is due to the unique circumstances of the property and not the general conditions in the neighborhood;

3. that the granting of a variance will not alter the essential character of the locality; and

4. that the hardship is not the result of action taken by the applicant or a prior owner.

f. The Board shall limit any variances granted as strictly as possible in order to preserve the terms of the Ordinance as much as possible, and it may impose such conditions to a variance as it deems necessary to this end.

g. The Board of Appeals is also authorized to hear and decide requests for disability variances as provided in 30-A M.R.S.A. § 4353 (4-A).

G. Appeal Procedure

1. Making an Appeal

a. Any appeal authorized by this Article may be taken to the Board of Appeals. Where an appeal is taken by an aggrieved person from any administrative decision of the Code Enforcement Officer or Planning Board, the appeal shall be taken within thirty (30) days 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.

b. An appeal shall be made by filing with the Board of Appeals a written notice of appeal, specifying the grounds for such appeal.

c. The Board of Appeals shall notify the Board of Selectmen, Planning Board, Code Enforcement Officer, and applicant of the appeal. Notice shall also be provided, where the appeal is of an approved permit, to the holder of the permit. In the case of an application for a variance in a shoreland zoning district, a copy of the application, together with all supporting information provided by the applicant, shall be forwarded to the Commissioner of the Maine Department of Environmental Protection at least twenty (20) days prior to taking any action on the variance application. If the Commissioner of the Department of Environmental Protection submits any comments in response to the variance application, the Board of Appeals shall make such comments part of the record and shall consider them prior to taking action on the variance application.

d. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board shall transmit to the Board of Appeals all the papers specifying the record of the decision appealed from.

e. The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal application. Notice of the date, time, and place of the hearing shall be placed in one newspaper of general circulation in

the area at least seven (7) days prior to the hearing. All costs of the hearing such as: public notice, secretary fees, etc. are to be borne by the applicant.

f. In an administrative appeal the applicant has the burden of proof to demonstrate that the Code Enforcement Officer or Planning Board acted contrary to the Ordinance. The Board of Appeals shall hear an appeal of any decision of the Planning Board on an appellate basis and shall limit its review to the record developed before the Planning Board and shall not accept any new evidence or testimony. The Board of Appeals may only reverse a decision of the Planning Board if it determines that the Planning Board's decision was based on an error of law or a mistake of fact.

2. Hearings

a. In any appeal from a decision of the Code Enforcement Officer or any variance appeal, the Board shall conduct a de novo hearing as follows:

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

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

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

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

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

vi. The Board of Appeals shall include a statement of its findings of fact and conclusions of law as part of its decision.

b. The Board of Appeals shall hear any appeal of a decision of the Planning Board solely on an appellate basis and shall only reverse a decision of the Planning Board that contains one or more errors of law or fact.

- i. The Board of Appeals shall not consider or accept new evidence or testimony and shall limit its review to the record developed before the Planning Board.
- ii. The person bringing the appeal and any persons in opposition to the appeal shall be limited to a presentation of arguments as to why the decision of the Planning Board is in error.

H. Decisions of the Board of Appeals

1. A majority of the members of the Board shall constitute a quorum for the purpose of deciding an appeal or variance. A member who abstains shall not be counted in determining whether a quorum exists.
2. The concurring vote of a majority of the members of the Board making up the quorum shall be necessary to reverse any 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 pass under this Ordinance, or to effect any variation in the application of this Ordinance. A tie vote shall constitute a rejection of the application being considered.
3. The Board shall decide all appeals or variances within thirty-five (35) days after hearing, and shall issue a written decision on all appeals or variances.
4. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, upon all the material issues of fact, law or discretion presented, and the appropriate order, relief or denial thereof. Notice of any decision shall be mailed or hand delivered to the petitioner, his representative or agent, the Code Enforcement Officer, Planning Board, and Selectmen within ten (10) days of the decision date.
5. A copy of all variances effecting shoreland zoning granted by the Board of Appeals shall be submitted to the Dept. of Environmental Protection within fourteen (14) days of the decision.
6. The applicant shall be responsible for a recording a certificate of variance in the York County Registry of Deeds within 90 days of the final written approval. The variance will not be valid until it is recorded. If the variance is not recorded within the required 90-day period, it shall become void.

I. Appeal to Superior Court

Except as provided in Section J of this Article, any aggrieved party may take an appeal to Superior Court in accordance with State law within forty-five (45) days from the date of any decision of the Board of Appeals.

J. Reconsideration

The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision, if the applicant can provide new and substantial evidence to reconsider. A request to the Board to reconsider a decision must be filed within 10 days of the decision that is to be reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. The Board may conduct additional hearings and receive additional evidence and testimony. Notwithstanding Section I of this Article, appeal of a reconsidered decision must be made within 15 days after the decision on reconsideration.

K. Severability Clause

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.

L Effective Date

The effective date of this amendment is June 13, 2017.

Article XI - Amendments

This Ordinance may be amended by a majority vote of any legal town meeting when such amendment has received public hearing, which hearing has been advertised and given a legal ten (10) day notice.

Article XII - Penalty

Every person, persons, firm or corporation violating any of the provisions of this Ordinance shall be subject to the provisions of 30-A M.R.S.A. § 4452.

Article XIII - Saving Clause

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

Article XIV - Effective Date

This Ordinance shall take effect upon its passage.

LIMERICK BUILDING CODE ORDINANCE

The Maine Uniform Building Code (MUBC), as adopted on October 11, 2010 by the Maine Department of Public Safety's Building codes and Standards Board, is adopted by reference, as authorized by 10 M.R.S.A., section 9724 (1-A0 and 30-A M.R.S.A., section 3003. Upon adoption, MUBC shall be effective retroactive to September 28, 2011. The penalty for violation of any provision of MUBC shall be as provided by 30-A M.R.S.A., section 4452. A copy of MUBC is and shall remain on file with the municipal clerk and is available for public use, inspection and examination. Enforce only the Main Uniform Building Code sections RB, CB, RV, CV, and RR.

Enforcement:

This ordinance shall be enforced pursuant to the provisions of 30-A M.R.S.A. 4452 Rule 80K of the Maine Rules of Civil Procedure and Limerick Building Ordinance by any municipal official authorized by law to do so.

CERTIFICATE OF OCCUPANCY
Use and Occupancy

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be constructed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.