

2018

Town of Parsonsfield Maine Ordinances

Parsonsfield, Me.

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**Town of Parsonsfield
Land Use and Development Ordinance
Table of Contents**

ARTICLE I. GENERAL PROVISIONS	PAGE
Section 1. Title	7
Section 2. Legal Authority	7
Section 3. Purpose	7
Section 4. Applicability	7
Section 5. Conformity Required	7
Section 6. Non-Conformance	7
A. General Requirements	7
B. Non-Conforming Uses	8
C. Non-Conforming Structures	9
D. Non-Conforming Lots of Record	9
E. Exceptions for Utilities	10
Section 7. Repeal of Prior Ordinances	10
Section 8. Conflict with Other Ordinances	11
Section 9. Validity and Severability	11
Section 10. Amendment	11
A. Initiation	11
B. Procedure	11
C. Adoption	12
D. Repetitive Petitions	12
E. Shoreland District Amendments submitted to DEP	12
Section 11. Effective Date	12
Section 12. Availability	13
ARTICLE II. LAND USE DISTRICTS AND USE	
Section 1. Establishment of Districts	13
A. Village (V)	13
B. Village Residential (VR)	13
C. Rural Residential (R)	13
D. Light Industrial/Office (LIO)	13
E. Forest and Farm (FF)	13
F. Resource Protection (PR)	14
G. Resource Conservation (RC)	14
H. Shoreland (SD)	14
I. Public Water Protection (Overlay)	14
Section 2. Location of Districts	14
Section 3. Interpretation of District Boundaries	14
A. Uncertainty of Boundaries	14
B. Division of Lots by District Boundaries	15
Section 4. Land Uses	15
Section 5. Dimensional Requirements	19

Table of Contents

ARTICLE II. LAND USE DISTRICTS AND USES (cont.)	PAGE
Section 6. General Performance Requirements and Standards	20
A. Access to Lots	20
B. Agriculture	20
C. Air Emissions	20
D. Beach Construction	20
E. Buffers/Screening	20
F. Clearing of Vegetation for Development	21
G. Emergency Vehicle Access	21
H. Glare and Illumination	21
I. Height of Structures or Buildings	22
J. Landscaping	22
K. Noise Abatement	22
L. Off-Street Parking and Loading	23
M. Public Water protection District	27
N. Road Construction	27
O. Sanitary Standards	34
P. Signs	34
Q. Soil and Water Quality Protection	35
R. Storage of Materials	38
S. Street Access and Driveways	39
T. Structure Elevation	41
Section 7. Building Code	41
A. Good Practice Standards	41
B. Minimum Construction Standards	41
C. Exterior Finish	42
D. Roof Covering	42
E. Chimneys	42
F. Wood Burning Stoves	43
G. Fireplaces	43
H. Electrical Installations	43
I. Plumbing	43
J. Means of Exit	43
K. Size of Dwelling	43
L. Foundations	44
M. Light and Ventilation	44
N. Manufactured Homes	44
Section 8. Shoreland District Requirements	45
A. Applicability	45
B. Shoreland District Map	45
C. Non-Conformance	45
D. Establishment of Districts	49
E. Land Use Standards	51

Table of Contents

ARTICLE II. LAND USE DISTRICTS AND USES (cont.)	PAGE
Section 9. Performance Requirements And Standards for Specific Activities	67
A. Light Industrial/Office Districts	67
B. Telecommunications Towers	69
C. Home Occupations	72
D. Hotels, Motels and Inns	72
E. Mineral Exploration and Extraction	73
F. Mobile Home Parks	76
G. Multi-Family Development	79
H. Subdivisions (See Separate Town Ordinance)	79
I. Timber Harvesting	79
J. Waste Disposal	79
K. Campgrounds	79
 ARTICLE III. SITE PLAN REVIEW	
Section 1. Purpose	81
Section 2. Applicability	81
Section 3. Classification of Projects	81
Minor Developments	81
Major Developments	81
Section 4. Administration	81
A. Pre-Application Meeting	81
B. Applications in Writing	82
C. Notice to Abutters	82
D. Independent Review and Advice	82
E. Public Hearing	82
F. Financial Guarantee	82
G. Conditions to Permits	83
H. Expiration of Permits	83
I. Access to Sites	83
J. Responsibility of Applicant	83
Section 5. Site Plan Review Application	83
A. General Submission Information	83
B. Existing Conditions	84
C. Proposed Development Activity	84
D. Applications for Major Developments	85
E. Applications for Special Exception Permits	86
Section 6. Criteria for Review and Approval of Site Plans	86
A. Aesthetic, Cultural and Natural Values	86
B. Conformity with Ordinances and Plan	86
C. Erosion	86
D. Financial Burden on the Town	87
E. Financial and Technical Ability	87
F. Flood Areas	87

Table of Contents

ARTICLE III. SITE PLAN REVIEW (cont.)	PAGE
G. Freshwater Wetlands	87
H. Groundwater	87
I. Municipal Solid Waste Disposal	87
J. Municipal/Public Water Supply	87
K. Neighborhood Compatibility	88
L. Pollution	88
M. River, Stream or Brook	88
N. Sewage Disposal	88
O. Storm Water	88
P. Sufficient Water	88
Q. Traffic	88
Section 7. Performance Guarantees	88
A. Types of Guarantees	88
B. Contents of Guarantee	89
C. Escrow Account	89
D. Letter of Credit	89
E. Performance Bond	90
F. Phasing of Development	90
G. Release of Guarantee	90
H. Default	90
ARTICLE IV. CONDITIONAL USE	
Section 1. Conditional Use Permit	91
Section 2. Application for Conditional Use	91
Section 3. Standards for Conditional Use	91
Section 4. Additional Standards in Shoreland Areas	92
Section 5. Conditions of Approval	92
Section 6. Reapplication	93
Section 7. Duration of Conditional Use Permit	93
ARTICLE V. ADMINISTRATION, ENFORCEMENT AND PENALTIES	
Section 1. Administering Bodies and Agents	94
A. Code Enforcement Officer	94
B. Planning Board	94
C. Board of Appeals	94
D. Building, Plumbing, Electrical Inspectors	95
Section 2. Permits Required	95
Section 3. Permit Application	95
Section 4. Procedure for Administering Permits	96
A. Permits Requiring Planning Board Approval	96
B. Permits Requiring CEO Approval	98
C. Approval of Permits	98
D. Certificate of Occupancy Required	98

Table of Contents

Section 5.	Fees	99
Section 6.	Expiration of Permits	99
Section 7.	Installation of Public Utility Service	99
Section 8.	Enforcement	99
	A. Enforcement Procedure	99
	B. Code Enforcement Officer	99
	B. Legal Actions	100
	C. Fines	100

ARTICLE VI. APPEALS

Section 1.	Establishment of Board of Appeals	101
Section 2.	Powers and Duties	101
	A. Administrative Appeals	101
	B. Variance Appeals	102
Section 3.	Appeal Procedure	103
	A. Time Limit	103
	B. Written Notice	103
	C. Record of Case	103
	D. Public Hearing	103
	E. Decision by Board of Appeals	103
	F. Reconsideration	104
	G. Appeal to Superior Court	104

Appendix A: DEFINITIONS

Appendix B: FEE SCHEDULE

Table of Tables

		Page
Table 1.	Table of Permissible Uses	16
Table 1A	Land Uses in Shoreland Districts	66
Table 2.	Dimensional Requirements	19
Table 3.	Parking Design Standards	24
Table 4.	Parking Requirement Schedule	25
Table 5.	Street Standards	30
Table 6.	Minimum Requirements-Street Materials	31
Table 7.	Gravel Base Material-Streets	32
Table 8.	Crushed Surface Gravel-Streets	32
Table 9.	Buffer Requirements	37
Table 10	Minimum Corner Clearance For Streets	40
Table 11	Spacing of Ditch Relief Culverts	57

ARTICLE I. GENERAL PROVISIONS

Section 1. Title

This Ordinance is known and may be cited as the "Land Use and Development Ordinance of the Town of Parsonsfield, Maine", and will be referred to herein as "this Ordinance".

Section 2. Legal Authority

This Ordinance has been prepared in accordance with the provisions of Title 30-A, Maine Revised Statutes Annotated (M.R.S.A.), Chapter 141, Sections 4401-4408, Subdivisions, 4351-4360, Land Use Regulation, and 4451-4452, Certification of Code Enforcement Officers, and Title 38, M.R.S.A., Section 435-448, Mandatory Shoreland Zoning Act, as amended. This Ordinance has also been prepared to be consistent with Parsonsfield's adopted Comprehensive Plan of 1990 as amended.

Section 3. Purpose

The purpose of this Ordinance, in accordance with the Town's adopted Comprehensive Plan, is to promote the health, safety and general welfare of the residents; to encourage the most appropriate use of land throughout the Town by controlling building sites, placement of structures and land uses; to promote traffic safety; to promote fire safety and prevention of harm from natural hazards; to provide adequate light and air and prevent overcrowding of land areas; to prevent housing development in unsanitary or unsafe areas; to provide an adequate street system and public services; to promote the coordinated development of land; to encourage the formation of community neighborhoods and provide an allotment of land area in new developments sufficient for all requirements of community life; to protect and foster existing village and neighborhood areas; to maintain the rural character of the town; to further the maintenance of safe and healthful conditions; to conserve natural resources; to prevent and control water pollution; to protect fish spawning grounds, fish, 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 conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 4. Applicability

Notwithstanding the provisions of Title 1, M.R.S.A., Section 302, this Ordinance applies to any and all applications and proceedings pending upon the date of adoption of this Ordinance or filed on or after the date of adoption of this Ordinance.

Section 5. Conformity Required

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 except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted. All lots created shall be in conformity with all regulations herein specified for the district in which it is located.

Section 6. Non-conformance

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

A. General Requirements (Note: For Requirements in the Shoreland Districts, see Section 8)

1. Continuance

Any use of land, or any building, structure, or parts thereof, legally existing at the time of adoption or amendment of this Ordinance which does not conform to any of its requirements, may continue, but nothing may be repaired, extended, reconstructed, replaced, enlarged or structurally altered, except as specified below.

2. Transfer of Ownership

Ownership of lots, structures and uses which remain lawful but become nonconforming by the adoption or amendment of this Ordinance may be transferred, and the new owner may continue the non-conforming structure, lot or use subject to the provisions of this Ordinance.

3. Repairs, Maintenance, or Stabilization of Unsafe Structures

- a. This Ordinance allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure and such other changes in a nonconforming use or structure as federal, state or local building and safety codes may require.

- b. Nothing in this Ordinance prevents the strengthening or stabilization of a building or structure declared unsafe by the Code Enforcement Officer, for the purpose of restoring the property to a safe condition.

B. Nonconforming Uses

1. Resumption of Discontinued Use

A structure in which a nonconforming use is discontinued for a period of eighteen (18) consecutive months or more, or which is superseded by a conforming use, may not again be devoted to a nonconforming use, even if the owner has not intended to abandon the use. If the building or structure is not being used due to pending probate proceedings it will not be considered to have discontinued the use during the probate proceedings.

2. Enlargements of Nonconforming Uses Prohibited

- a. A nonconforming use shall not be enlarged. Any alterations to nonconforming uses shall not be permitted unless a site plan review by the Planning Board finds that all the requirements of this section have been met.

- b. A nonconforming use of part of a structure may not be extended throughout other parts of the structure unless those parts of the structure were manifestly arranged or designed for such use prior to the adoption of this Ordinance, or of any amendment making such use nonconforming.

3. Change of Use

An existing nonconforming use may not be changed to another nonconforming use unless the proposed use is equally or more appropriate in the district than the existing use, and

Article I. General Provisions

the proposed use is reviewed and approved by the Planning Board according to the standards for review contained in Site Plan Review section of this Ordinance.

4. Use of Land

- a. A nonconforming use of land may not be extended into any part of the remainder of a lot unless a site plan review permit is obtained from the Planning Board.
- b. A nonconforming use of land incidental to or accessory to a nonconforming use of building(s) must be discontinued at the same time the nonconforming use of the building is discontinued.

C. Nonconforming Structures

1. Enlargements

- a. A nonconforming structure shall not be added to or enlarged unless such addition or enlargement conforms to all the regulations of the land use district in which it is located and a site plan review by the Planning Board finds that all the requirements of this section have been met.
- b. The addition of one set of unenclosed steps or one unenclosed wheelchair ramp, provided no roof is involved, does not constitute the enlargement of a nonconforming structure or use. The addition of a deck, porch or open patio does constitute the enlargement of a nonconforming structure or use and therefore must meet all applicable dimensional requirements.
- c. In all Land Use Districts, the placing of a foundation below a lawfully existing nonconforming structure does not constitute the enlargement of the structure, provided that the completed foundation does not extend beyond the exterior dimensions of the existing structure and does not cause the structure to be elevated by more than three (3) additional feet.

2. Lack of Required Parking or Loading Space

A structure or use which is nonconforming because it does not meet the requirements for off-street parking and/or loading space may not be enlarged, added to, or altered unless off-street parking and/or loading space is provided. The off-street parking and/or loading space that is provided must bring the structure or use into conformance with the requirements of this Ordinance for both the addition or alteration and for the original building or structure.

D. Nonconforming Lots of Record

1. Vacant Lots

- a. Nonconforming vacant lots of record that are part of a land subdivision approved by the Parsonsfield Planning Board and recorded in the York County Registry of Deeds at the time of the enactment of this may be built upon, provided that dimensional requirements governing the placement of structures are met and that all other requirements of this Ordinance and State law are met.

Article I. General Provisions

- b. Any other nonconforming vacant lot of record as of the effective date of this Ordinance or amendment thereto, may be built upon, without the need for a variance from the Zoning Board of Appeals, 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 those lot size, lot width or lot frontage requirements which have made the lot nonconforming can be met. Any other requirements shall not be varied, unless a variance is obtained by action of the Board of Appeals. Water setbacks required under Shoreland District Requirements shall not be reduced by variance.
- c. If two or more contiguous lots or parcels of record are in the same single or joint ownership on or after the effective date of this Ordinance (or applicable amendments) and these lots do not individually meet the dimensional requirements, if one or more of the lots are vacant or contain only an accessory structure, then the lots must be combined, to the extent necessary, to meet the dimensional requirements for newly created lots.

2. Built Lots

A nonconforming lot of record that was built upon prior to the enactment of this Ordinance or the applicable amendment to this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) can not meet the dimensional requirements of this Ordinance, a variance must be obtained from the Board of Appeals.

If two or more contiguous lots or parcels of record are in the same single or joint ownership on or after the enactment (or applicable amendment) of this Ordinance and 1) if either or both of these lots do not meet the dimensional requirements of this Ordinance, *and* 2) if a principal use exists on each lot, the nonconforming lots may be conveyed separately or together in accordance with the State Minimum Lot Size Law and State Plumbing Code.

3. Rear Lots

A rear lot (lacks frontage) that meets size requirements but is accessible only by a right-of-way that does not meet the width requirements may be used for a single dwelling or other single permitted use provided that the right-of-way existed at the effective date of this Ordinance or amendment, and that a wider right-of-way cannot be negotiated with abutting landowners, and that all other relevant provisions of this Ordinance can be met.

E. Creating Rear Lots

Rear lots without the required road frontage may be created if they meet the following requirements:

- Must meet lot size and dimension requirements (see Article II, Section 5), except road frontage
- Must have an access at least 50' wide as part of the property, or a deeded right of way at least 50' wide from a state, town or private road. If deeded right of way, the deed must state that the rear lot owner has the right to construct an access way at least to the standards the town requires.
- Access road quality – If serving up to two outbuildings or a single residence with up to two outbuildings, the access road must meet the construction requirements for a driveway (Article II, Section 6, S 2, pg 39). If serving a business or more than one residence, the access road must meet the construction requirements of road construction (see Article II,

Article I. General Provisions

Section 6, N, pg 27). More than one residence or two outbuildings would require a Site Plan Review. The access road must be maintained year round once any buildings are constructed on the parcel.

- No building can be erected in the access way.
- Any business use of a new rear lot, other than a home business, requires a site plan review.
- A turn around for emergency vehicles must be available. Either a cul-de-sac, constructed to subdivision standards (Property line setback: same as building setback; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet.) or an area to back into that is least 25' along the road by 50' deep and perpendicular to the road on flat ground, maintained year-round once any buildings are constructed, must be available within 75' of all residences or out buildings.
- Setbacks from all boundaries must meet the rear setback requirement for a lot in the same zone (ie – any buildings on a rear lot in the rural residential zone must be 50' from all boundaries, the rear setback requirement).
- The use of the access road to access multiple lots, whether developed or not, will require a Site Plan Review.
- A lot created under this section will be classified as a rear lot unless the access road becomes a public road.

F. Exceptions for Utilities

The Planning Board may grant an exception for public utility installation and accessory structures, including substations and pumping stations, occupying lots not meeting lot area, lot width, or lot frontage requirements, provided that no attendant is regularly on the premises. The usual setback requirements still apply. Such exemptions are subject to Site Plan Review.

Section 7. Repeal of Prior Ordinances, and Automatic Repeal and Amendment of Timber Harvesting Standards in the Shoreland Zone

Land Use and Zoning Ordinance (adopted 5/30/87) and the Building Code (adopted 3/14/70) are repealed, and replaced by this Ordinance, adopted 3/5/1994, along with any subsequent amendments to this Ordinance.

The municipal regulation of timber harvesting is repealed on the statutory date established under Title 38, M.R.S.A. Section 438-B, at which time the State of Maine Department of Conservation's Director of the Bureau of Forestry shall administer timber harvesting standards in the Shoreland Zone within the Town of Parsonsfield. On the date established under Title 38, M.R.S.A. 438-B, the following provisions of this Chapter shall be repealed or amended as follows:

1. Section 8.E, Table 1A, Table of Land Uses in the Shoreland Districts, delete the symbols "Y" or "P" indicated in each district next to the uses "Timber Harvesting*", "Forest management activities except for timber harvesting & land management roads," and "land management roads," (items 3,4 & 27) and replace with the symbol "BF." Amend the table key to indicate that "BF" means "Allowed use, requires permit issued by Maine Bureau of Forestry"
2. Section 8.E.14 Timber Harvesting, repeal in its entirety.
3. Appendix A, Definitions, Section 2, repeal definitions of the following terms:

Section 8. Conflict with Other Ordinances

Harvest area,
Residual basal area,
Residual stand,

Section 8. Conflict with Other Ordinances

In any case where a provision of this Ordinance is found to be in conflict with a provision of any other Ordinance or Code of the town or state or federal regulation or statute, the provision establishing the higher standard for the promotion and protection of health and safety will prevail.

Section 9. Validity and Severability

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

Section 10. Amendment

A. Initiation

A proposal for an amendment to this Ordinance may be initiated as permitted below and then must be acted on according to the procedures in subsection B and C below.

1. The Planning Board, by favorable majority vote of the entire regular membership of the Board;
2. The Town Selectmen, through a request to the Planning Board;
3. An individual or group through: (a) a request to the Planning Board and subsequent favorable majority vote of the Board, or (b) by a written petition with the signatures of registered Parsonsfield voters equal to at least ten percent (10%) of the votes cast in Parsonsfield in the last State gubernatorial election.

B. Procedure

1. Any proposal to amend this Ordinance must be made to the Planning Board in writing stating the specific changes requested. Amendments initiated by petition must be presented to the Town Clerk and Board of Selectmen who shall then transmit them to the Planning Board within ten (10) working days of having received the petition with a finding whether the requirements of Section 10A(3) above have been or have not been met. When a change in district boundaries is proposed, the application must state the nature, extent, and location of the proposed boundary change and the application must be accompanied by a scale drawing with dimensions showing the areas to be changed. When an amendment is proposed by the petition process, a fee to cover the costs of public hearings must be paid by the petitioners. The amount of said fee is to be determined by the Planning Board.
2. Within thirty (30) days of receiving a properly initiated amendment, the Planning Board shall hold a public hearing on the proposal. Notice of the hearing must be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing. The notice must contain the time, date and place of the hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If

Article I. General Provisions

the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the Town Clerk's office, is adequate notice.

3. Within thirty (30) days following the public hearing, the Planning Board shall make a written recommendation regarding passage to the Selectmen and for use at a Town Meeting prior to any action on the amendment.

C. Adoption

1. If it has a favorable majority vote of the Planning Board, any amendment to this Ordinance may be adopted by a majority vote of a Town Meeting.
2. If the proposed amendment has not received a favorable majority vote of the Planning Board, it must be adopted by a two-thirds (2/3) super-majority vote at a Town Meeting.

D. Repetitive Petition

Proposed changes to this Ordinance which have been unfavorably acted upon may not be considered again within two (2) years of the date of the town meeting action unless the proposed change is recommended by the vote of eighty percent (80%) of the entire regular membership of the Planning Board. Alternate Planning Board members are not counted as regular Planning Board members, but may vote in the place of regular Planning Board members if the regular member is absent.

E. Shoreland District Amendments to Be Submitted to State DEP

Copies of amendments adopted affecting the Shoreland District, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the Town Meeting and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.

Section 11. Effective Date

This Ordinance takes effect and is in force from the date of its adoption. Provisions of this ordinance affecting the Shoreland District, 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.

Section 12. 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.

ARTICLE II: LAND USE DISTRICTS AND USES

Section 1. Establishment of Districts

To implement the provisions of this Ordinance the Town of Parsonsfield is hereby divided into the following land use districts that are depicted on the Parsonsfield Land Use District Map.

A. Village (V)

The purpose of this district is to preserve the historic villages in Parsonsfield and to promote the traditional village atmosphere that is common to New England towns. This District allows a mixed use of residential, commercial and institutional uses.

B. Village Residential (VR)

The purpose of this District is to provide for residential growth and commercial uses appropriate for a village area. This district is intended to be compatible with the Village District. The District provides for a mixed use of residential, commercial and institutional uses.

C. Rural Residential (R)

The purpose of the Rural Residential District is primarily to provide for low-density residential housing in areas of Parsonsfield where a pattern of rural housing exists. The District allows a mixture of residential uses and institutional uses. Limited commercial uses are allowed.

D. Light Industrial/Office (LIO)

The purpose of the Light Industrial/Office District is to provide locations in Parsonsfield for the development of light manufacturing and professional commercial uses. This District is located near three-phase electrical power, public water, telecommunications services and major roads that are necessary to support more intense commercial development. This District is intended to encourage economic growth and diversity in Parsonsfield that will strengthen the local economy. The allowed uses are primarily industrial and commercial in nature.

E. Forest and Farm (FF)

The purpose of the Forest and Farm District is to promote and encourage natural resource based uses like forestry and farming. The District also serves to protect those areas of town characterized by steep slopes and soils not suitable for intense development. The District provides for low-density housing, farming, forestry and related commercial uses as well as outdoor recreational uses.

F. Resource Protection (RP)

See the Shoreland District section (Section 8) for language regarding specific Shoreland Districts.

G. Resource Conservation (RC)

The purpose of the Resource Conservation District is to conserve natural resources for forestry related activities, outdoor recreational uses, wildlife habitat and agriculture. This District includes areas where development rights may have been purchased or restricted. No development is permitted in this District.

H. Shoreland Districts

See the Shoreland District section (Section 8) for language regarding specific Shoreland Districts.

I. Public Water Protection (PW)-Overlay District

The purpose of the Public Water Protection District is to protect the ground water aquifer and recharge area that is the source of water for the public water system. The Public Water Protection District is shown on the Parsonsfield Land Use District Map as an ellipsoidal area beginning on the shore of the Ossipee River where the public water wells are located and continuing to the peak of Cub Hill. The protection of the public water supply from toxic and hazardous contamination is essential to the health and well-being of the community and its citizens. The public water supply consists of the wells that supply the water, the aquifer that stores the water for the wells and the recharge area that replenishes the aquifer.

Section 2. Location of Districts

The Land Use Districts are located and bound as shown on the official Land Use District Map for the town of Parsonsfield, Maine, and are made part of this Ordinance. The official Land Use District Map must be signed and dated by the chairperson of the Planning board and shall be certified by the attested signature of the Town clerk following the adoption or any amendment of the Map. The signed map shall be located in the municipal office and be available for public inspection, within thirty (30) days after the adoption or any amendment, or in the case of amendments affecting the Shoreland District, within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection. The official Land Use District 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.

Section 3. Interpretation of District Boundaries

A. Uncertainty of Boundaries

Where uncertainty exists with respect to boundaries of various districts as shown on the official Land Use District Map the following rules apply:

1. Boundaries indicated as approximately following the center-lines of streets, highways or rights-of-way must be construed as following the centerline of such streets, highways or rights-of-way.
2. Boundaries shown as approximately following platted lot lines must be construed as following such lot lines.
3. Boundaries shown as approximately following municipal limits must be construed as following municipal limits.
4. Boundaries shown as following shorelines must be construed to follow the normal high-water line and in the event of natural changes in the shoreline must be construed as moving with the actual shoreline.
5. Boundaries shown as approximately following the center-line of streams and other water bodies must be construed to follow such center-lines and in the event of natural changes in the location of the water body, must be construed as moving with the actual center-line.

Article II. Land Use Districts and Uses

6. Boundaries indicated as parallel or extensions of features indicated in paragraphs 1 through 5 above must be so construed. Distances not specifically shown on the official district map are to be determined by the scale of the map.
7. Boundaries indicated as approximately following natural features such as flood plains, wetlands, aquifers, or watershed boundaries are to be construed to follow said natural features. The area indicated on the official district map as the public water protection area must be construed so that the source of the public water supply lies within the protected area.
8. Where physical or cultural features existing on the ground are at variance with those shown on the official district map, or in other circumstances not covered by sections 1 through 7 above, or where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

B. Division of Lots by District Boundaries

When a lot is divided by a land use district boundary other than a boundary to an overlay area, the following rules apply:

1. On lots 80,000 square feet or less in area, the lot shall be used as if the entire lot is in the District that comprises the larger portion.
2. On lots larger than 80,000 square feet, the requirements of the District in which that portion of the lot lies shall govern.

Section 4. Land Uses

Land uses allowed in each District in Parsonsfield, other than the Shoreland Districts, are shown on Table 1 (Table of Permissible Uses) by the type of permit required within each Land Use District. For any land use not listed on this Table the Planning Board shall determine which listed land use type is most similar to the non-listed land use and determine the appropriate procedure and the type of permit required. Land uses allowed in the Shoreland Districts are shown in Table 1A, found in section 8.

TABLE 1
Table of Permissible Uses
Land Use District

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
RESIDENTIAL							
Accessory Structure	P	P	P	P	P	R	N
Group Homes	R	R	R	R	N	R	N
Duplex/Two Family Dwelling	P	P	P	P	N	R	N
Home Occupation	P	P	P	P	P	R	N
Manufactured Housing	P	P	P	P	N	R	N
Mobile Home Park	N	N	R	N	N	N	N
Multi-Family Dwelling	R	R	R	S	N	R	N
Single-family Dwelling	P	P	P	P	N	R	N
Subdivision	R	R	R	R	R	R	R
COMMERCIAL							
Accessory Structure	1	1	1	1	1	1	1
Amusement Facilities	R	R	S	N	N	R	N
Auto, Rec. Vehicle, Small Engine Repair Shop	R	R	S	N	N	N	N
Automotive Body Shop	R	N	N	N	N	N	N
Automotive Service Station	R	S	N	N	N	N	N
Automobile, Rec. Vehicle, Small Engine Sales	R	R	N	N	R	N	N
Banks	R	R	N	N	N	R	N
Bed and Breakfast	P	P	P	P	N	R	N
Boarding, Lodging (four or less persons)	P	P	P	P	N	R	N
Car Wash	R	N	N	N	N	N	N
Commercial Communication Tower	R	R	R	R	R	R	R
Dry Cleaners; Laundromat	R	S	N	N	N	N	N
Firewood Processing	N	N	R	Y	N	N	R
Funeral Home	R	R	R	N	N	R	N
Hotel/Motel/ Inns	R	R	R	R	R	N	N
Junkyard, Minor	N	N	N	R	S	N	N
Neighborhood Convenience Store	P	P	R	N	N	R	N
General Convenience Store	R	R	N	N	N	N	N
Offices: Business, Professional, Medical, Clinics	R	R	S	N	R	R	N
Printing/Photocopying	R	R	S	N	R	N	N
Recreational/Indoors (bowling,skating,tennis, squash, racquetball, billiards, exercise, etc.)	R	R	S	N	R	R	N
Recreational/Outdoors (golf driving ranges, miniature golf, water slides)	N	R	R	R	N	R	N
Restaurant	R	R	R	S	R	R	N
Retail Fuel Distributor (petroleum products)	R	S	N	N	S	N	N
Retail Business (less than 4000 sq.ft.)	R	R	R	N	N	R	N
Retail Business (more than 4000 sq.ft.)	S	N	N	N	R	N	N
Shopping Center	S	N	N	N	R	N	N
Taverns	R	N	N	N	N	N	N
Transmission Tower	N	N	S	R	N	S	R
Vendor, Mobile or Temporary, 3 or more days	P	P	P	N	N	N	N
Veterinary Hospital	R	S	S	R	S	N	N
Wholesale Business	S	N	N	N	R	N	N

TABLE 1(cont.)

Table of Permissible Uses
Land Use District

USE/STRUCTURE	V	VR	R	FF	LIO	PW	RC
INDUSTRIAL							
Manufacturing – Light	R	N	N	N	R	N	N
Manufacturing – Heavy	N	N	N	N	R	N	N
Sawmill and Related Operations	N	N	N	R	S	N	N
Sludge and Ash Spreading/Disposal	N	N	N	S	N	N	N
Trucking, Distribution Terminal	N	N	S	N	R	N	N
Warehousing and Storage	R	N	S	N	R	N	N
Waste Disposal/Landfill	N	N	N	S	N	N	N
EDUCATION, INSTITUTIONAL, PUBLIC							
Accessory Structure	1	1	1	1	1	1	1
Church, Synagogue, Parish House	R	R	R	N	N	R	N
Community Centers, Clubs	R	R	S	N	N	R	N
Day Care Facility	R	R	R	R	N	R	N
Essential Services	R	R	R	R	R	R	R
Fire, Police Station	R	R	R	R	R	R	N
Government Office	R	R	S	N	N	R	N
Congregate Housing/Nursing Home	R	R	R	N	N	N	N
Museum Library	R	R	S	S	N	R	N
Nursery School	R	R	R	R	N	R	N
Public, Private School	R	R	R	S	N	R	N
Public Utility Facility	R	R	R	S	R	R	N
Transfer Station	N	N	R	R	N	N	N
Residential Treatment Facility	R	R	R	N	N	N	N
OUTDOOR, RESOURCE BASED USES							
Accessory Structure	1	1	1	1	1	1	1
Agriculture	N	R	R	Y	N	R	R
Agricultural Packaging and Storage	R	R	R	R	R	S	N
Agricultural Products Processing	R	N	R	R	R	N	N
Animal Breeding/Care and Kennels	N	R	R	R	N	N	N
Campground	N	N	R	R	N	N	N
Cemetery	N	R	R	R	R	R	N
Extractive Industry	N	N	R	R	N	N	R
Large Scale Water Extractions	N	N	C	C	N	N	N
Farm Stands	R	R	R	R	N	R	N
Forestry (meet applicable Requirements)	Y	Y	Y	Y	Y	R	Y
Golf Course(excluding miniature golf)	N	N	R	R	N	N	N
Mass Gathering (more than 1,000 People for more than 4 consecutive Hours)	R	R	R	R	R	N	R
Parks	R	R	R	R	R	R	R
Stables/Barns	R	R	P	P	N	S	N

Legend:

V= Village

R= Rural Residential

LIO=Light Industrial Office District

RC= Resource Conservation

VR= Village Residential

FF= Forest & Farm

PW= Public Water Protection (overlay)

For any land use not listed on this Table, the Planning Board shall determine which listed land use type is most similar to the non-listed land use and determine the appropriate procedure and the type of permit required.

Article II. Land Use Districts and Uses

Note 1: Requires the same permits as the primary structure or if the primary structure is a non-conforming use it requires a site plan review permit.

Key to Table 1:

- Y Allowed use (no permit required, but the use must comply with all applicable land use standards).
- P Allowed use requires building or use permit from CEO.
- R Use requires site plan review permit from Planning Board following site plan review (may be a minor or major review).
- C Use requires conditional use permit from Planning Board following conditional use review.
- S Use requires special exception permit from Planning Board following site plan review, provided that the applicant shows by substantial evidence:
 - a. there is no alternate site which is both suitable to the proposed use and reasonably available to the applicant.
 - b. that an environmental neighborhood impact report shows that there will be no adverse impacts on neighboring uses.
- N Prohibited use.

Section 5. Dimensional Requirements

Unless otherwise permitted by this Ordinance, lots and structures must meet or exceed the requirements as set forth in Table 2. Dimensional requirements for Shoreland Districts are set forth in Table 2A in section 8.

Any lot created by any means must have a minimum lot width and a minimum lot depth so that a rectangle the size of the minimum lot frontage by the minimum lot depth as specified in Table 2 can be enclosed within the lot boundaries.

If more than one residential dwelling unit, principal governmental, 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.

TABLE 2
Dimensional Requirements

Land Use Districts: Dimensions: See Notes	V 1 & 4	VR 4	R	FF	LIO	RC		
Minimum lot area (with public water)	0.46 acre	0.46 acre	1 acre	3 acre	0.92 acre	NB		
Minimum lot area (without public water)	0.92 acre	0.92 acre	2 acre	3 acre	1.84 acre	NB		
Minimum road frontage; Note 3 (Public or private road)	100'	100'	200'	250'	150'	NB		
Minimum shore frontage; Note 5	5	5	5	5	5	5		
Minimum lot depth	100'	100'	200'	250'	150'	NB		
Front setback (from centerlines) (principal & accessory structures)	50'	50'	75'	75'	100'	NB		
Side setback (principal & accessory structures)	10'	10'	25'	25'	25'	25'		
Rear setback (principal & accessory structures)	25'	25'	50'	50'	25'	25'		
Maximum lot coverage (%) (Building & Impervious area)	60%	60%	30%	20%	70%	NB		
Maximum height of Structure See Note 2	35'	35'	35'	35'	35'	NB		
Maximum Building Size	15,000 sq. ft	15,000 sq. ft	15,000 sq. ft	15,000 sq. ft	15,000 sq. ft	NB		
Residential structures, Minimum Floor area (sq. ft.)	600	600	600	600	600	NB		

Legend

V= Village District
 VR= Village Residential District
 FF= Forest and Farm District
 PW= Public Water Protection (overlay)

R= Rural Residential
 LIO= Light Industrial Office District
 RC= Resource Conservation District
 NB= Not Buildable

- Notes:
1. Planning Board may permit zero front and side lot line setbacks if the Board determines it is appropriate and may waive density requirements.
 2. Utility transmission towers are exempted from the height requirements, except in V, VR
 3. Except rear lots
 4. Planning Board may reduce lot size and frontage requirements if waste water disposal and other requirements in Ordinance can be met

Equivalence: 1 acre = 43,560 sq. ft.; 0.46 acre = 20,000 sq. ft.; 0.92 acre = 40,000 sq. ft.; 1.84 acre = 80,000 sq. ft

Section 6. General Performance Requirements

The following standards apply to all lots created and all land use activities undertaken, where applicable.

A. Access to Lots

1. Each lot must be provided with right of access to the property from public or private ways.
2. No building permit may be issued to erect a principal structure on any lot created, effective date 9/16/2005, that does not have frontage on a public way, unless an access road meeting the criteria in subsection 3 below has been constructed with a minimum width of fifty (50) feet within a deeded right-of-way.
3. All access roads (new and existing) must be constructed to a minimum width of twelve (12) feet if serving one dwelling unit, and fifteen (15) feet if serving two or more dwelling units. The access road must contain a minimum depth of twelve (12) inches of bank-run gravel for the gravel base course and two (2) inches of crushed surface gravel for the surface gravel course. It must have drainage ditches and culverts at all appropriate points and must provide sufficient area to allow a fire truck or other emergency vehicle to maneuver.
4. At a minimum, existing access roads must be upgraded to meet the criteria in subsection 3 above for any new lot created.

B. Agriculture

Agricultural activities must comply with applicable state and federal regulations. Further, all spreading or disposal of manure shall be accomplished in conformance with the "Maine Guidelines for Manure and Manure Sludge Disposal on Land", published by the University of Maine and the Maine Soil and Water Conservation Commission, July 1972.

C. Air Emissions

All uses, regardless of size, must meet the air emission standards set by the Maine Department of Environmental Protection.

D. Beach Construction

Under State law, beach construction on any great pond, or any river, stream, or brook capable of floating water craft shall require a permit from the Department of Environmental Protection.

E. Buffers/Screening

The following regulations regarding buffers apply to multi-family residential, commercial, industrial, institutional or other non-residential structures or uses:

1. No such buildings or uses may be established or abut a residential, agricultural, institutional, public or recreational use, unless natural vegetation or a landscaped buffer strip at least twenty-five (25) feet wide is provided to visually screen the uses to the extent practical. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or a combination thereof.

Article II. Land Use Districts and Uses

2. Natural landscape features must be maintained wherever possible to provide a buffer between the proposed development and incompatible abutting properties. When natural features such as topography, gullies, stands of trees, shrubbery, or rock outcrops do not exist or are insufficient to provide a buffer, other kinds of buffers must be utilized. The buffering must minimize the adverse impacts on adjacent properties (including public roads) and must meet the following standards:

- a. Outdoor off-street parking and loading spaces must be effectively screened from view by a continuously landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to single-family residential properties, except that driveways must be kept open to provide visibility for entering and exiting.
- b. To prevent confusion, particularly at night, buffers must be provided along interior roads running parallel to roads exterior to the site.
- c. Exposed storage and waste disposal areas, sand and gravel extraction operations, and areas used for the storage or collection of any articles of salvage or refuse must have sufficient setbacks and screening, such as a stockade fence, a wooden or masonry screen or a dense, evergreen, hedge that is six (6) feet or more in height so that they do not adversely affect other land uses and properties in the area.
- d. For any use or area presenting a potential safety hazard to children, physical screening and/or barriers sufficient to deter small children from entering the hazardous area must be provided and maintained in good condition.

3. The owner must maintain all buffered areas in a neat and sanitary condition. Fencing and screening must be durable and properly maintained and must be so located within the property lines to allow access for maintenance on both sides without intruding upon abutting properties.

4. All plantings required under this Ordinance must be of a type and species appropriate for the soil types and conditions of the site.

F. Clearing of Vegetation for Development

See the Shoreland District section for requirements regarding the clearing of vegetation for development in the Shoreland Districts. In any other land use district, the clearing of vegetation must be limited to that area which is necessary for uses expressly authorized in that district.

G. Emergency Vehicle Access

Provisions must be made for convenient and safe emergency vehicle access to all principal structures at all times.

H. Glare and Illumination

All exterior lighting and all reflective properties of the proposed development must be designed to minimize adverse impact on neighboring properties. Specifically, lighting fixtures must be focused, shielded, or hooded so that the lighting does not have an adverse impact on motorists, pedestrians, adjacent dwellings or public places. Direct or indirect illumination emanating from any land use activity on one lot may not exceed 0.5 foot candles upon abutting residential properties.

I. Height of Structures or Buildings

No structure or building shall exceed those heights specified in Table 2, unless specifically exempted by this Ordinance. Non-flammable or decorative features of buildings and structures, such as chimneys, towers, ventilators, cupola and spires may exceed the Ordinance's maximum building height, but must be set back from the nearest lot line a distance not less than the height of such feature or structure, except if a greater setback is required by other provisions of this Ordinance. Chimneys on residential structures are exempt from the requirements of this paragraph.

J. Landscaping

The landscape must be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes in keeping with the general appearance of neighboring areas. Landscaping must be designed to soften, screen or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses.

1. General Requirement

All uses will maintain the first fifteen (15) feet from the edge of the right-of-way to all buildings and structures as a green strip (excluding driveways). The green strip shall consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery) or natural growth.

2. Commercial and Industrial Uses

Active, non-residential uses will maintain the first fifteen (15) feet from the edge of the right-of-way to all buildings, structures and designed impervious areas as a green strip (excluding driveways). The green strip must consist of a maintained vegetated area (e.g., lawn, garden, landscaped shrubbery), with a minimum 2-1/2" DBH. or larger deciduous shade tree, spaced approximately every twenty-five (25) feet or a shrub at least three (3) feet in height placed at least every ten feet, along the green strip and parallel to the right-of-way. In order to ensure proper visibility for entering and departing vehicles, all driveway entrances and exits will be kept free from visual obstructions higher than three (3) feet above street level for a distance of twenty-five (25) feet measured along the intersecting driveway and street lines.

3. Type of Plantings

All plantings required under this Ordinance must be of a type and species appropriate for the soil types and climatic conditions in Parsonsfield.

K. Noise Abatement

1. Excessive noise at unreasonable hours must be muffled, so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.
2. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any activity regulated by this ordinance is established by the time period and type of land use district listed below. Sound pressure levels must be measured at all lot lines, at a height of at least four (4) feet above the ground surface.

Sound from any source controlled by this ordinance must not exceed the following limits at the property line of said source:

Article II. Land Use Districts and Uses

Sound Pressure Level Limits Measured in Db(A)'s:

Light Industrial Office District 65 (Applies 24 hours per day)

(Also see standards for Light Industrial Office District)

Other Districts 55 Applicable Hours: 10:00 p.m. - 7:00 a.m.

- a. Where the emitting and receiving actors are in different land use districts, the noise limits governing the more restrictive district apply to any regulated noise.
- b. The levels specified may be exceeded by 10 Db(A) for a single period, no longer than fifteen (15) minutes in any one day.
- c. Noise shall be measured with a sound-level meter meeting the standards of the American National Standards Institute, ANSI S1.2-1962 American Standards Meter for the Physical Measurements of Sound.
- d. These noise regulations are enforceable by law enforcement officers and by the Code Enforcement Officer (who may measure noise levels and who shall report documented violations to the police).

L. Off-Street Parking and Loading

1. Basic Design

Off-street parking is required for all new, enlarged, or remodeled uses in Town, including change of uses, unless otherwise approved by the Planning Board. No parking space may serve more than one use, unless the approved by the Planning Board in accordance with subsection 2(e) below. Spaces must be arranged so vehicles can be turned around within such area and are not required to back into the street or road.

2. Multi-Family Residential, Commercial, Industrial and Institutional Development.

Development in any district may not be extended, and no structure may be constructed or enlarged, unless off-street vehicular parking is provided in accordance with the following requirements:

- a. Access points from a public road to commercial and industrial operations must be located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.
- b. All parking areas and driveways must have a gravel sub-base at least twelve (12) inches in thickness and two (2) inches of finish gravel or bituminous concrete, and shall have appropriate bumper or wheel guards where needed.
- c. Required off-street parking for all land uses must be located on the same lot as the principal building or facility, unless otherwise approved by the Planning Board.
- d. Loading facilities must be located entirely on the same lot as the building or use to be served. Trucks, trailers, and containers for loading or storage may not be located upon any Town way. Loading facilities must be designed so that they do not interfere with customer traffic flows and parking.
- e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities will substantially meet the intent of the requirements by reason of variation

Article II. Land Use Districts and Uses

in the probable time of maximum use by patrons or employees of such establishments.

3. Parking Lot Design Criteria (Not applicable to single- or two-family dwellings)

a. Vehicular Entrance and Exit

i. Entrances and exits must be clearly identified by the use of entrance and exit signs, curb cuts, and landscaping.

ii. Entrance and exit design must be in conformance with the standards for street access and driveways.

b. Interior Vehicular Circulation

i. Major interior travel lanes must be designed to allow continuous and uninterrupted traffic movement.

ii. Enclosures, such as guardrails, curbs, fences, walls and landscaping, must be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

iii. Entrances and exits must be designed to allow adequate stacking of vehicles without restricting interior vehicle circulation lanes.

c. Minimum Parking Requirements

i. Access to parking stalls may not be provided from any public way or from major interior travel lanes serving fifty (50) or more vehicles.

ii. Parking areas must be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

iii. All parking spaces and access drives must be at least ten (10) feet from any side or rear lot line, except where additional requirements apply in the buffering and screening section of this Ordinance.

iv. Parking stalls and aisle layout must conform to the design standards in Table 3:

TABLE 3
Parking Design Standards

<u>Parking Angle</u>	<u>Stall Width</u>	<u>Skew Width</u>	<u>Stall Depth</u>	<u>Aisle Width</u>
90°	9'=0"	NA	18'-5"	24'=0"
60°	8'=6"	10'-5"	18'-0"	16'=0" one way
45°	8'=6"	12'-9"	17'-5"	12'=0" one way
30°	8'=6"	19'-0"	17'-0"	12'=0" one way

v. In paved parking areas, painted stripes must be used to delineate parking stalls. Stripes should be a minimum of four (4) inches in width. Where double lines are used, they should be separated a minimum of one (1) foot on center.

Article II. Land Use Districts and Uses

- vi. In unpaved parking areas, provisions must be made to delineate the parking spaces.
- vii. In aisles utilizing diagonal parking, arrows must be painted on the pavement to indicate proper traffic flow.
- viii. Bumpers and/or wheel stops must be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.
- ix. All non-residential uses must provide at least one (1) parking space for each employee on the largest work shift. In addition, parking spaces must be provided to conform to the number required in Table 4.

TABLE 4
Parking Requirement Schedule

<u>ACTIVITY</u>	<u>MINIMUM REQUIRED PARKING</u>
Residential Units	
with 2 or more bedrooms	2 spaces per dwelling unit
with 1 bedroom	1-1/2 spaces per dwelling unit
Elderly Housing	1-1/4 space per dwelling unit
Bed and Breakfast, Boarding and Lodging Houses, Motels, Hotels, and Inns	1 space per room/unit rental
Campgrounds	1 space per site rental
Churches	1 space per three (3) seats based upon maximum seating capacity
Schools	
Primary	1.5 spaces per classroom
Secondary	8 spaces per classroom
Post-Secondary	1 space for each student and 1 space for each faculty and staff member
Child Care Facility	1 space for every four (4) children for whom the facility is licensed to care for
Private Clubs or Lodges	1 space for every fifty (50) square foot of floor space
Theaters, Auditorium, Public Assembly Areas	1 space per three (3) seats based upon maximum seating capacity
Libraries, Museums, Art Galleries	1 space for each 200 square feet of floor area

TABLE 4 (cont.)
 Parking Requirement Schedule

<u>ACTIVITY</u>	<u>MINIMUM REQUIRED PARKING</u>
Commercial Recreation Facilities	1 space for each 100 square feet of floor area
Funeral Homes	1 space per three (3) seats based upon maximum seating capacity
Medical Care Facilities	1 space for every two (2) beds
Professional Services such as Accountants, Barbers, Hair Dressers, Real Estate Agents, Veterinarians, Doctors, Lawyers, Insurance Agents	1 space for each 250 square feet of floor area
Retail and Service Businesses	1 space for every 150 square feet of sales area
Automobile Repair Garages	5 spaces for each bay or area used for repair work
Motor Vehicle Sales	1 space reserved for customers per twenty-five (25) vehicles displayed on the lot
Restaurants	1 space per three (3) seats based upon maximum seating capacity
Drive-In and Take-Out Restaurants	1 space per fifty (50) square feet of floor area
Industrial Businesses, Warehouses and Wholesalers	1 space for each vehicle parked overnight on the premises
Flea Markets	2 spaces per eight (8) linear feet of table
Mixed Uses	Total of individual uses

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces may be required if these prove to be inadequate to the Planning Board.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area must be used unless otherwise noted.
4. The Planning Board may permit shared parking where it can be demonstrated that adequate parking will be provided.

M. Public Water Protection District

The discharge of any substance or disposal of any material that may result in the contamination of the public water supply in the Public Water Protection District is strictly prohibited. The Planning Board shall carefully review all applications designated for their review that are located

in this District for the potential discharge of contaminants into the ground water system. The Planning Board shall attach all conditions to the permit necessary to protect the water supply.

Potential contaminants include, but are not limited to, petroleum products, malfunctioning septic systems, organic chemicals, heavy metals, radioactive or infectious waste, acids and alkalines, pesticides, herbicides, solvents and thinners.

Because of the potential for ground water contamination, the following uses, in addition to those listed in the Table of Permissible Uses, are prohibited in this District. This list is by way of example only and does not restrict the Planning Board from prohibiting other uses that may contaminate the water supply as well. Prohibited uses include: dry cleaning and self-service laundries; sanitary landfills; stockpiles of road salt or other ice-control chemicals that are not under a state approved shelter; dumping of snow from outside the District; commercial printing, photocopying or photographic facilities; golf courses; storage of herbicides, fertilizers, fungicides other than for the property owners use on site, and underground storage tanks for petroleum products.

When an application for Planning Board review is received, the public water utility must be notified and provided with an opportunity to comment on the application before the Planning Board takes final action on the application.

N. Road Construction and/or Acceptance

1. Waiver and Modification

A variation in the strict application of the standards outlined in this Ordinance may be permitted when, in the opinion of the Planning Board and Road Commissioner, topography, soil conditions, and/or special project design features warrant such variation provided that public convenience, safety, health and welfare will not be affected adversely and the general intent of the standards is not violated.

2. Applicability

This Section applies to the construction and/or acceptance of new Town roads, streets, ways, and/or the relocation or major alteration thereof.

Streets or ways dedicated, partially constructed, or used for public travel prior to the passage of this Ordinance must comply with the requirements of this Ordinance before formal acceptance by the Town, except that in such cases, the Town may, by vote at a legal Town Meeting, modify certain of these requirements upon concurrent recommendation of the Board of Selectmen, the Planning Board, and the Road Commissioner.

3. Application for Proposed Construction

a. Information on Application

An application for acceptance of a new street or way must include a plan showing the following:

- i. Plan and profile of roadway drawn to a scale of 1" = 50' Horizontal and 1" = 5' Vertical, showing the contours of the proposed street.
- ii. The direction of magnetic north.
- iii. The starting and ending points with relation to established roads, streets or ways.
- iv. The street lines, with relation to existing buildings and landmarks.
- v. Dimensions, both lineal and angular, necessary for locating boundaries, and for locating subdivision, lots, easements and building lines.
- vi. The lots as laid out on said street, and showing the names of all owners of abutting property.
- vii. All natural waterways and water courses that will be impacted or affected by said streets or ways.
- viii. If the street is part of a sub-division the name of the sub-divider, date of Planning Board approval and date of recording in the Registry of Deeds must be provided.
- ix. Any streets or rights-of-way adjacent to the proposed street must be located on the plan.
- x. Proposed street names must be noted on the plan and be approved by municipal officials in accordance with 911 street naming criteria.
- xi. A Profile must show centerline finish grades at minimum fifty feet intervals.
- xii. All necessary horizontal and vertical contours must be shown on the plan.
- xiii. The Plan must show typical road sections.
- xiv. With the plan, the applicant shall submit a written application for the construction and/or acceptance, giving the following information:
 - (1) The name of the owner or owners of the land containing the street or way.
 - (2) The name or names of the developers.
 - (3) A statement of any legal encumbrances on the property.
- xv. All applications must be made to the Planning Board.
- xvi. The Selectmen and a representative of the Water District and any other utilities that are proposed to have or do have installations in the proposed street must be invited to comment on the plan and/or application.

b. Permits

A permit for the construction must be obtained from the Selectmen. Assurance of the Ordinance requirements must be provided to the Board of Selectmen prior to issuance of the permit.

i. Provision for a bond, letter of credit or acceptable cash equivalent covering the cost of the construction for the proposed road must be supplied to the Town prior to beginning construction. The bond must not expire for one year after the road has been inspected and certified by the Town to meet the standards of this Ordinance.

ii. Permits for the construction of roads must be obtained for streets proposed as part of new subdivisions.

iii. A permit is only valid for two (2) consecutive construction seasons.

c. Construction Inspection.

The developer shall pay the Town of Parsonsfield, before any construction begins, a Construction Inspection Fee to cover the costs by the Town to have the road inspected during the construction. The inspection fee will be determined by the Selectmen. In the event the actual cost to the Town is less than the estimated amount, the Town will reimburse the developer that difference. In the event the actual cost to the Town is greater than the estimated amount, the developer will pay the Town the difference. Neither party is entitled to interest on any amount due upon completion or on the amount advanced by the developer.

4. Street Design Standards.

a. These design standards must be met by all streets within subdivisions, and shall control the roadway, shoulders, curbs, drainage systems, culverts, and other appurtenances.

b. Streets must be designed to discourage through-traffic on minor streets within a residential subdivision.

c. The standards shown in Table 5, apply according to street classification (both private and Town owned).

d. The centerline of the roadway must be at the centerline of the right-of-way.

e. Dead-end streets must be provided with an adequate turn around (T-shaped, L-shaped or Cul de Sac) and must be approved by the Planning Board.

f. Adequate provisions must be made for the disposal of surface water through ditches, culverts and/or other similar means. Culverts must be not less than fifteen inches (15") in diameter.

g. Grades, Intersections and Sight Distances

i. Grades of all streets shall conform, in general, to the terrain, so that the cuts and fills are minimized while maintaining the grade standards in Table 5.

ii. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Article II. Land Use Districts and Uses

Design Speed (mph)	25	30	35	40	50
Stopping Sight Dist.	150'	200'	250'	325'	400'

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

TABLE 5
Street Standards

Description	Coll.	Type of Street	
		Residential & Rural	Industrial & Commercial
Minimum Right-of-way Width	50'	50'	60'
Minimum Pavement Width	24'	20'	30'
Minimum Shoulder Width	4'	3'	9'
Minimum Grade	1%	1%	1%
Maximum Grade	8%	8%	5%
Minimum Center Line Radius			
without super elevation(Banks)	280'	280'	400'
with super elevation(Banks)	175'	175'	300'
Minimum Tangent Between			
Reverse Curves	100'	100'	200'
Roadway Crown	1/4"/ft.	1/4"/ft.	1/4"/ft.
Shoulder Crown	3/4"/ft.	3/4"/ft.	3/4"/ft.
Minimum Angle of Street			
Intersections ¹	75°	75°	90°
Maximum Grade w/in 75'			
of Intersection	3%	3%	3%
Maximum Negative Grade			
at Cul-De-Sac	4%	4%	3%
Minimum Turning Radii			
at Intersections	25'	25'	30'
Minimum Sidewalk Width	5'	5'	8'

¹ Street intersection angles shall be as close to ninety degrees (90°) as feasible, but no less than the listed angle.

iii. Where new streets intersections or driveways are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the standards below. Sight distances must be measured from the driver's seat of a vehicle standing on the exit with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of the shoulder, with the height of the eye 3-1/2 feet, to the top of a 4-1/2 inch object above the pavement.

Posted Speed Limit (mph)	25	30	35	40	45	50	55
Sight Distance	250'	300'	350'	400'	450'	500'	550'

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

iv. Cross (four-cornered) street intersections must be avoided insofar as possible. A minimum distance of two hundred feet (200') must be maintained between center lines of side streets.

5. Street Construction Standards.

a. The minimum thickness of materials after compaction is listed in Table 6.

b. Preparation

i. Before any clearing has started on the right-of-way, the center-line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.

ii. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps must be removed from the right-of-way.

TABLE 6
Minimum Requirements Street Materials

<u>Street Materials</u>	<u>Collector</u>	<u>Residential Rural</u>	<u>Industrial & Commercial</u>
Gravel Base Course (Maximum size stone 6")	21"	21"	24"
Crushed Surface Gravel Course	3"	3"	3"
Hot Bituminous Pavement			
Total Thickness	3"	3"	4"
Surface Course	1-1/4"	1-1/4"	1-1/4"
Base Course	1-3/4"	1-3/4"	2-3/4"

iii. All organic and unsuitable materials shall be removed from the roadway sub-grade to a depth of two feet. All rocks and boulders visible at the sub-grade and exceeding six (6) inches in size shall also be removed. All sub-soils that have been identified by the Town as not suitable for roadways must be removed from the road site and replaced with material meeting the specifications for gravel base course or a MDOT approved stabilization geotextile may be used.

iv. Except in a ledge cut, side slopes shall be no greater than a slope of three (3) feet horizontal to one (1) foot vertical, and must be graded, loamed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than four feet vertical to one foot horizontal is permitted.

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

c. Base and Pavement

i. Bases

(1) The Gravel Base Course shall be gravel of durable particles free from vegetable matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square sieve shall meet the grading requirements, shown in Table 7.

TABLE 7
Gravel Base Material

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

Aggregate for the Gravel Base shall contain no particles of rock that will not pass the six (6) inch square mesh sieve.

(2) The Surface Gravel Course shall be crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three (3) inch square mesh sieve shall meet the grading requirements, shown in Table 8.

TABLE 8
Crushed Surface Gravel Streets

<u>Sieve Designation</u>	<u>Percentage by Weight Passing Square Mesh Sieve</u>
1/2 inch	45-70%
1/4 inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the surface gravel must contain no particles of rock that will not pass the two (2) inch square mesh sieve.

ii. Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line to form a neat, even, vertical joint.

iii. Pavements

(1) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation's specifications for plant mix grade "B" with an aggregate size no more than 1" maximum.

(2) Minimum standards for the surface layer of pavement shall meet the Maine Department of Transportation's specifications for plant mix grade "C" or "D" with an aggregate size no more than 3/4" maximum.

(3) Placement of the hot bituminous pavements shall meet the Maine Department of Transportation's specifications 401.07 through 401.20, or as revised.

6. Erosion Control

- a. Erosion and sediment shall be controlled through appropriate management practices to prevent any adverse downstream water quality impact.

- b. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.
- c. 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.
- d. The developer shall maintain all components of the erosion and sediment control and storm water management system.
- e. Stabilization Timelines
 - i. In general, all activities regulated by these standards shall be conducted after March 1st and before October 30th. All other times will require special permission from the Parsonsfield Code Enforcement Officer.
 - ii. Disturbed soil shall be stabilized within one (1) week from the time it was last actively worked using temporary or permanent measures such as placement of rip-rap, sod, mulch or erosion control blankets or other comparable measures.
 - iii. Permanent re-vegetation of all disturbed areas, using native plant material wherever possible, shall occur
 - (1) within thirty (30) days from the time when last actively worked,
 - (2) for spring and summer activities, by October 21st;
 - (3) for fall and winter activities, by June 15th;
 - (4) except where precluded by type of disturbance (e.g., rip-rap, road surfaces, etc.). The vegetation cover shall be maintained.
- f. If mulch is likely to be moved because of steep slopes or wind exposure, it shall be anchored with netting, peg and twine or other suitable method and shall be maintained until a catch of vegetation is established over the entire disturbed area.
- g. Mulch or other temporary erosion control measures shall be maintained until the site is permanently stabilized with vegetation or other permanent control measures.

7. Driveway Entrances

Each abutting property owner or developer, as the case may be, shall not obstruct the flow or drainage of any ditch existing on any road or street within the jurisdiction of the Town by the construction of a driveway or entrance to his property. To comply with this, all culverts that may be necessary shall be furnished by the owner or developer. On accepted streets, the culverts furnished will be installed and maintained by the Town. Prior to acceptance of any street, such culverts shall be installed in accordance with this Ordinance by the property owner or developer, but will be maintained by the Town following acceptance of the street. Culverts shall be not less than fifteen inches (15") in diameter. Lengths shall be a minimum of thirty feet (30').

8. Sidewalks

The Planning Board shall have the authority to designate whether sidewalks shall be required or not, and whether sidewalks shall be constructed on both sides of the street or way, or only on one (1) designated side. When determining if sidewalks will be required, the Planning Board shall be guided but not limited to, the following guidelines. Existing sidewalks adjacent to proposed development, density of the area, traffic volume and speed, potential growth of the area, pedestrian usage, location of schools or other public facilities, and public safety.

9. Application for Acceptance

Whenever an application for accepting any street or way is presented to the Board of Selectmen, it shall refer the same to the Planning Board and Town Road Commissioner, which shall proceed to examine the application and the site. No street or way shall be presented to the Town for acceptance until the Planning Board and Road Commissioner shall have made a careful investigation and shall have reported to the Board of Selectmen that the provisions of this Ordinance have been complied with.

The Planning Board and Road Commissioner shall make its report to the Board of Selectmen within sixty (60) days of receipt of an application.

10. Recommendation for Acceptance

At such time as the developer has complied with the above specifications and provided for the road to the satisfaction of the Board of Selectmen, the Road Commissioner, and the Planning Board, the Board of Selectmen may give such developer written statement that he has complied with the specifications of the Ordinance, and that such Board will recommend the acceptance of such street or way at the next regular Town Meeting, or a Special Town Meeting called for that purpose or other purposes within a reasonable and feasible time. The Owner of the road prior to acceptance by the Town shall supply the Town with a warranty deed for the road right-of-way at time of formal acceptance by the Town.

O. Sanitary Standards

1. All subsurface sewage disposal facilities shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, Chapter 241, as revised.

2. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

P. Signs

1. Residential

Residential use may display a single non-illuminated sign advertising uses. Said sign must:

- a. not exceed six square feet in area,
- b. be located on the premises,
- c. be related to uses, goods and sold services rendered on the premises and to the sale, rental or lease of said premises.

2. Nonresidential

Nonresidential uses may display attached, detached or projection signs, single- or double-faced, identifying uses or goods sold or services rendered on the premises aggregating four square feet of sign area for every foot of street frontage to a maximum of two hundred square feet for each premises. No free standing signs may extend to an elevation greater than twenty feet above the ground. Projecting signs must be set back at least 15 feet from the front yard line. No attached sign or supporting structure may extend above the level of a roof or the level of the eaves on other types of roofs.

3. General

- a. Any sign where illumination is permitted may be illuminated only by non-flashing lights. All illumination must be designed as to prevent direct or obtrusive lighting of the public way(s) or nearby residential areas. This may be accomplished by shielding directional lights or by colored and/or interior illumination techniques.
- b. All signs must comply with Article VI of the National Building Code, "Signs and Outdoor Display Structures" as the same may be amended from time to time, which covers structural and safety regulations for signs.
- c. Billboards are not permitted in the Town of Parsonsfield. Off-site business directional signs as permitted by the State of Maine and are governed by the regulations of the Maine Department of Transportation are permitted.

Q. Soil and Water Quality Protection

1. Soils

No construction activity shall be permitted in the Shoreland District in any area where slopes exceed twenty percent (20%), depth to groundwater is less than twelve (12) inches, depth to bedrock is less than twelve (12) inches, the K factor for soils exceeds four-tenths (0.4) or the soils fall in hydrologic soils group D unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, or to the Planning Board, within the application for site plan review, that construction methods will overcome any pertinent soil inadequacies.

2. Soil Erosion Control

Erosion of soil and sedimentation of drainage ways, wetlands and surface water must be minimized by employing the following "best-management" practices:

- a. The least possible amount of disturbance must occur during site development in regard to tree removal, de-vegetation and soil disturbance. In particular, strips of naturally vegetated areas existing on the down-slope side of the construction site must be maintained as undisturbed buffer areas.
- b. All exposed soils during construction must be stabilized (i.e. mulched, covered, or re-seeded) within fifteen (15) calendar days of disturbance or at the completion of work, whichever is sooner. Mulch in drainage ways, on slopes over 20% and in areas exposed to wind must be stabilized by mulch netting.

The mulch rate is as follows:

Article II. Land Use Districts and Uses

<u>Method of Stabilization</u>	<u>Rate of Application</u>
Hay mulch/straw	2 tons/acre
Wood chips/bark	4" thick
Re-seeding (only between April 30 and September 30)	In accordance with application rates the S.C.S. Environmental Quality Handbook, Revised 3/86

- c. All drainage ways, swales, wetlands and surface water must be protected from sedimentation by the installation of silt-fence barriers and/or hay-bale barriers. Such barriers must be installed prior to any digging, soil removal, the stripping of vegetation, scarification, or soil disturbance of any kind. The barriers must be installed at all points immediately down-slope of all soil exposing activities.
- In addition, in areas where slopes exceed fifteen percent (15%), all drainage ways, swales, wetlands and surface water must be protected from sedimentation by the maintenance of a one-hundred (100) foot wide vegetative buffer.
- d. Permanent (final) vegetation and mechanical erosion control measures must be installed by the time construction is completed.
- e. Whenever any portion of a designed impervious area over 10,000 square feet falls within the Shoreland District, or within five-hundred (500) feet of a drainage way, wetland, or surface water, the Planning Board shall initiate a review in conjunction with the York County Soil and Water Conservation District, or other qualified professionals, as appropriate. If it is determined that because of the slope, soil erodibility, designed impervious area, and site location there is a need for temporary or permanent sedimentation control mechanisms, the Planning Board, in consultation with the reviewing professionals (in accordance with the guidelines established in the S.C.S Environmental Quality Control Handbook, Revised March 1986, as applicable), shall require the use of debris basins, sediment basins, silt traps, or other acceptable methods to trap sediment in run-off water.
- f. Erosion control measures shall be effectively maintained at all times.
- g. It is the responsibility of any person doing any act on or across a communal stream, watercourse or swale or upon the flood-way or right-of-way thereof to maintain as nearly as possible in its present state the stream, watercourse, swale, flood-way or right-of-way during the duration of such activity and to return it to its original or equal condition after such activity is completed. Whenever sedimentation is caused by stripping vegetation, re-grading or other development, it is the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- h. When a proposed project is within the direct watershed of a great pond, the applicant shall make provisions to limit the export of phosphorous from the site following completion of the project, as established by the Planning Board, consistent with DEP requirements for specific water bodies.

At a minimum, vegetative buffer strips must be provided on the downhill side of all lots, along all tributaries to great ponds and along the great pond. The minimum

Article II. Land Use Districts and Uses

required widths of buffer strips are designated in Table 9 and depend on the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

3. Storm Water Management

The following standards shall apply to all development activities that require site plan review:

- a. All new construction and development, whether or not served by a storm water collection and transportation system, must be designed to reflect or resemble, as nearly as possible, natural runoff conditions in terms of volume, velocity and location of runoff.
- b. Prior to the initiation of any construction or development, an evaluation must be made of pre-development and post-development peak storm water runoff rates. Such evaluations must be based on a 24-hour for 2-year, 10-year, and 25-year recurrence interval storm, and estimates of peak storm water discharge and volume must be completed using Urban Hydrology for Small Watersheds, TR-55, Soil Conservation Service, June 1986 Edition, or the most current edition.

TABLE 9
Buffer Requirements

Hydrologic Buffer Width (ft.) per lot

	Soil Group	Clearing Restricted to 12,500 sq. ft.	No Clearing Restrictions
< 1 Acre	A	75	85
	B	130	150
	C	NA	NA
	D	NA	NA
1-1.99 Acres	A	25	25
	B	25	25
	C	55	190
	D	200	NA
2-2.99 Acres	A	25	25
	B	25	25
	C	25	50
	D	25	200

All lots three (3) acres and larger shall provide a minimum twenty-five (25) foot buffer.

- c. If runoff after development will exceed pre-development runoff conditions, all appropriate controls as presented in the S.C.S. Environmental Quality Handbook, as revised, shall be utilized to eliminate such off-site impacts as soil erosion and sedimentation, reduced drainage capacity, and impaired land use or land cover characteristics.
- d. When two or more lots or buildings in different ownership will share a common, non-municipal, storm water runoff control system requiring maintenance, the system must be owned and maintained in common by an owners' association. Covenants in the deeds for each lot must require mandatory membership in the association

Article II. Land Use Districts and Uses

and provide for adequate funding of the association, or other terms, to ensure adequate maintenance of the system.

- e. Storm water runoff systems must be designed to facilitate aquifer recharge when it is advantageous to compensate for groundwater withdrawals or reductions in infiltration. Conversely, designs must avoid recharge where groundwater effects might be harmful. Design of permanent storage facilities must consider safety, appearance, recreational use, and cost and effectiveness of maintenance operations, in addition to the primary storage function. Natural overland flows and open drainage channel and swale locations are the preferred alignments for major components of a residential drainage system. The use of enclosed components (such as underground piping) must be minimized where the existing natural systems are able to accommodate storm runoff. Energy dissipaters (to reduce high-flow velocities), rip rap, and other forms of out-fall protection must be employed where enclosed drains discharge onto erodible soils.

4. Water Quality Degradation

To the extent necessary to protect water quality, no activity may locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials. This regulation applies to all discharges of such nature, quality, obnoxiousness, toxicity, or temperature that may run off, seep, percolate, or wash into surface or ground waters, if these discharges may contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or that is harmful to human, animal, plant, or aquatic life. All above ground storage facilities for liquid fuel, chemicals, or industrial wastes must be located on impervious pavement, and must be completely enclosed by an impervious dike high enough to contain the total volume of liquid kept within the storage area, including rain from a twenty-five (25) year storm. Storage tanks for home heating oil and diesel fuel, not exceeding 275 gallons in size, are exempted from this requirement, in situations where neither a high seasonal water table (within fifteen (15) inches of the surface) nor rapidly permeable sandy soils are involved.

R. Storage of Materials

Outdoor Storage.

All materials stored outdoors, except agricultural materials, must be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by: enclosing the material in containers; raising the material above ground; separating the material, preventing stagnant water; extermination procedures or by other means.

S. Street Access and Driveways

1. Street Access

Provisions must be made for vehicular access to the development and circulation upon the parcel in such a manner as to safeguard against hazards to traffic and pedestrians in the street within the development. Also, vehicular access must be developed to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation must also conform to the following standards and design criteria:

Article II. Land Use Districts and Uses

- a. The vehicular access to the development shall be arranged to avoid through traffic use of local residential streets, unless planned, laid out and constructed to accommodate such use.
- b. Where the entire parcel and individual lots have frontage on two or more streets, the access to the parcel or lots must be provided across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- c. The street giving access to the parcel and neighboring streets which can be expected to carry traffic to and from the development must have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use.
- d. Where necessary to safeguard against hazard to traffic and pedestrians and/or to avoid traffic congestion, provisions must be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.
- e. Access ways must be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.
- f. Where topographic and other conditions allow, provision must be made for circulation driveway connections to adjoining lots of similar existing or potential use:
 - i. When such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or,
 - ii. When such driveway will enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a street.

2. Driveways

- a. The number of driveways accessing off-site public streets must be kept to a minimum.
- b. The appropriate use of common driveways is encouraged. Where lots will access an off-site public street, common driveways must be used where appropriate to minimize the number of curb cuts required.
 - i. The maximum number of units served by a common driveway is four (4).
 - ii. The Minimum common driveway width is fifteen (15) feet. The common driveway must contain a minimum depth of twelve (12) inches of bank-run gravel for the gravel base course and two (2) inches of crushed surface gravel for the surface gravel course. Also drainage ditches and culverts at all appropriate points must be installed and sufficient area to allow a fire truck or other emergency vehicle to maneuver must be provided.
 - iii. The maximum length of common driveway is 1,000 feet.
 - iv. All lots using common driveways must provide a driveway maintenance agreement to be reviewed and approved by the Town attorney at the expense of the applicant.

Article II. Land Use Districts and Uses

- c. Paving is required in areas where driveway grades are in excess of six percent (6%) per one-hundred (100) feet and must meet standards for common driveway construction.
- d. All driveways in excess of 500 feet must provide a 10' x 30' turnout. The location of the turnout is to be determined by the Planning Board in consultation with the Fire Chief.
- e. All driveway areas must be included in the total lot disturbance calculation for the lot on which the driveway is located.

3. Driveway Design

The following standards apply to major and minor arterials in the Town of Parsonsfield:

a. Sight Distances

Driveways must meet the requirements set forth in Article II, Section 6, N 4 g.

b. Driveway Intersections

i. Skew Angle Driveways must intersect the road at an angle as close to ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

ii. Driveway Location and Spacing Curb radii will vary depending on whether the driveway is one-way or two-way operation. On a two-way driveway, the curb radii must be between twenty-five (25) feet and forty (40) feet, with a preferred radius of thirty (30) feet. On one-way driveways, the curb radii must be thirty (30) feet for right turns into and out of the site, with a five (5) foot radius on the opposite curb.

iii. Culverts: Culverts shall be located not closer to the intersecting road than four (4) feet, measured from the closest edge of the road shoulder.

c. Driveway Location and Spacing

i. Minimum Corner Clearance Corner clearance is measured from the point of tangency (PT) for the corner to the point of tangency for the driveway. In general, the maximum corner clearance should be provided as practical based on site constraints. Special case driveways are one-way and two-way drives with partial access (right turn only) permitted.

TABLE 10
Minimum Corner Clearance (feet)

<u>Driveway Type</u>	<u>Intersection Signalized</u>	<u>Intersection Un-signalized</u>
Full Access	150	50
Special Case		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out	100	50

Article II. Land Use Districts and Uses

ii. Driveway Spacing Driveways must be located at least fifty (50) feet from adjacent driveways and fifteen (15) feet from property lines (except in the case of shared drives between adjacent parcels or lots), in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance is measured from the driveway point of tangency to the next driveway point of tangency for spacing between driveways and from the driveway point of tangency to a projection of the property line at the edge of the roadway for driveway spacing to the property line.

iii. Special Case Drives Where the minimum standard for a full access drive cannot be met, only a special case driveway is permitted. If based on the criteria in a. and b. above, full access to the site cannot be provided on either the major or minor streets, the site must be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

d. Number of Driveways The maximum number of driveways onto a single street is controlled by the available site frontage and the above driveway spacing. In addition, no traffic generators, except agricultural uses or timber harvesting activities, are allowed more than two driveways in total onto a single roadway.

e. Construction Materials/Paving

i. All driveways entering a curbed street must be curbed at the entrance. Curbing is required around all raised channelization islands or medians.

ii. All commercial driveways regardless of driveway volume may be required by the Planning Board to be paved with bituminous concrete pavement within thirty (30) feet of the street right-of-way.

f. Driveway Grade: The maximum grade for a driveway shall be eight percent (8%) per one hundred (100) feet for the first fifty (50) feet from the intersecting road.

T. Structure Elevation

The first floor elevation or openings of all buildings and structures must be elevated at least two (2) feet 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 identifiable as recent flood plain soils.

Section 7. Building Code

This Building Code applies to new construction, alterations, additions, relocations, and replacement of buildings and structures. It applies to existing buildings and structures if they are enlarged, repaired, moved or converted to other uses.

A. Good Practice Standards

All building material used and practices followed in the construction of buildings must conform to the generally accepted standards of good practice, and other State and Federal regulations.

B. Minimum Construction Standards

1. Wooden beams or joists which are not headers or tail joists must have bearings of at least three inches.

Article II. Land Use Districts and Uses

2. A wooden girder, beam or joist may not be cut or pierced in any manner that would cause it to be of insufficient strength for its load.
3. Except for pitched roofs, wooden floors or roof joists of spans in excess of eight feet must be rigidly braced with continuous rows of 1 x 3 bridging at intervals of not less than eight feet.
4. The sills must be anchored to the foundation walls at no more than six-foot intervals by bolts at least one-half inch in diameter embedded at least six inches in the foundation walls.
5. Wooden columns in basements or cellars must rest on rigid masonry or metal footings that extend at least six inches above floors.
6. All wooden beams and joists must be trimmed away from flues and chimneys so that there is at least two inches of clearance from the outside face of the chimney.

C. Exterior Finish

The exterior walls must be finished after the outside studding is in place with a covering of clapboards, wood siding, wood, masonry, brick, stone, vinyl, aluminum or other approved material. Such covering must be completed within twelve (12) months or before the expiration of the original permit. Tared paper or tared felt or similar substances may not be used unless completely hidden from view by the finished exterior wall covering, as required above.

D. Roof Covering

The roof must be covered with materials which are non-combustible or fire-resistant, and which will remain so during their useful life. Fire-resistant materials must have at least a Class C fire-resistance rating as determined in accordance with ASTNI test standard E108-75, NFPA test standard 256, or other equivalent standard. The use of tarred felt or tarred paper as a permanent roof covering is prohibited. Also untreated wood shingles are prohibited.

E. Chimneys

Chimneys must be constructed of solid masonry units or reinforced concrete walls not less than four inches thick, or other approved materials.

1. Chimney Liners

Chimneys must be lined with approved fire clay or tile flue liners, or other approved material.

2. Chimney Supports

Chimneys must be supported on foundations of masonry or reinforced concrete which, if on the exterior of the building, must extend to one (1) foot below the normal frost line.

3. Chimney Height

Chimneys must extend at least three (3) feet above the highest point of roof penetration, and at least two (2) feet above the highest point of the roof within ten (10) feet horizontally of the chimney.

4. Chimney Clean Out Doors

Every chimney must be provided with a clean out opening at or near the base equipped with a metal door and frame arranged to remain tightly closed when not in use.

5. Corbeling

Chimneys may not be corbeled from a wall more than 6 inches; nor may a chimney be corbeled from a wall which is less than 12 inches thick unless it projects equally on each side of wall. Corbeling may not exceed one-inch projection for each course of brick projected.

6. Factory-Built Chimneys

Chimneys that have been tested and approved by an accredited authoritative agency may be installed in accordance with the clearances and details of their approval.

F. Wood Burning Stoves and Stovepipe

Wood burning stoves and stovepipe must be installed safely, in a manner consistent with the manufacturer's recommendations and the "Recommended Standards for the Installation of Wood Burning Stoves" (Nov. 1979 as amended) prepared by the State Fire Marshall's Office.

G. Fireplaces

The back and sides of a fireplace must be of solid masonry or reinforced concrete not less than eight inches of thickness and lined with firebrick at least two (2) inches thick. A fireplace must have a hearth of non-combustible material that is supported by a fire-proof slab or brick trimmer-arch and must extend at least twenty (20) inches beyond the sides of the fireplace opening. The minimum combined thickness of the hearth and its supporting constructions may not be less than six (6) inches. This section does not prohibit the use of "heatilator"-type fireplaces.

H. Electrical Installations

Any building having electricity must have a safe and adequate electrical service and all work throughout must be done in accordance with the State of Maine Electrical Code. No electrical wiring may be covered or concealed until it has been inspected and the Building Inspector has given permission to conceal it.

I. Plumbing

All plumbing and sewage disposal must be in strict conformance with State of Maine Subsurface Wastewater Disposal Law and the State Plumbing Code.

J. Means of Exit

Buildings built or used for human occupancy must have at least two (2) suitable means of exit.

K. Size of Dwelling

Each year-round dwelling, constructed or located within Parsonsfield after the date of adoption of this ordinance, must have a minimum ground floor area of 600 square feet calculated from the exterior dimensions of the dwelling's structure. Living space means actual enclosed space suitable for year-round occupancy and does not include porches, patios and similar areas whether or not enclosed.

L. Foundations

All buildings must be connected to the ground in a manner that will avoid damage and injury due to frost action and will safely support and/or resist all anticipated vertical and lateral loads.

Any design that will meet this standard may be used, including but not limited to a reinforced concrete slab at least six (6) inches thick and properly drained. Also walls, posts, piers, or other supports extending one (1) foot below frost line and made of materials designed to provide a safe and permanent foundation may be used. Foundation walls must be at least eight (8) inches thick.

Masonry walls and concrete slabs must rest upon solid ground or leveled rock, or on piles or ranging timbers when solid rock or earth is not found. The Building Inspector may require an engineering report at the applicant's expense to certify that the foundation design will meet the standards of this Ordinance.

M. Light and Ventilation

Every room in a dwelling must have an exterior window. However, kitchens, bathrooms and water closet compartments may have a skylight or a connection to a vent shaft extending to the roof, or may be provided with mechanical ventilation instead of an exterior window.

N. Manufactured Homes

1. The minimum horizontal dimension of a manufactured home as installed on the site must be fourteen feet (14').
2. All manufactured housing units must comply with the safety standards in the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, as amended.
3. The exterior wall surface must be covered with materials similar to conventional residential siding.
4. Each manufactured home must have a foundation that meets the following requirements.
 - a. All manufactured homes must be connected to the ground or supported to avoid damage and injury due to frost and wind action and which safely supports and/or resists all anticipated vertical and lateral loads. All manufactured homes must be secured or anchored to the foundation or slab.
 - b. Any design meeting these requirements may be used, including a reinforced concrete slab at least six (6) inches thick, or walls or other supports extending one (1) foot below the frost line and made of materials designed to provide a safe and permanent foundation
5. Each manufactured home must have either a permanent, continuous connection with its foundation (around its perimeter), or must have continuous skirting or some other type of enclosure enclosing the area between the manufactured home and the ground.

Section 8. Shoreland District Requirements

A. Applicability

This section applies to the Shoreland District which is defined as all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This section also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

B. Shoreland District Map

The Shoreland Districts in this Ordinance are as follows and are shown on the Official Land Use District Map.

1. Resource Protection
2. Limited Residential
3. Limited Commercial
4. General Development
5. Stream Protection

C. Non-conformance

1. Non-conforming Structures

- a. 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 (8)(E)(2)(a) 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 i.) and ii.) below.
 - i.) Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.
 - ii.) 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 (8)(C)(1)(a)

Article II. Land Use Districts and Uses

- (a) 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.
- iii.) 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 (8)(C)(1)(a) or Section (8)(C)(1)(a)(i), above.
 - (a) For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet 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.
 - (b) For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet 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 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 (8)(C)(1)(a)(ii)(a) and Section (8)(C)(1)(a)(iii)(a) above.
 - (c) In addition to the limitations in subparagraphs (a) and (b), 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 (8)(C)(1)(a)(ii)(a) and Section (8)(C)(1)(a)(iii)(a), above.
- iv.) An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the registry of deeds, within 90 days of

Article II. Land Use Districts and Uses

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.

- b. 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 (8)(C)(1)(c) Relocation, below.
- c. 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 (8)(E)(21). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- i.) 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.
- ii.) 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.

- d. **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 (8)(C)(1)(a) 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 (8)(C)(1)(c) 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 (8)(C)(1)(c) above, the physical condition and type of foundation present, if any.

- e. **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 commercial fishing and maritime activities, and other functionally water-dependent uses.

2. Non-conforming Uses

- a. **Expansions.** Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Article II, Section 8, C (1) (a) (i) above.
- b. **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 superceded 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.
- c. **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 must be made according to criteria listed in Article II, Section 8,C (1) (d) above.

3. Non-conforming Lots

- a. **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 from the Zoning Board of Appeals, 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 those lot size, lot width and shore frontage requirements which have made the lot nonconforming can be met. Any other requirements shall not be varied, unless a variance is obtained by action of the Board of Appeals. Water setbacks required under Shoreland District Requirements shall not be reduced by variance.
- b. **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 (Title 12 M.R.S.A., Section 4807-A through 4807-G) 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.

- d. **Contiguous Lots-Vacant or Partially Built.** If two or more contiguous lots or parcels are in a 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.

Article II. Land Use Districts and Uses

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

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

D. Establishment of Districts

1. 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 District, 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 need not be included within the Resource Protection District.

- a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- b. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the 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.
- c. Areas of two (2) or more contiguous acres with sustained slopes of 20% or greater.
- d. Areas of two (2) or more contiguous acres supporting wetland vegetation, vernal pools and hydric soils, which are not part of a freshwater wetland as defined, and which are not surfically connected to a water body during normal spring high water.
- e. Land along rivers subject to severe bank erosion, undercutting, or riverbed movement.

2. 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 District.

3. 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 District. This district includes areas of two (2) or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

4. General Development District

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

- 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.
- c. Areas devoted to Intensive recreational development and activities, such as, but not limited to, amusement parks, racetracks and fairgrounds.
- d. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

5. 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 defined stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated Shoreland area is located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area must be regulated under the terms of the Shoreland District associated with that water body or wetlands.

E. Land Use Standards

1. All land uses within the Shoreland Districts shall conform to the following provisions, if applicable
 - a. Table of Minimum Lot Standards, Building Size Limits, Setbacks, and other dimensional standards.

LOT STANDARDS AND BUILDING SIZE LIMITS – SHORELAND DISTRICT			
	Minimum Lot Area (Sq. ft.)	Minimum Shore Frontage (ft.)	Building Size Limits (Sq. ft.)
Residential per dwelling Unit	40,000 (0.92 acre)	200	15,000 – maximum 600 - minimum
Governmental, Institutional, Commercial, or Industrial per principal structure	60,000 (1.38 acre)	300	15,000 – maximum
Public & Private Recreational Facilities	40,000 (0.92 acre)	200	
SETBACKS AND OTHER DIMENSIONAL STANDARDS – SHORELAND DISTRICT			
Water Setbacks	See section 2.a below		
Minimum road frontage; (Public or private road)	Same as required shore frontage above.		
Minimum lot depth	Same as required shore frontage above		
Front setback (from centerlines) (principal & accessory structures)	Same as in nearest, adjacent non-shoreland zone		
Side setback (principal & accessory structures)	Same as in nearest, adjacent non-shoreland zone		
Rear setback (principal & accessory structures)	Same as in nearest, adjacent non-shoreland zone		
Maximum lot coverage (%) (Building & Impervious area)	See section 2.e below		
Maximum height of Structure See Note 2	35 feet – See section 2.d below		

Article II. Land Use Districts and Uses

- b. 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.
- c. 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 the land on both sides thereof after September 22, 1971.
- d. 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.
- e. If more than one residential dwelling unit, principal governmental, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

2. Principal and Accessory Structures

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

- b. 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.
- 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.
- d. 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

Article II. Land Use Districts and Uses

provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

- e. 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, or 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.
- f. The total footprint areas of all structures, parking lots and other non-vegetated surfaces, within the Shoreland District shall not exceed twenty (20) percent of the lot or a portion thereof located within the Shoreland District, including land area previously developed and includes the footprint of driveways, but shall not apply to public boat launches. In the General Development District adjacent to rivers which do not flow to great ponds classified GPA, the lot coverage must not exceed seventy (70) percent.
- l. 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:
 - (1) The site has been previously altered and an effective vegetated buffer does not exist;
 - (2) 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;
 - (3) 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;
 - (4) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (5) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, 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.
 - (6) 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
 - (7) 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:

Article II. Land Use Districts and Uses

- (a) 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;
 - (b) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (c) Only native species may be used to establish the buffer area;
 - (d) 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;
 - (e) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer
- II. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils, provided that the structure is limited to a maximum of four (4) feet in width, that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, M.R.S.A. Section 480-C), and that the applicant demonstrates that no reasonable alternative exists on the property.
3. Piers, Docks, Wharves, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.
- a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - b. The location shall not interfere with existing developed or natural beach areas.
 - c. The facility shall be located so as to minimize adverse effects on fisheries.
 - d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
 - e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
 - f. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

Article II. Land Use Districts and Uses

- g. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- h. Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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

- i. No more than one pier, wharf or similar structure extending or located below the normal high-waterline of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in section 15(A), a second structure may be allowed and may remain as long as the lot is not further divided.
- j. Vegetation may be removed in excess of the standards in section 15(P) of this ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

(a) When necessary, the removal of trees and other vegetation to allow for the construction equipment access to the stabilization site via land must be limited to no more than 12 feet in width. When stabilization project is complete the construction equipment access way must be restored.

(b) Revegetation must occur in accordance with section 8(E)(19)

4. Campgrounds

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and all of the standards required by Article II, section 9.K.

5. Individual Private Campsites

Individual, private campsites not associated with campgrounds are allowed and shall conform to all of the standards required by Article II, section 9.L.

When an individual 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.

6. Commercial and Industrial Uses

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

- a. Auto washing facilities
- b. Auto or other vehicle service and/or repair operations including body shops
- c. Chemical and bacteriological laboratories
- d. Storage of chemicals, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms
- e. Commercial painting, wood preserving and furniture stripping
- f. Dry Cleaning Establishments
- g. Electronic circuit assembly
- h. Laundromats, unless connected to a sanitary sewer
- i. Metal plating, finishing, or polishing
- j. 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
- k. Photographic processing
- l. Printing

7. Parking Areas

- a. Parking areas shall meet the shoreline and tributary stream setback requirements for structures in the district in which such areas are located. The setback requirements for parking areas serving public boat launching facilities (in districts other than the General Development 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.
- b. 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.

In determining the appropriate size of proposed parking facilities, the following shall apply:

- i. 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.
- ii. Internal travel aisles: Approximately twenty (20) feet wide.

8. Roads and Driveways

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

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

Article II. Land Use Districts and Uses

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.

This paragraph 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(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- b. 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.
- c. 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.
- d. 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 in the erosion and sedimentation control section.
- e. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.
- f. 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.
- g. 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
 - i. 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:

TABLE 11
Spacing Of Ditch Relief Culverts

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

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

9. Signs

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

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. Signs relating to public safety are permitted without restriction.
- f. No sign shall extend higher than twenty (20) feet above the ground.
- g. Signs may be illuminated only by shielded, non-flashing lights.

10. Storm Water Runoff

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

11. Septic Waste Disposal

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;
- b. a holding tank is not allowed for a first-time residential use in the shoreland zone;
- c. The minimum setback for new subsurface sewage disposal systems, excluding fill extensions, is no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distances from water bodies for new subsurface sewage disposal systems may not be reduced by variance; and

Article II. Land Use Districts and Uses

- d. Replacement systems must meet all of the standards for replacement systems as contained in the Rules.

12. Essential Services

- a. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- b. 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.
- c. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

13. Mineral Exploration and Extraction

Mineral Exploration and Extraction uses shall conform to the requirements of Article II, section 9.E.

14. Agriculture

- a. All spreading of manure shall be accomplished in conformance with the *Manure Utilization Guidelines* published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law Title 7, M.R.S.A. Section 4204, Subsection 4-7).
- b. 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 District must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- c. 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.
- d. 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.
- e. 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, or within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and

Article II. Land Use Districts and Uses

which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

15. Timber Harvesting

- (1) **Shoreline Integrity and Sedimentation:** Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) **Slash Treatment:** Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section (8)(E)(15) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - a. Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - b. Adjacent to great ponds, rivers and wetlands:
 - i. No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - ii. Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by the following:
 - a. **60 Square Foot Basal Area Retention, as follows:**
 - i. The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
 - ii. A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - iii. Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or

Article II. Land Use Districts and Uses

great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

- (4) Skid Trails, Yards, and Equipment Operation: This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.
- a. Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.
 - b. Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.
 - c. Setbacks:
 - i. Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.
 - ii. Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (5) Land Management Roads: Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section (8)(E)(15)(7) of this rule.
- a. Land management roads and associated ditches, excavation, and fill must be set back at least:
 - i. 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;
 - ii. 50 feet, horizontal distance, from the normal high-water line of streams; and
 - iii. 25 feet, horizontal distance, from the normal high-water line of tributary streams

Article II. Land Use Districts and Uses

- b. The minimum 100 foot setback specified in Section (8)(E)(15)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section (8)(E)(15)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and 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 to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- c. On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- d. New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- e. Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section (8)(E)(15)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- f. Road Closeout and Discontinuance: Maintenance of the water control installations required in Section (8)(E)(15)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- g. Upgrading Existing Roads: Extension or enlargement of presently existing roads must conform to the provisions of Section (8)(E)(15). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
- h. Exception: Extension or enlargement of presently existing roads need not conform to the setback requirements of Section (8)(E)(15)(5)(a) if, prior to

Article II. Land Use Districts and Uses

extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and 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 to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- i. Additional Measures: In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) Crossings of Waterbodies: Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- a. Determination of Flow: Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section (8)(E)(15): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - b. Upgrading Existing Water Crossings: Extension or enlargement of presently existing water crossings must conform to the provisions of Section (8)(E)(15). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section (8)(E)(15).
 - c. Other Agency Permits: Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
 - d. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
 - e. Notice to Bureau of Forestry: Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
 - i. a map showing the location of all proposed permanent crossings;
 - ii. the GPS location of all proposed permanent crossings;
 - iii. for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and

Article II. Land Use Districts and Uses

- iv. a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.
- f. Water Crossing Standards: All crossings of rivers require a bridge or culvert sized according to the requirements of Section (8)(E)(15)(6)(g) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:
 - i. concentrated water runoff does not enter the stream or tributary stream;
 - ii. sedimentation of surface waters is reasonably avoided;
 - iii. there is no substantial disturbance of the bank, or stream or tributary stream channel;
 - iv. fish passage is not impeded; and,
 - v. water flow is not unreasonably impeded.

Subject to Section (8)(E)(15)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

- g. Bridge and Culvert Sizing: For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:
 - i. Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows or with a cross-sectional area at least equal to 3 times the cross-sectional area of the river, stream, or tributary stream channel.
 - ii. Temporary bridge and culvert sizes may be smaller than provided in Section (8)(E)(15)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:
 - 1. use of temporary skidder bridges;
 - 2. removing culverts prior to the onset of frozen ground conditions;
 - 3. using water bars in conjunction with culverts;
 - 4. using road dips in conjunction with culverts.
 - iii. Culverts utilized in river, stream and tributary stream crossings must:
 - 1. be installed at or below river, stream or tributary stream bed elevation;
 - 2. be seated on firm ground;
 - 3. have soil compacted at least halfway up the side of the culvert;
 - 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
 - 5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

Article II. Land Use Districts and Uses

- iv. River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.
 - v. Exception: Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.
- h. Skid Trail Closeout: Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
- i. Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section (8)(E)(15)(6)(i) below.
 - ii. Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - iii. River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- i. Land Management Road Closeout: Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
- i. Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - ii. Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - iii. Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
 - 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;

Article II. Land Use Districts and Uses

2. it shall be designed to provide an opening with a cross-sectional area at least 3½ times the cross-sectional area of the river, stream or tributary stream channel; or
3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(7) Slope Table:

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section (8)(E)(15), but in no case shall be less than shown in the following table.

Average slope of land between exposed mineral soil and the shoreline (percent)	Width of strip between exposed mineral soil and shoreline (feet along surface of the ground)
0	25
10	45
20	65
30	85
40	105
50	125
60	145
70	165

- (8) Definitions: Unless otherwise provided herein, this Section incorporates by reference the definitions contained in the Maine Forest Service Rules Chapter 20, "Forest Regeneration and Clearcutting Standards", and Chapter 21, "Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas".

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

- a. 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 safety hazards.

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.

- b. Except in areas as described in paragraph (a) above, and except to allow for the development of permitted uses, 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, and seventy-five

Article II. Land Use Districts and Uses

(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:

- i. 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.
- ii. 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 this section 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 rectangle (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4 1/2 feet Above Ground Level (inches)	Points
2 to <4 in.	1
4 to <8 in.	2
8 to <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 by 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.

Article II. Land Use Districts and Uses

For the purposes of this section "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 ½ feet above ground level may be removed in any ten (10) year period.

iii. 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 the paragraphs above.

iv. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.

v. 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 trees species in accordance with Section 8(E) (19) below unless existing new tree growth is present.

The provisions contained in paragraph (b) above do not apply to those portions of public recreational facilities adjacent to public swimming areas. Clearing, however, must be limited to the minimum area necessary.

- c. 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 system, 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 ½ feet above ground level. Tree removal in conjunction with the development of permitted uses is 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 shall not apply to the General Development District.

- d. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.
- e. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation, shall be regulated under the provisions of this section.
17. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

Article II. Land Use Districts and Uses

- a. 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:
 - i. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4.5) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height, and be no less than two (2) inches in diameter. Stumps may not be removed.
 - ii. 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.
 - iii. 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.
 - iv. 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.
 - v. 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.
- b. 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:
 - i. 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:
 1. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;
 2. Stumps from the storm-damaged trees may not be removed;
 3. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

Article II. Land Use Districts and Uses

4. 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.
- ii. 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.

18. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section (8)(E)(16), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

Article II. Land Use Districts and Uses

- a. 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 (8)(E)(16) apply;
- b. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section(8)(E)(2) are not applicable;
- c. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;
- d. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(N) are complied with;
- e. 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 to Title 38 M.R.S.A section 343-E, and that is located along:
 - i. A coastal wetland; or
 - ii. A river that does not flow to a great pond classified as GPA pursuant to Title 38 M.R.S.A section 465-A.
- f. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:
 - i. 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;
 - ii. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and
 - iii. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

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

- g. 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.

19. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section (8)(E)(16), 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.

- a. 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.
- b. 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:
- c. 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.
- d. Revegetation activities must meet the following requirements for trees and saplings:
 - i. All trees and saplings removed must be replaced with native noninvasive species;
 - ii. Replacement vegetation must at a minimum consist of saplings;
 - iii. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;
 - iv. No one species shall make up 50% or more of the number of trees and saplings planted;
 - v. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or sapling must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and
 - vi. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.
- e. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:
 - i. 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;

Article II. Land Use Districts and Uses

- ii. 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;
 - iii. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;
 - iv. No one species shall make up 50% or more of the number of planted woody vegetation plants; and
 - v. 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
- f. Revegetation activities must meet the following requirements for ground vegetation and ground cover:
- i. 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;
 - ii. 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
 - iii. 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.

20. Erosion and Sedimentation Control

- a. 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:
 - i. Mulching and re-vegetation of disturbed soil.
 - ii. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - iii. Permanent stabilization structures such as retaining walls or rip-rap.
- b. 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.
- c. 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.
- d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of rip-rap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

Article II. Land Use Districts and Uses

- i. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred square feet and shall be maintained until a catch of vegetation is established.
 - ii. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - iii. 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.
- e. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with rip-rap.
- f. An excavation contractor conducting excavation activity within the shoreland zone shall ensure that a person certified in erosion control practices at the Department is responsible for management of erosion and sedimentation control practices at the site and is present at the site each day earth-moving activity occurs for a duration that is sufficient to ensure that proper control practices are followed. The requirement applies until erosion control measures that will permanently stay in place have been installed at the site or, if the site is to be revegetated, erosion control measures that will stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion have been installed.

For the purposes of this section, "excavation contractor" shall mean an individual or firm engaged in a business that causes the disturbance of soil, including grading, fill and removal, or in the business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

This section does not apply to: activities resulting in less than one cubic yard of earth material being added or displaced; a person or firm engaged in the 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.

21. Soils

All land uses must 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 soil's report shall include recommendations for a proposed use to counteract soil limitations where they exist.

22. 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.

23. Archaeological Sites

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

Table of Land Uses In The Shoreland Districts

All land use activities, as indicated in Table 1A, Land Uses in the Shoreland Zone, must conform with all of the applicable land use standards in Section 8. The district designation for a particular site shall be determined from the official Land Use District Map.

Key to table

- Y- Allowed use (no permit required but the use must comply with all applicable land use standards)
- N- Prohibited use
- R- Allowed use, requires permit issued by the Planning Board following site plan review.
- P- Allowed use, requires permit issued by the Code Enforcement Officer
- LPI – Allowed use, requires permit issued by the Local Plumbing Inspector

Abbreviations:

- SP- Stream Protection
- RP- Resource Protection
- LR- Limited Residential
- LC- Limited Commercial
- GD- General Development

NOTES TO THE TABLE:

- ¹In RP not permitted 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
- ⁵Functionally water dependent uses and uses accessory to such water dependent uses only.
- ⁶See further restrictions in Subsection 8.E.11; Essential Services
- ⁷Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
- ⁸Except as provided in Article II, Section 8.E.8, Roads and Driveways.
- ⁹Single family residential structures may be allowed by special exception only according to the provisions of Section V.6, Special Exceptions. Two-family residential structures are prohibited.

Article II. Land Use Districts and Uses

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

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

¹² Permit 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 Title 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: Dredging, bulldozing, removing or displacing soil, sand, vegetation or other material; Draining or otherwise dewatering; Filling, including adding sand or other material to a sand dune; or Any construction or alteration of any permanent structure.

TABLE 1A: LAND USES IN THE SHORELAND DISTRICTS

LAND USES	DISTRICTS				
	SP	RP	LR	LC	GD
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Y	Y	Y	Y	Y
2. Motorized vehicular traffic on existing roads and trails	Y	Y	Y	Y	Y
3. Forest management activities except for timber harvesting and land management roads	Y	Y	Y	Y	Y
4. Timber harvesting	Y	P ¹	Y	Y	Y
5. Clearing or removal of vegetation for activities other than timber harvesting	P	P ¹	Y	Y	Y
6. Fire Prevention activities	Y	Y	Y	Y	Y
7. Wildlife management practices	Y	Y	Y	Y	Y
8. Soil and water conservation practices	Y	Y	Y	Y	Y
9. Mineral Exploration	N	Y ²	Y ²	Y ²	Y ²
10. Mineral Extraction including sand and gravel extraction	N	R ³	R	R	R
11. Surveying and resource analysis	Y	Y	Y	Y	Y
12. Emergency operations	Y	Y	Y	Y	Y
13. Agriculture	Y	R	Y	Y	Y
14. Aquaculture	R	R	R	R	R
15. Principal Structures and uses					
A. One and two-family residential	R ⁴	R ⁹	P	P	P
B. Multi-use residential	N	N	R	R	R
C. Commercial	N	N ¹⁰	N ¹⁰	R	R
D. Industrial	N	N	N	N	R
E. Governmental and Institutional	N	N	R	R	R
F. Small Non-residential facilities for educational, scientific or nature interpretation purposes	R ⁴	R	P	P	P
16. Structures accessory to allowed uses	R ⁴	R	P	R	Y

Article II. Land Use Districts and Uses

17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland					
Temporary	P ¹¹	P ¹¹	P ¹¹	P ¹¹	P ¹¹
Permanent	R	R	R	R	R
18. Conversions of seasonal residences to year-round residences	LPI	LPI	LPI	LPI	LPI
19. Home occupations	R	R	R	P	P
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential services	R ⁶	R ⁶	R	R	R
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
22. Service drops, as defined, to allowed uses	Y	Y	Y	Y	Y
23. Public and private recreational areas, involving minimal structural development	R	R	R	R	R
24. Individual, private campsites	P	P	P	P	P
25. Campgrounds	N	N ⁷	R	R	R
26. Road and driveway construction	R	N ⁸	R	R	R
27. Land Management Roads	Y	R	Y	Y	Y
28. Parking facilities	N	N ⁷	R	R	R
29. Marinas	R	N	R	R	R
30. Filling and earthmoving of < 10 cubic yards	P	P	Y	Y	Y
31. Filling and earth moving of > 10 cubic yards	R	R	P	P	P
32. Signs	Y	Y	Y	Y	Y
33. Uses similar to allowed uses	P	P	P	P	P
34. Uses similar to uses requiring a CEO permit	P	P	P	P	P
35. Uses similar to uses requiring Site Plan Review	R	R	R	R	R

Section 9. Performance Requirements and Standards for Specific Activities

The following requirements and standards apply in addition to those specified in Article II.

A. Light Industry and Office District

1. Buffer/Screening Requirements

- a. Around the perimeter of the Light Industry and Office District a buffer strip a minimum of twenty-five (25) feet wide from all lot lines must be maintained. A ten (10') foot wide buffer strip must be maintained from lot lines of abutting lots within the District. No structures, roads or utilities may be placed in the buffer strips except

Article II. Land Use Districts and Uses

that roads and utilities may cross the buffer strip to serve the lot. The twenty-five (25) foot wide buffer strip must have natural screening (trees, other vegetation, berms etc.) to provide a visual and sound buffer between the District and adjacent properties.

- b. The Planning Board may require the lot owner/developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening where natural screening is insufficient.

2. Groundwater Protection Requirements

- a. All underground tanks must meet federal, state and local standards to prevent the contamination of groundwater and to prevent leakage from the tanks. At a minimum, the tanks must be non-corrodible and of double wall construction. The location and design detail of each tank must be provided to the Planning Board and shown on the Site Plan. This requirement does not apply to tanks used solely for the storage of water for fire safety systems or septic tanks used for sewage disposal.
- b. Petroleum products, or other substances that could contaminate surface or ground water, must be stored in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes, and maintenance activities involving the use of products which if spilled, could contaminate subsurface water, must be conducted in accordance with the spill prevention, control and containment plan. The spill prevention control and containment plan must be submitted to the Planning Board during site plan review.

3. Storage of Materials

No materials or products may be stored outside without being secured to prevent injury to children and screened from public view. Details of the screening plan must be shown on the site plan and submitted during site plan review.

4. Solid Waste

The owner of each lot shall be responsible for the disposal of all solid waste. A solid waste disposal plan must be submitted to the Planning Board. All solid waste containers and storage structures must be screened from public view. The screening may be of natural or man-made materials. The screening must be sufficient to completely screen the solid waste containers and storage structures from public view.

5. Signage

The following sign requirements apply to the Light Industry and Office District. One free standing sign per lot is allowed. The sign may not be larger than four feet by eight feet in size. The maximum height of the sign above the ground is ten (10) feet. Additionally, there may be a sign at the entrance of the District that contains the names of the businesses in the District. The sign may be no larger than 80 square feet or ten (10) feet by eight (8) feet in size. The maximum height of the sign is twelve (12) feet.

6. Air Emissions

No substance may be released into the air that creates a nuisance or produces objectionable odors to any abutting property owners. Also all uses must meet air emission standards established by the Maine Department of Environmental Protection.

7. Noise

- a. Excess noise must be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness or volume.
- b. The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any business activity must not exceed 65 Db(A)'s
- c. The noise standard applies 24 hours per day seven days per week.
- d. The levels specified may be exceeded by 10 Db(A) for a single period, no longer than fifteen (15) minutes in any one day.
- e. Noise must be measured with a sound-level meter meeting the standards of the American National Standard Institute, ANSI SI.2 - 1962 (*American Standards Meter for the Physical Measurement of Sound*)
- f. These noise regulations are enforceable by the Code Enforcement Officer.
- g. Sound pressure levels must be measured at lot lines at a height of at least four (4) feet above the ground surface.

B. Telecommunications Towers

Performance Requirements

1. Additional Requirements

The Planning Board may require additional information and add additional conditions to the conditional use permit to assure the location, construction and operation of the facility will not be a safety or health hazard to abutting properties or public rights-of-way.

2. Advertising

Commercial advertising is not allowed on any antenna, tower, structure, and communication equipment or on the property.

3. Air Navigation

No tower or telecommunications facility that would be classified as a hazard to air navigation, as defined by the Federal Aviation regulations is permitted.

4. Exemptions

The following telecommunications facilities are exempt: police, fire, ambulance and other emergency dispatch; amateur (ham) radio; citizens band radio, and any existing commercial radio tower. No commercial telecommunication facility is exempt from these provisions if they propose to share a tower with exempt uses

5. Fencing

The area around the tower and communication structure must have a chain link security fence or wall not less than eight feet in height from ground level. Access to the tower must be through a locked gate.

6. Financial Guarantee

The Planning Board may require financial guarantees in an amount and form satisfactory to the Selectmen to insure the performance requirements and conditions placed on the approved permit and have adequate financial resources available to insure compliance.

7. Finishes

Towers must have a galvanized gray or silver finish in order to blend with the sky. The Planning Board may require a camouflaged or colored finish if that will create less visual impact.

8. Height of Towers

New towers may not exceed the minimum height necessary to provide adequate coverage for the telecommunications facilities proposed for use on the tower. No tower may exceed an overall height of 150 feet, including the mast from the ground base.

9. Landscaping/Screening

Screening is required at the perimeter of the site. A natural or planted vegetative screen a minimum of 20 feet in depth and six feet in height must be installed and maintained at all times. Vegetation must be of a type that has the potential to reach a height of at least 15 feet at maturity. Existing vegetation surrounding the site must be preserved and maintained to the greatest extent possible.

10. Lighting

Exterior lights must be focused, shielded or hooded to prevent the direct glare of light off site. Exterior lights may only be operated when personnel are on site.

11. Modifications

A new application must be submitted and received by the Planning Board each time additional telecommunications equipment, structures, antenna or capacity is proposed to be added to an existing permitted facility. The Planning Board review shall substantiate that the tower and facility will safely accommodate the additions to the facility and the facility will operate within FCC standards and guidelines to protect the health and safety of the public.

12. Removal

The tower operator and or owner shall notify the Code Enforcement Officer within thirty days of the date the tower ceases operation. If the facility is not used for telecommunications within nine months of the date it ceases operation then the tower and associated facility must be dismantled and removed from the site. This requirement must be noted on the approved site plan as a condition of approval.

13. Setbacks

All towers must be set back from the lot lines a distance of one and one half times the structures' height, but not less than the minimum set back requirements for the land use district in which the Tower is located. Other structures must meet setback requirements established for that district.

14. Supports and Anchors

All tower supports and peripheral anchors must be located entirely within the boundaries of the property and must conform to the setbacks of the land use district in which the tower will be located.

Required Documentation

1. Commitment to Lease Space

Applicants for new tower construction or modification must provide a written irrevocable letter of commitment, valid for the duration of the existing tower, to rent or lease available space for collocation on the tower at fair market prices and terms, without discrimination to other telecommunications providers.

2. Contract with Provider:

Applicants must be telecommunications providers or must provide a copy of a lease/contract with an existing telecommunications provider. The Planning Board may not approve the construction of a new tower or telecommunications facility to be built on speculation.

3. Federal Permits

Copies of all required applications and submittals to the Federal Aviation Administration (FAA) or Federal Communications Commission (FCC) or other federal agencies must be provided to the Planning Board.

4. Hazardous Radiation

The applicant must submit documentation that demonstrates all radiation emitted by the telecommunications facility meets FCC standards and that radiation levels are at safe levels. This includes regulation contained in FCC bulletin 65 and 97-303.

5. Lease of Tower Space

Applicants for a telecommunication facility to be installed on an existing tower or structure must provide a copy of a lease/contract with the owner of the existing tower or structure.

6. Monitoring

The Planning Board may require annual or periodic monitoring of the facility to determine if emissions are meeting FCC standards or guidelines and the facility is operating at safe radiation levels.

7. Site Engineering and Survey Plans

A site plan and an engineering plan for the tower structure and associated facilities are required. They must be prepared and stamped by a professional engineer licensed to practice in Maine. Survey plans must be prepared and stamped by a licensed surveyor licensed to practice in Maine.

C. Home Occupations

1. Permitted home occupations must be carried out without disturbing neighbors, altering the residential character of the structure or neighborhood, or changing the character of the lot from its principal use as a residence. A home occupation must be permitted if it complies with all of the requirements of this Section.
2. A home occupation must be carried on by permanent residents of the dwelling unit, must not exceed five hundred (500) square feet or twenty-five percent (25%) of the total floor area of the dwelling unit, whichever is greater, and must not employ more than two (2) full-time equivalent, non-resident employees.
3. The home occupation must be carried on wholly within the principal or accessory structures. There must be no outside storage or display of materials or products or equipment or vehicles.
4. A home occupation must not create greater traffic than normal for the area in which it is located or generate more than 20 vehicular trips per day.
5. The sale of products not wholly crafted, assembled, or substantially altered on the premises may be permitted by the Planning Board.

D. Hotels, Motels and Inns

For traffic safety on and immediately adjoining each motel, hotel or inn and to assure health, safety and welfare of occupants and of the neighborhood generally, the following land, space, building, traffic, utility, and service design requirements must be met. For the purposes of this section, the words hotel, motel and inn are used interchangeably.

1. No part of a building on a motel lot may be closer than fifty (50) feet to the front lot line, rear lot line or either side lot lines. A green space, not less than twenty-five feet wide, must be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, the front line of such lot, except for entrance and exit driveways. The green space must not be used for automobile parking.
2. Buildings on a lot must not cover more than twenty percent (20%) of the area of the lot.
3. If meal preparation or eating facilities are provided in hotel rental units, each rental unit must be considered a dwelling unit and the hotel must be required to meet all the standards for multi-family developments in this Ordinance, including the residential density requirements of the appropriate district. On each hotel lot, only one apartment may be provided for a resident owner, manager or other responsible staff person without meeting the requirements of this paragraph.
4. Each motel rental unit must contain at least two-hundred (200) square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room must be at least; twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of bath. Each rental unit must include private bathroom facilities.
5. Hotel building construction plans must be reviewed and approved by the State Fire Marshall's Office.

6. All hotels and motels must be connected to the public sewer and water systems, if available.

E. Mineral Exploration and Extraction

1. Mineral Exploration

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

2. Mineral Extraction

a. Groundwater Protection

- i. No excavation shall occur between five (5) and two (2) feet of the seasonal high-water table unless sufficiently detailed information is submitted, documenting the position of the seasonal high-water table, to allow the Planning Board to determine that the groundwater will not be adversely affected. In no event shall any excavation occur within two (2) feet of the seasonal high-water table.
- ii. The working excavation pit, during the operation phase, shall not exceed ten (10) acres at any time. A single stockpile area, not to exceed five (5) acres, is allowed in addition to the ten (10) acre working excavation pit.
- iii. Petroleum products, or other substances that could contaminate groundwater, shall be stored on the affected land in accordance with a spill prevention, control and containment plan. Refueling operations, oil changes and maintenance activities requiring the handling of hydraulic fluids, as well as any other on-site activity involving the use of products that, if spilled, could contaminate groundwater, shall also be conducted in accordance with such plan.
- iv. A three hundred (300) foot separation shall be maintained between the limit of excavation and any predevelopment private drinking water supply. A one thousand (1,000) foot separation shall be maintained between the limit of excavation, and any well or spring which qualifies as a public drinking water supply.
- v. The mining operation shall not withdraw more than five thousand (5,000) gallons of groundwater per day.

b. Surface Water Protection and Storm Water Management

- i. If the estimated peak rate of storm water runoff from the excavation site is calculated to be greater than the predevelopment runoff peak rate in any watershed within the boundaries of the affected land, then a detention basin shall be designed and constructed to maintain the predevelopment runoff peak rate.
- ii. The outlet structures of each detention basin shall be designed to control 24-hour storms of 2-year, 10-year and 25-year frequency. Each detention basin

Article II. Land Use Districts and Uses

shall be constructed with an emergency spillway designed to independently convey the runoff from a 25-year, 24-hour storm event if the primary spillway is blocked or its capacity exceeded.

- iii. All processing water shall be discharged to a sedimentation basin. No chemicals shall be used to process excavated material.

c. Erosion and Sedimentation Control

- i. Ditches, sedimentation basins, dikes, and other control measures shall be used as necessary to prevent sediments from being washed or deposited into classified bodies of water. Each sedimentation basin shall be designed and constructed with capacity to detain runoff from a storm of 10-year frequency and 24-hour duration for a minimum of ten (10) hours. Each sedimentation basin shall be inspected and accumulated sediments removed as necessary, to ensure that the design limit for accumulated sediments is not exceeded.
- ii. Topsoil stockpiles must be seeded, mulched, anchored, or otherwise temporarily stabilized.

d. Natural Buffer Strips

- i. 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 of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland.
- ii. A natural buffer strip at least one hundred and fifty (150) feet wide shall be maintained between any mineral extraction areas and a public road. A natural buffer strip at least twenty-five (25) feet wide shall be maintained between any topsoil mining operation and a public road.
- iii. A natural buffer strip at least one hundred and fifty (150) feet wide shall be maintained between the affected land and the property boundary.
- iii. A natural buffer strip at least one hundred and fifty (150) feet wide shall be maintained between the affected land and the property boundary.

e. Air Quality

Any dust generated, including dust associated with traffic to and from the working pit, shall be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions so that the particulate standards set forth in 38 M.R.S.A 584-A (1), or as amended, are not exceeded. Additionally, the access road to the working pit shall be paved for at least fifty (50) feet from the point where it meets the public road or street.

f. Noise

- i. A mining operation shall only be operated or reclaimed between the hours of seven o'clock (7:00) a.m. and seven o'clock (7:00) p.m., Monday through Saturday, unless waived by the Planning Board.
- iii. Hourly sound levels shall not exceed the sound level limits set forth in 06-096 CMR 375.10 (CMR= Code of Maine Regulations at DEP) as measured at the property lot lines.

g. Solid Waste

Refuse spoils, unused soil stockpiles, stumps and associated debris, and other solid waste generated shall be disposed of in accordance with 06-096 CMR 400-409. Only materials generated on-site may be buried or covered on-site.

h. Reclamation

A reclamation plan shall be filed with, and approved by the Planning Board before any approval is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements below. The affected land shall be restored to a condition or physical state which is either similar to and compatible with that which existed prior to any development, or encourages the future productive use of the land. 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:

- i. Any excavation area being actively reclaimed shall not exceed ten (10) acres at any time during the reclamation phase. Active reclamation areas shall not be counted as part of the limits on the size of the working excavation pit or stockpile areas listed in the subsection 2.a above.
- ii. Upon the completion of excavation, the side slopes of the mineral extraction or topsoil mining operation shall be re-graded within thirty (30) days to a slope no steeper than two and one-half (2.5) horizontal to one (1) vertical. Slopes of up to two (2) to one (1) vertical ratios may be allowed, if a slope stability analysis is submitted showing that there will be no major failure or sloughing of slopes under construction loads.
- iii. Haul roads shall be reclaimed.
- iv. Vegetative cover native to the area shall be established on all affected land. Topsoil shall be placed, seeded and mulched within thirty (30) days of final grading, as follows:
 - (a). Topsoil or loam saved from the original site shall be restored to cover all disturbed land areas, which shall be re-seeded and stabilized. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project, such that finished topsoil reaches a depth of twelve (12) inches. Two (2) inches of the loam must be mixed or harrowed into the substrate and ten (10) inches of the loam must be placed on top. The topsoil shall be mixed into the original material to provide a gradual transition between soil layers, and to avoid

Article II. Land Use Districts and Uses

distinct plains resulting in slope failure. The topsoil shall have a soil compaction sufficient to sustain vegetative growth.

(b). Vegetative material used in reclamation shall consist of grasses, legumes, herbaceous or woody plants, shrubs, trees or a mixture thereof. Plant material, except material for dormant seeds, shall be planted during the first growing season following the beginning of the reclamation phase. Selection and use of vegetative cover shall take into account soil and site characteristics such as drainage, pH, nutrient availability, and climate.

(c). The vegetative cover is acceptable if:

(1) the planting of trees and shrubs results in a permanent stand, or stand capable of regeneration and succession, sufficient to assure a seventy-five percent (75%) survival rate; and

(2) the planting of all materials results in ninety percent (90%) survival rate.

NOTE: Dormant seeding is defined as seeding done at twice the permanent or temporary seeding rate, and mulched at a rate of two (2) tons per acre. The seed and mulch are applied to bare earth between November 10th and April 15th, before snow cover occurs.

9. The Planning Board shall require performance guarantees as prescribed in this Ordinance. 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.

F. Mobile Home Parks

Mobile home parks must be developed in accordance with the following requirements.

1. Lot Area and Lot Width Requirements:

Lots in a mobile home park must meet the following lot area and lot width requirements.

a. Lots served by individual subsurface wastewater disposal systems:

Minimum lot area: 20,000 square feet

Minimum lot width: 100 feet

b. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services:

Minimum lot area: 12,000 square feet

Minimum lot width: 85 feet

c. The overall density of any park served by any subsurface wastewater disposal system must not exceed one unit per 20,000 square feet of mobile home park area.

2. Unit Setback Requirements

Each manufactured home within a mobile home park must be set back a minimum of:

a. Twenty (20) feet from the boundaries of the lot on which the mobile home is placed; and

Article II. Land Use Districts and Uses

- b. Fifty (50) feet from all mobile home park boundary lines.

3. Buffer/Screening Requirements

- a. Each mobile home park must retain or have a buffer strip at least fifty (50) feet wide around the perimeter of the park parcel. No structures, roads or utilities may be placed in the strip except that roads and utilities may cross the strip to serve the park. The outer twenty five (25) foot wide portion of the strip must have natural screening (trees, other vegetation, earthen mounds, etc.) to provide a visual and sound buffer between the park and adjacent properties.
- b. The Planning Board may require the developer to plant trees or other vegetation, or do landscaping, so that there is adequate buffering and screening where the natural screening is insufficient.

4. Groundwater Protection Requirements

- a. No mobile home park may increase any contaminant concentration in the groundwater to more than one-half (1/2) of the Primary Drinking Water Standards or more than the Secondary Drinking Water Standards (according to the State Mobile Home Park Law as developed by DEP standards).
- b. If groundwater contains contaminants in excess of the primary standards and the Mobile Home Park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.
- c. If groundwater contains contaminants in excess of the secondary standards, the Mobile Home Park must not cause the concentration of the parameters in question to exceed one-hundred fifty percent (150%) of the ambient concentration (according to the State Mobile Home Park Law as developed by the DEP).
- d. Subsurface wastewater disposal systems and drinking water wells must be constructed as shown on the map submitted with the application for the park and plumbing permits.

5. Road Design, Circulation and Traffic Requirements.

- a. All Mobile Home Parks must have safe and convenient vehicular access from abutting public streets or roads.
- b. A Professional Engineer registered in the State of Maine shall design all roads within a Mobile Home Park.
- c. Roads to be accepted as public ways by the Town must be designed and constructed in accordance with this Ordinance.
- d. Private roads within the Mobile Home Park which the applicant or owner does not intend to offer to the Town for acceptance as a Town way shall:
 - i. Have a minimum right-of-way of twenty-three (23) feet in width, twenty (20) feet of which must be the travel-way.
 - ii. Conform to reasonable safety standards applicable to intersections with public ways adjacent to the Mobile Home Park.

Article II. Land Use Districts and Uses

- e. Such roads, as the Planning Board determines, shall have a designated four (4) foot wide minimum walkway along its boundary. The walkway must be marked or built so that its bounds and function are clearly distinguishable from the road.
- f. Any dead-end roads must be no longer than five hundred (500) feet. The closed end must have an adequate turnaround (T-shaped, L-shaped, or cul de sac) and must be approved by the Planning Board.
- g. Off-road parking for at least two vehicles must be furnished for each mobile home. Parking spaces must be located within the individual mobile home lots that they are intended to serve.
- h. A Mobile Home Park expected to generate average daily traffic of two-hundred (200) trips per day or more must have at least two (2) road connections with existing public roads, other roads within the park, or other roads shown on an approved subdivision plan.
- i. No individual lot within a park may have direct vehicular access onto an existing public road.
- j. The intersection of any road within a park and an existing public road must meet the following standards.
 - i. Angle of Intersection. The desired angle of intersection is ninety (90) degrees. The minimum angle of intersection must be seventy- five (75) degrees.
 - ii. Maximum- Grade. The maximum grade within 75 feet of the intersection must be two (2) percent.
 - iii. Minimum Sight Distance. A minimum sight distance of ten (10) feet for every mile per hour of posted speed limit on the existing road must be provided. Sight distances must be measured from the driver's seat of a vehicle that is ten (10) feet behind the curb or edge of shoulder line. With the height of the eye three and one-half (3 1/2) feet above ground level and the height of object four and one-quarter (4 1/4) feet above ground level.
 - iv. Distance from other intersections. The centerline of any road within a park intersecting an existing public road must be no less than one hundred twenty-five (125) feet from the centerline of any other road intersecting that public road.

6. Conversions of Mobile Home Parks

No development which is approved under this section as a Mobile Home Park may be converted to another use without the approval of the Planning Board, and meeting the appropriate lot size, lot width, setback and other requirements.

7. General Requirements

- a. The land within the park must remain in a unified ownership and the fee to lots or portions of lots must not be transferred.
- b. No dwelling unit other than a manufactured housing unit may be located within the park.

Article II. Land Use Districts and Uses

- c. Each Mobile Home Park owner shall establish and enforce regulations governing the conduct of the internal affairs of the park.

G. Multi-Family Development

1. Design Standards

- a. An adequate water supply must be provided to the development for fire fighting purposes. Wet or dry fire hydrants or fire ponds must be located so that they are not more than five-hundred (500) feet from any building, as fire hose is laid on the street. The Planning Board, in conjunction with the Fire Chief, must determine the adequacy of the water supply for fire fighting purposes.
- b. No structures may be located on land unsuitable for development under the net buildable acreage calculation.
- c. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one street access for emergency and safety purposes. No more than two (2) accesses may be allowed on any single street or roadway.
- d. A fifteen (15) foot landscaped buffer must be provided along all property boundaries.
- e. All multi-family developments of ten (10) dwelling units or more must provide a developed open recreation area of no less than five hundred (500) square feet per dwelling unit. The developer must prepare a plan, along with legal documents, that demonstrates how the recreation area will be maintained and repaired.
- f. The owner(s) shall be responsible for rubbish disposal, snow removal, and site maintenance.

H. Subdivisions (See Subdivision Regulations of the Town of Parsonsfield)

I. Timber Harvesting

1. Timber Harvesting must conform to applicable state requirements.
2. See Shoreland District Requirements for timber harvesting standards in the Shoreland Districts.

J. Waste Disposal

No solid, liquid, industrial, petroleum, chemical or hazardous material may be disposed of in the Town of Parsonsfield except for slash resulting from timber harvesting operations which must be disposed of in accordance with the State Forest Practices Act, as amended.

K. Campgrounds

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

- a. 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.

Article II. Land Use Districts and Uses

- b. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall meet all setback requirements of Table 2, and 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.

L. Individual Private Campsites

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

- a. Only one campsite per lot existing on the effective date of this Ordinance, or one campsite per minimum lot size required by Table 2, whichever is less, may be permitted. Use of an individual, private campsite for a recreational vehicle shall require an annual permit from the Code Enforcement Officer at a cost of \$50.00. Use of such a campsite for tenting shall not require any permits, but nonetheless shall meet all standards.
- b. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall meet all required setbacks in Table 2, and 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.
- c. Only one recreational vehicle, as defined by this ordinance, shall be allowed on a campsite. The recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- d. 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.
- e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required. Upon issuance of a renewal permit, proof of disposal from the previous year shall be required.
- f. 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 and minimum square footage requirements for a dwelling unit. The system must be in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.
- g. All road and driveway requirements shall be met.

ARTICLE III. SITE PLAN REVIEW

Section 1. Purpose

The purpose of Site Plan Review is to:

- A. Provide a level of municipal review that would not otherwise occur for projects that could adversely impact abutters or properties in the project area and the Community as a whole.
- B. Maintain/protect the Town's rural character and natural resources, including scenic and historic resources, by requiring that structures and other alterations on or to the land, are sited and developed in accordance with certain standards.
- C. Promote and protect the health, safety and welfare of the Townspeople.

Section 2. Applicability

This Article applies to any proposed use listed in the Table of Permissible Uses which requires Site Plan Review.

Section 3. Classification of Projects

Projects subject to Site Plan Review are divided into two (2) classes: minor developments and major developments.

Minor developments include:

- A. projects involving the construction, addition or conversion of less than five-thousand (5,000) square feet of gross floor area;
- B. projects involving the construction or installation of less than five-thousand (5,000) square feet of impervious surfaces; or
- C. projects involving the construction or establishment of less than three (3) lots or dwelling units,

The Planning Board may require projects in the above three categories to be reviewed as a major development in order to protect the health, safety and welfare of the citizens of Parsonsfield.

Major developments include all other projects or uses requiring Site Plan Review.

Section 4. Administration

A. Pre-Application Meeting

1. Applicants are required to schedule a meeting with the Planning Board prior to a formal submission for review, discuss their plans and gain an understanding of the review procedures, requirements and standards.
2. During this pre-application meeting, the Planning Board will determine the appropriate procedural and administrative process for the proposed development. In addition, the Planning Board may waive specific application requirements when an applicant can show that such requirements are not relevant to the proposed project.

B. Applications in Writing

All applications for Site Plan Review must be made in writing to the Code Enforcement Officer on the forms provided for this purpose. An applicant must be the owner of the property or his agent, if so authorized in writing by the owner.

The Code Enforcement Officer shall make an initial determination of the completeness of the application, which is then subject to the determination of the Planning Board. If an application is not complete, it will be held by the Code Enforcement Officer and the CEO must inform the applicant in writing what additional information is required. When an application is determined to be complete, including all documentation required by this Article, the Planning Board at its next regular meeting shall issue a dated receipt to the applicant. Unless the applicant and Board agree to an extension, the Board shall within sixty [60] days of the dated receipt act to approve or disapprove the Site Plan Application in accordance with this Article. An application must be submitted at least fifteen (15) days before the scheduled Planning Board meeting unless waived by the Planning Board chairman.

C. Notice to Abutters

The Planning Board shall send by first class mail to all property owners within five-hundred (500) feet of the lot notice of a pending application for Site Plan Review. The notice must indicate the time, date, place and reason for the application.

D. Independent Review and Advice

1. Professional Services

The Planning Board may require that a consultant or other appropriate professional advisor review one or more aspects of an application for compliance or noncompliance with this Ordinance and to assist the Board. The consultant or other advisors shall first estimate the cost of the review and the applicant shall deposit, with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the consultant or advisors from the escrow account and reimburse the applicant if funds remain after payment.

2. Additional Studies

The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate and ensure that the requirements of this Ordinance are met. The costs of such studies must be borne by the applicant.

E. Public Hearing

Prior to taking final action on any Site Plan Review Application, the Planning Board may hold a hearing to afford the public an opportunity to comment on the application.

F. Financial Guarantee

Prior to final approval of any plan, the Planning Board may require the applicant to provide a financial guarantee, in such amount as is reasonably necessary, to ensure completion of all public improvements in accordance with the Performance Guarantees section of this Article.

G. Conditions

The Planning Board may attach reasonable conditions to Site Plan Review or Special Exception Permits to ensure compliance with the standards and requirements of this Ordinance.

H. Expiration of Permits

All permits issued by the Planning Board shall expire within eighteen (18) months of the date of issuance, unless work thereunder is commenced within this time period. If work is not completed according to a schedule, if any, set forth in the approval, a new or amended application must be filed with the Board.

I. Access

The Town shall have access to the site at all reasonable times to review the progress of the work and shall have the authority to review all records and documents related to the project.

J. Responsibility

The applicant is responsible for all expenses to the Town for the costs of notifications, mailings, printing, advertising, public notices, clerical work etc., to administer the provisions of this Ordinance. The Planning Board may require the applicant to deposit adequate funds in an escrow account to meet these anticipated expenses before they are incurred. Any funds that remain in the escrow account after all expenses are paid must be returned to the applicant, without interest.

Section 5. Site Plan Review Application

Applications for Site Plan Review must be submitted on application forms provided by the Town. The complete application form, required fees, and the required plans and related information must be submitted to the Code Enforcement Officer who shall make a record of its receipt and forward the application to the Chairman of the Planning Board.

The Planning Board may modify or waive any of the following submission requirements if it determines that because of the size of the project or circumstances of the site such requirement(s) would not be applicable, or would be an unnecessary burden upon the applicant, and would not adversely affect the abutting landowners or the health, safety, and welfare of the Town.

The submission must contain at least the following exhibits and information:

Nine (9) copies of the completed and signed application form (with any attachments) and nine (9) sets of maps or drawings, all of which must contain the information listed below, unless additional copies are requested by the Board. The maps or drawings must be at a scale sufficient to allow review of the items listed under approved criteria, but in no case shall be more than fifty (50) feet to the inch for that portion of the tract of land being proposed for development.

A. General Submission Information

1. Name(s), address(es) and phone number(s) of owner(s) of record and of applicant, if different.
2. The name of the proposed development.
3. Names and addresses of all property owners within five hundred (500) feet of the edge of the property lines of the proposed development.

Article III. Site Plan Review

4. Sketch map showing general location of the site within the Town.
5. Boundaries of all contiguous property under the control of the owner or applicant, regardless of whether all or part is being developed at this time.
6. The tax map and lot number of the parcel or parcels.
7. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
8. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared any plan.

B. Existing Conditions

1. The bearings and distances of all property lines of the property to be developed and the source of this information.
2. Location and size of any existing sewer and water mains, culverts and drains that will serve the development whether on or off the property, along with the direction of existing surface water drainage across the site.
3. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
4. The location, dimensions and ground floor elevations Above Ground Level (AGL) of all existing buildings on the site.
5. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
6. Location of intersecting roads or driveways within two hundred (200) feet of the site.
7. The location of open drainage courses, wetlands, stands of trees, and other important natural features on the site, with a description of the features being retained.
8. The location, front view and dimensions of existing signs.
9. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

C. Proposed Development Activity

1. The location of all building setbacks, yards and buffers, required by this or other Town Ordinances.
2. The location, dimension, and ground floor elevations (AGL) of all proposed buildings.
3. The location and dimensions of proposed driveways, parking and loading areas, and walkways.
4. The location and dimensions of all provisions for water supply and wastewater disposal.
5. The direction and route of proposed surface water drainage.
6. The location, front view, and dimensions of proposed signs.

7. The location and type of exterior lighting.
8. The proposed landscaping and buffering.
9. Demonstration of any applicable State applications or permits which have been or may be issued.
10. A schedule of construction including anticipated beginning and completion dates.
11. Space shall be provided on the plan for the signatures of the Planning Board and date, together with the following words, "Approved: Town of Parsonsfield Planning Board."

D. Applications for Major Developments

Applications for major developments must include the following additional information:

1. Existing and proposed topography of the site at two (2) foot contour intervals, or such other intervals as the Planning Board may determine.
2. A storm water drainage and erosion control program showing:
 - a. The existing and proposed method of handling storm-water run-offs.
 - b. The direction of flow of the run-off.
 - c. The location, elevation, and size of all catch basins, drywells, drainage ditches, swales, retention basins, and storm sewers.
 - d. Engineering calculations used to determine drainage requirements based upon the 25-year, 24-hour storm frequency, but only if the project will significantly alter the existing drainage pattern, due to such factors as increased impervious surfaces from paving and building.
 - e. Methods of controlling erosion and sedimentation during and after construction.
3. A groundwater impact analysis prepared by a groundwater hydrologist for projects located within the Public Water Protection Overlay District, or involving common on-site water supply or sewage disposal facilities with a capacity of two-thousand (2,000) gallons per day, or at the discretion of the Planning Board.
4. A utility plan showing the location and nature of electrical, telephone, and any other utility services to be installed on the site.
5. A planting schedule, keyed to the Site Plan, indicating the varieties and sizes of trees, shrubs, and other plants to be planted.
6. Analysis of the solid or hazardous waste to be generated and a plan for its recycling and disposal, along with evidence of disposal arrangements.
7. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
8. Construction drawings for streets, sanitary sewers, water and storm drainage systems, which are designed and prepared by a professional engineer who is registered in the State of Maine.

Article III. Site Plan Review

9. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for, or dedicated to, common or public use and/or ownership. For any proposed easement, the developer must submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. Provide the location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

10. A copy of any covenants or deed restrictions intended to cover all, or part of, the property. Such covenants or deed restrictions must be referenced on the plan.

11. If any legal interest in land is to be dedicated to the Town for public use, then a copy of a written offer of dedication or conveyance to the Town, in a form satisfactory to the Town Attorney, for all such land must be included.

12. Evidence of adequate provision for maintenance of the development.

13. Cost estimates of the proposed development and evidence of financial capacity to complete it. This evidence should include a letter from a bank or other source of financing indicating the name of the project, amount of financing proposed, and the means of financing the project.

E. Applications for Special Exception Permits

In addition to the foregoing requirements, applications for Special Exception Permits must include:

1. An alternative sites analysis identifying and analyzing other reasonable alternative sites and justification of how the proposed site is the most suitable; and
2. A neighborhood environmental impact report evaluating the potential impacts on neighboring properties and environs and presenting mitigating measures that alleviate adverse effects.

Section 6. Criteria for Review and Approval of Site Plans and Subdivisions

In approving site plans and subdivisions within the Town of Parsonsfield, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed development will meet the guidelines of Title 30-A, M.R.S.A., Section 4404, as amended, which include the following:

A. Aesthetic, Cultural and Natural Values

The proposed activity will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality, or rare and irreplaceable natural areas, or any public rights for physical or visual access to the shoreline.

B. Conformity with Ordinances and Plans

The proposed activity conforms with this Ordinance, other duly adopted ordinances, including the Subdivision Regulations of the Town of Parsonsfield, and the Parsonsfield Comprehensive Plan.

C. Erosion

The proposed activity will not cause unreasonable soil erosion or a reduction in the land's capacity to hold water so that a dangerous or unhealthy condition results.

D. Financial Burden on Town

The proposed activity will not cause an unreasonable financial burden on the Town for provision of public services and facilities.

E. Financial and Technical Ability

1. Financial Capacity

The applicant has adequate financial resources to construct the proposed improvements and meet the criteria of the Land Use and Development Ordinance. When the applicant proposes to construct the building as well as any subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations, the Planning Board shall consider the proposed time frame for construction and the effects of inflation.

2. Technical Ability

In determining the applicant's technical ability, the Planning Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants, engineers, architects and contractors, and the existence of violations of previous approvals granted to the applicant.

F. Flood Areas

Flood areas are based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, and information presented by the application as to whether the activity is in a flood-prone area. If the activity, or any part of it, is in such an area, the applicant shall determine the 100-year flood elevation and flood hazard boundaries within the project area. The proposed project plan must include as a condition of plan approval, that principal structures in the project area will be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

G. Freshwater Wetlands

All freshwater wetlands within the proposed site have been identified on maps submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district.

H. Groundwater

The proposed activity must not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

I. Municipal Solid Waste Disposal

The proposed activity will not cause an unreasonable burden on the municipality's ability to dispose of solid waste if municipal services are to be utilized.

J. Municipal/Public Water Supply

The proposed activity will not cause an unreasonable burden on an existing public water supply, if one is to be used;

K. Neighborhood Compatibility

1. The proposed activity will be compatible and sensitive to the character of the site and neighborhood relative to land uses, scale, bulk and building height, neighborhood identity and historical character, and orientation on the lot.
2. The proposed activity maximizes the opportunity for privacy by the residents of the immediate area.
3. The proposed activity ensures safe and healthful conditions within the neighborhood.
4. The proposed activity will minimize any detrimental effects on the value of adjacent properties.

L. Pollution

The proposed activity will not result in undue water or air pollution. In making this determination, the Planning Board shall consider at a minimum:

1. The elevation of the land above sea level and its relation to the flood plains;
2. The nature of soils and subsoil and their ability to adequately support waste disposal;
3. The slope of the land and its effect on effluents;
4. The availability of streams for disposal of effluents;
5. The applicable state and local health and water resource rules and regulations; and
6. The impact of phosphorous export and other pollutants on water bodies.

M. River, Stream or Brook

Any river, stream or brook within or abutting the proposed project has been identified on maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, M.R.S.A. Section 480-B, Subsection 9, or as amended.

N. Sewage Disposal

The proposed activity will provide for adequate sewage waste disposal and will not cause an unreasonable burden on municipal services if they are utilized.

O. Storm Water

The proposed activity will provide for adequate storm water management.

P. Sufficient Water

The proposed activity has sufficient water available for the reasonably foreseeable needs of the project.

Q. Traffic

The proposed activity will not cause unreasonable burdens on public streets or roads either existing or proposed.

Section 7. Performance Guarantees

A. Types of Guarantees

As required by the Planning Board, the developer shall provide one of the following Performance Guarantees for an amount adequate to cover the total construction costs of all required public

Article III. Site Plan Review

improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs. Following, in order of preference, are three types of Performance Guarantees acceptable to the Town:

1. A certified check, payable to the Town, or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
2. An irrevocable letter of credit from a financial institution establishing funding for the construction of the project from which the Town may draw if construction is inadequate; or
3. A Performance Bond, payable to the Town, issued by a corporate surety company, and acceptable to the Town.

The form, time periods, conditions and amount of the Performance Guarantee must be determined by the Planning Board.

B. Contents of Guarantee

The Performance Guarantee must contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspection of each phase of construction, provisions for the release of part or all of the Performance Guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction. The performance guarantee must contain a provision requiring the Town Selectmen be notified at least sixty (60) days before the termination of the guarantee.

C. Escrow Account

A cash contribution to the establishment of an escrow account must be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the owner, the municipality must be named as owner or co-owner, and the consent of the municipality is required for a withdrawal, but the consent of the owner shall not be required for a withdrawal. Any interest earned on the escrow account must be returned to the owner unless the Town has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the owner and the amount withdrawn to complete the required improvements.

Any certified check will be deposited in the name of the Town by the Treasurer in an interest bearing account and will bear the name of the Owner and of the proposed project. Withdrawals will be made after a designated Engineer has certified the work as completed. The Planning Board must be duly notified prior to any withdrawal. Any work which has not been completed may be performed at the discretion of the Town and such work will be paid from the escrow account. The Planning Board will recommend to the Selectmen such disbursements from the escrow account as will pay for completed work in accordance with an approved disbursement schedule.

D. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution will indicate that funds have been set aside for the construction of the project and may not be used for any other project or loan. The Letter of Credit or Performance Bond must contain a provision that the institution providing the LOC or Bond must notify the Selectmen at least sixty (60) days before the LOC or Bond terminates of their termination date.

E. Performance Bond

A Performance Bond must detail the conditions of the bond, the method for release of the bond or portions of the bond to the owner, and the procedures for collection by the municipality. The bond documents must specifically reference the development activity for which approval is sought.

F. Phasing of Development

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 project street which is covered by a Performance Guarantee. When development is phased, road construction must commence from an existing public way. Final approval of lots in subsequent phases may be given only upon satisfactory completion of all requirements pertaining to previous phases.

G. Release of Guarantee

Prior to the release of any part of the Performance Guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of a qualified engineer designated by the Planning Board and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

H. Default

If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the Plans and specifications filed as part of the application, he shall so report in writing to the Selectmen, the Planning Board, and the owner or builder. The Selectmen retain the authority to take any steps necessary to preserve the Town's rights.

ARTICLE IV: CONDITIONAL USE

Section 1. Conditional Use Permit

A building, structure, or parcel of land may be employed for a conditional use if the use is specifically listed in the regulations governing the zoning district in which the use is proposed, and if a conditional use permit is approved by the Planning Board.

Section 2. Application for Conditional Use

A. Application for a conditional use permit shall be made to the Code Enforcement Officer on forms provided for the purpose accompanied by a \$100.00 fee. In addition, the applicant shall be responsible for costs of advertising and mailing associated with the application. The applicant shall:

1. Clearly specify the location of the proposed use, including Assessor's tax map and lot number and a location map;
2. Describe the exact nature of the proposed use;
3. Present a scale drawing of the lot with the locations of any existing or proposed buildings, structures, natural features, driveways, and parking areas;
4. Submit such other materials as will enable the Planning Board to determine that the standards for approval of a conditional use have been met. The burden for providing the information upon which the Planning Board bases its findings and decision shall be the applicant's.

B. Before rendering a decision on any conditional use permit, the Planning Board shall conduct a public hearing, which shall be advertised at least ten days in advance in a local newspaper and posted in other places usually used for public notices, at the expense of the applicant. The notice shall contain a clear and concise statement of the request to be addressed. At least ten days before the hearing, the Board, or the Town Clerk on behalf of the Board, shall notify by mail the owners of properties lying within 500 feet of the property for which the request or application is being made. The owners of properties shall be considered to be those persons against whom taxes are assessed.

Section 3. Standards for a Conditional Use Permit

A conditional use may be granted by the Planning Board only in the event that the applicant has established to the satisfaction of the Planning Board that:

A. Neither the proposed use for the proposed site upon which the use will be located is of such a character that the use will have a significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from such a use in the zoning district. In reaching a determination on this standard, the Planning Board shall consider:

1. the size of the proposed use compared with surrounding uses;
2. the intensity of the proposed use, including amount and type of traffic to be generated, hours of operation, expanse of pavement, and similar measures of intensity of use, compared with surrounding uses;

Article IV. Conditional Use

3. the potential generation of noise, dust, odor, vibration, glare, smoke, litter and other nuisances;
 4. unusual physical characteristics of the site, including size of the lot, shape of the lot, topography, and soils, which may tend to aggravate adverse impacts upon surrounding properties; and
 5. the degree to which landscaping, fencing, and other design elements have been incorporated to mitigate adverse impacts on surrounding properties.
- B. Municipal or other facilities serving the proposed use will not be overburdened or hazards created because of inadequate facilities. In reaching a determination on this standard, the Board shall consider:
1. the ability of traffic to safely move into and out of the site at the proposed location;
 2. the presence of facilities to assure the safety of pedestrians passing by or through the site;
 3. the capacity of the street network to accommodate the proposed use;
 4. the capacity of sewerage and water supply systems to accommodate the proposed use;
 5. the capacity of the storm drainage system to accommodate the proposed use; and
 6. the ability of the fire department to provide necessary protection services to the site and development.
- C. The natural characteristics of the site, including topography, drainage, and relationship to ground and surface waters and flood plains, shall not be such that the proposed use when placed on the site will cause undue harm to the environment or to neighboring properties.

Section 4. Additional Standards in Shoreland Areas

For conditional use permit applications in shoreland areas, the Planning Board shall additionally find that the proposed use meets the following criteria as required by Article V, Section 4.A.5.

Section 5. Conditions of Approval

The Planning Board may attach conditions to its approval of a conditional use permit. These conditions may include, but are not limited to, such requirements as:

- A. street improvements;
- B. access restrictions;
- C. hours of use;
- D. buffering and screening;
- E. utility improvements; and
- F. performance guarantees for required off-site improvements.

Section 6. Reapplication

If the Planning Board shall deny a conditional use application, a second request of a similar nature shall not be brought before the Planning Board within two years from the date of the first request, unless in the opinion of the majority of the Planning Board, substantial new evidence can be brought forward, or unless the Planning Board finds that an error of law or misunderstanding of facts has been made, or unless amendment has been made to this Ordinance which changes the status, circumstances, or conditions of the matter which was brought before the Planning Board.

Section 7. Duration of Conditional Use Permit

Provided all conditions and standards of approval are met, a conditional use permit shall be a permanent grant of permission and shall “run with the land”.

Article V. Administration, Enforcement and Penalties

ARTICLE V: ADMINISTRATION, ENFORCEMENT AND PENALTIES

Section 1. Administering Bodies and Agents

A. Code Enforcement Officer

1. Appointment.

A Code Enforcement Officer (CEO) shall be appointed or reappointed annually by July 1st, by the Board of Selectmen.

2. Powers and Duties.

The CEO has the following powers and duties:

- a. Enforce the provisions of this Ordinance and others requiring CEO action.
 - b. Act upon building applications, refer applications requiring Site Plan Review to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.
 - c. Enter any property at reasonable hours, with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with pertinent laws or ordinances.
 - d. Investigate complaints and reported violations.
 - e. Make and keep written inspection reports and records of activities relating to the duties of the CEO.
 - f. Collect application fees.
 - g. Issue violation notices.
 - h. Participate in appeals procedures.
 - i. Appear in court, when required.
 - j. Attend meetings of the Planning Board and the Board of Appeals, as requested by the Chairman of these Boards.
 - k. Revoke permits issued in error or which are based on erroneous information.
3. Exercise additional powers or duties authorized by the Maine Revised Statutes.

B. Planning Board

The Planning Board is created in accordance with the provisions of State law, and is responsible for reviewing and acting upon applications that require site plan review, subdivision approval, and uses requiring building or use approval from the Planning Board.

C. Board of Appeals

A Board of Appeals is created in accordance with the provisions of Title 30-A, M.S.R.A. Section 2691, or as amended. The Board of Appeals must conduct its affairs in accordance with State law and provisions of this Ordinance.

Article V. Administration, Enforcement and Penalties

D. Building, Plumbing and Electrical Inspections

The Selectmen shall appoint a Building, a Plumbing, and an Electrical Inspector who is qualified to conduct these services. The Selectmen may appoint one or more individuals who are qualified to perform these functions.

Section 2. Permits Required

After the effective date of this Ordinance, no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur, or expand, change, or replace an existing use or structure; or renew a discontinued 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.

- C A conditional use permit must be obtained from the Planning Board after conditional use review for the uses so marked in Table 1, Table of Permissible Uses by District.
- P A building permit and certificate of occupancy must be obtained from the Code Enforcement Officer for the uses so marked in Table 1, Table of Permissible Uses by District.
- R A site plan review permit must be obtained from the Planning Board after site plan review for the uses so marked in Table 1, Table of Permissible Uses by District.
- S A special exception permit must be obtained from the Planning Board for the uses so marked in Table 1, Table of Permissible Uses by District.
- A. A permit is not required for the replacement of an existing road culvert as long as:
 - 1. The replacement culvert is not more than 25% longer than the culvert being replaced;
 - 2. The replacement culvert is not longer than 75 feet; and
 - 3. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.
- B. 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.
- C. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

Section 3. Permit Application

Every permit applicant shall submit, on a form provided by the Town, a written application including a scaled site plan, to the appropriate official as indicated in Section 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

Article V. Administration, Enforcement and Penalties

the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

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.

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

Section 4. Procedure for Administering Permits

A. Permits Requiring Planning Board Review

Within thirty (30) days of the date of receiving a written application:

1. The Planning Board or CEO shall notify the applicant in writing sent by first class mail that the application is complete or,
2. If the application is incomplete, what specific additional material or information is needed to make the application complete.
3. The Planning Board shall approve or deny all applications in writing within thirty-five (35) days of receipt of a complete 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 Planning Board may extend the period for approval or denial of the application if requested in writing by the applicant.
4. 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.
5. 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:
 - (a) Will maintain safe and healthful conditions;
 - (b) Will not result in water pollution, erosion, or sedimentation to surface waters;
 - (c) Will adequately provide for the disposal of all wastewater;
 - (d) Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
 - (e) Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;
 - (f) Will protect archaeological and historic resources as designated in the comprehensive plan;

Article V. Administration, Enforcement and Penalties

- (g) Will not adversely affect existing commercial fishing or maritime activities in a Commercial Fisheries/Maritime Activities district;
- (h) Will avoid problems associated with floodplain development and use; and
- (i) 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.

6. Special Exceptions. In addition to the criteria specified in Section 5 above, excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

- (a) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (b) 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.
- (c) All proposed buildings, sewage disposal systems and other improvements are:
 - (1) Located on natural ground slopes of less than 20%; and
 - (2) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, 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.

- (d) The total ground-floor area, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.
- (e) 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

Article V. Administration, Enforcement and Penalties

distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

B. Permits Requiring CEO Approval

Within five (5) business days of the date of receipt of a written application:

The CEO must determine if the application is complete or is incomplete.

1. If the application is incomplete, the CEO shall notify the applicant in writing sent by first class mail that the application is incomplete and state what specific additional material and information is needed to make the application complete.

2. Within five (5) working days of finding an application to be complete the CEO shall either approve the application and issue a permit, or deny the application, with written reasons for the denial mailed to the applicant by first class mail.

C. Approval of Permits

1. Permits must be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance. The applicant must comply with any conditions on the permit. The 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 plantings for screening and buffering, hours of operation, operational controls, professional inspection and maintenance, sureties, deed restrictions, restrictive covenants, location of piers and docks, parking, signs, type of construction, or any other conditions necessary to fulfill the purpose of this Ordinance. All permits must be approved in writing and a permanent record kept at the Town Office. A copy of the permit with any conditions must be provided to the landowner and the applicant.

2. No permits may be issued for a structure if the structure will be located in a subdivision which has not been approved by the Planning Board, would violate provisions of this Ordinance or would violate any other local ordinance or regulation or State law for which the Town has responsibility.

3. The burden of proof that a proposed land use activity is in conformity with the purposes and provisions of this Ordinance lies with the applicant.

D. Certificate of Occupancy Required

1. A certificate of occupancy issued by the CEO is required in advance of the use or occupancy of:

a. Any lot, or change in the use of any lot from one use category to another according to Table 1, Table of Permissible Uses by District.

Article V. Administration, Enforcement and Penalties

- b. A structure hereafter erected or a change in the use category of an existing structure, or as the building code requires.
2. No certificate of occupancy may be issued unless the proposed improvements to the lot and/or building have been completed or a performance guarantee covering the cost of their completion has been given to the town according to Article III, Section 7, and the lot, building, or structure complies with all the provisions of this Ordinance, and any other local ordinance or code. A record of all certificates of occupancy must be kept on file in the office of the CEO, and a copy must be furnished, in request, to any person having a proprietary or tenancy interest in the structure or land involved. A duplicate copy must be filed in the office of the tax assessor and the certificate of occupancy must state specifically the uses it permits.

Section 5. Fees

All fees must be paid to the Code Enforcement Officer before a permit is issued or upon submittal of any required applications in accordance with the Parsonsfield Fee Schedule. The Parsonsfield Fee Schedule may be approved and amended by a majority vote of the Parsonsfield Selectmen.

Section 6. Expiration of Permits

Following the issuance of a permit, if no substantial start is made in construction, or in the use of the property for which such permit has been issued, within six months of the date of the permit, the permit will lapse and become void. If a substantial start is made within six months of the issuance of the permit, the applicant shall have a total of eighteen (18) months from the date of issuance to complete the project, including finish grading and proper drainage, at which time the permit shall expire. For areas outside of any shoreland zone, unexpired building permits may be renewed by the Code Enforcement Officer for an additional eighteen (18) month period. Within any shoreland zone, an expired building permit may only be replaced after a new application is processed, meeting all applicable requirements upon the new date of issuance.

Section 7. Installation of Public Utility Service

No public utility, water district, sanitary district or any other utility company of any kind may install or connect services to any new use or structure requiring a permit under this Ordinance, 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 Town Official(s) or other written arrangements have been made between the Town Official(s) and the utility.

Section 8. Enforcement

A. Nuisances

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

B. Code Enforcement Officer

1. It shall be the duty of the CEO to enforce the provisions of this Ordinance. If the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify, in writing, by certified mail, the property owner and such other persons who may be responsible for the violations, stating the nature of the violation and ordering the action necessary to correct it.

Article V. Administration, Enforcement and Penalties

These orders may include the discontinuance of illegal use of land, buildings or structures, or an order to stop work, the removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of the notice must be submitted to the Selectmen and the Planning Board and a copy maintained by the CEO in the Town Office as a permanent record.

2. The CEO shall conduct on-site inspections to insure compliance with all applicable laws and any conditions attached to permit approvals. The CEO also shall investigate all complaints of alleged violations of this Ordinance.
3. The CEO shall keep a complete record of all essential transactions of the office including: applications submitted, fees collected, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, and violations found. In the case of violations in the Shoreland District, the CEO shall, on a biennial basis, submit a summary of this record to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

C. Legal Actions

When the above actions do not result in the correction or abatement of the violation or nuisance condition, the Selectmen shall, upon notice from the CEO, institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, as may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality.

The Selectmen, 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 Town Official, and there is no evidence that the owner/violator 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.

D. Fines

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

ARTICLE VI. APPEALS

Section 1. Establishment of Board of Appeals

- A. The Town shall have a Board of Appeals in accordance with the provisions of Title 30-A, M.R.S.A., Section 2691, as amended.
- B. The Board consists of five members serving staggered terms of five years, appointed by the Board of Selectmen. The Board of Selectmen may appoint two associate members to serve in the absence of regular members. The Chairman of the Board of Appeals shall designate which associate member will serve in the stead of the absent member.
- C. The Board of Appeals must elect annually a chairman and secretary from its regular membership.

Section 2. Powers and Duties

The Board of Appeals shall have the following powers:

- A. Administrative Appeals
 - 1 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
 - 2 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.

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.

B. Variance Appeals

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

1. Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback.
2. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance. Notwithstanding the paragraph above, water setbacks required under Shoreland District Requirements shall not be reduced by variance.
3. The Board of Appeals shall not grant a variance unless it finds that:
 - a. The proposed structure or use would meet the requirements of this Ordinance, except for the specific provision which has created the non-conformity and from which relief is sought; and
 - b. The strict application of the terms of this Ordinance would result in undue hardship.The term "undue hardship" shall mean:
 - i. That the land in question cannot yield a reasonable return, unless a variance is granted;
 - ii. That the need for a variance is due to the unique circumstances of the property and not to general conditions in the neighborhood;
 - iii. That the granting of a variance will not alter the essential character of the locality; and
 - iv. That the hardship is not the result of action taken by the applicant or a prior owner.
4. Notwithstanding the above, the Board of Appeals 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.
5. 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. Upon approval of a variance, a building permit must be issued within eighteen (18) months of the date of the variance, or the variance will expire and become void. Upon written request to the Zoning Board of Appeals, one eighteen (18) month extension may be granted if applied for prior to the expiration of the original variance.

6. 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.

Section 3. Appeal Procedure

A. Making an Appeal

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 2.A above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from.

B. Written Notice

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

1. A concise written statement indicating what relief is requested and why the administrative appeal or variance should be granted.
2. A sketch drawn to scale showing lot lines, location of existing buildings and structures, and other physical features of the lot pertinent to the relief sought.

C. Record of Case

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 being appealed from.

D. Public Hearing

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 a meeting at which it finds an application to be complete, unless this time period is extended by the parties. Interested parties and the public must be given an opportunity to be heard at the public hearing.

E. Decision by Board of Appeals

1. Quorum

A majority of the full voting membership of the Board of Appeals shall constitute a quorum for the purpose of deciding an appeal.

2. Majority Vote

The concurring vote of a majority of the full voting membership of the Board of Appeals is necessary to make a decision.

3. Burden of Proof

The burden of proof lies with the applicant.

4. Time Frame, Written Decision

- a. The Board of Appeals shall decide all administrative appeals and variance appeals within thirty-five (35) days after the close of the hearing, and shall issue a dated written decision on each appeal.
- b. 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.

F. Reconsideration

In accordance with Title 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.

G. Appeal to Superior Court

Except as provided by Title 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.

APPENDIX A: DEFINITIONS

Section 1. Construction of Language

In the interpretation and enforcement of this Ordinance, all words, other than those specifically defined in the Ordinance, shall have their ordinarily accepted meaning. In the case of any difference of meaning or implication between the text of this Ordinance and any map, illustration, or table, the text shall control.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The present tense includes the future tense, the singular number includes the plural, and the plural numbers include the singular.

The words "shall", "must" and "will" are mandatory; the word "may" is permissive.

The word "lot" includes the words "plot" and "parcel".

The word "building" includes the word "structure".

The word "used" or "occupied", as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied".

The word "Town" means the Town of Parsonsfield, Maine.

Section 2. Definitions

In this Ordinance the following terms have the following meanings:

Abutter: The owner of any property with one or more common boundaries or points, or across the road or stream from the property involved in the application or appeal. For purpose of notice it also includes any property owner within 500 feet of the property involved in the application or appeal

Access Road: All private ways constructed or used to provide motor vehicle access to: (i) two or more lots; or (ii) to rear lots; or (iii) two or more distinct areas or buildings, in developments that are not subdivided. Usually consisting of a bed of exposed mineral soil, gravel, asphalt or other surfacing material.

Accessory Use or Structure: A use or structure that is customarily both incidental and subordinate to the principal use or structure on the same lot. The term "incidental" in reference to the principal use or structure means both: a) subordinate and minor in significance to the principal use or structure, and b) attendant to the principal use or structure. Such accessory uses, when aggregated, must not subordinate the alleged principal use of the lot. Shipping containers are accessory structures when placed on the lot.

Agriculture: The cultivation of soil, producing or raising crops, including gardening, as a commercial operation. The term also includes greenhouses, orchards, nurseries, and versions thereof when associated with farming or agriculture, but these terms, when used alone, refers specifically to a place where flowers, plants, shrubs, and/or trees are grown for sale.

Alteration: Any change, or modification in construction, or change in the structural members of a building or structure, such as bearing walls, columns, beams or girders, or change in the use of a building. The term also includes change, modification, or addition of a deck, dormer, staircase, or roof to the building.

Aggrieved Party: A person whose land is directly affected by the grant or denial of a permit or variance under this Ordinance, or a person whose land abuts or is across a road or street or stream from land for which a permit or variance has been granted, or is within 500 feet of the property for which a permit or variance has been granted.

Airport Facilities: A tract of land or water with facilities for the landing, take-off, shelter, supply, and repair of aircraft.

Amusement Facility: A private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

Animal Husbandry, Breeding or Care: The keeping or raising of four or more animals, including domestic animals and pets, for commercial use. This definition also includes kennels.

Authorized Agent: An individual or a firm who has written authorization signed by the property owner to act on behalf of a property owner.

Auto Service Station: A place where gasoline, or any other automobile engine fuel, kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of unlicensed vehicles and not including body, frame, or fender straightening and repair.

Automotive Body Shop: A business engaged in automotive body, frame, or fender straightening and repair, or painting and undercoating.

Automobile Repair Shop: A business engaged in general automotive repair, engine rebuilding, and/or automotive parts replacement.

Barn: A building used for the storing farm products and sheltering livestock.

Basement: Any portion of a structure with a floor-to-ceiling height of 8 feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: A dwelling with individual guest rooms, in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. The owner or manager must operate the facility and their residence must be in the Bed and Breakfast. There must be no provisions for cooking in any individual guest- room.

Boarding, Lodging Facility: A residential structure where lodging and/or meals are provided for compensation, for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There must be no provisions for cooking in any individual guest- room.

Bowling Alley: A building equipped with long narrow wooden lanes or alleys used for the game of ten-pins.

Buffers \ Screening: Buffers and screens are fences, vegetation, landscaping, berms, and mounds used to minimize any adverse impacts or nuisance conditions as experienced on the site or from adjacent areas.

Building: A three (3) dimensional enclosure using any building materials or any space, for any use or occupancy, temporary or permanent, including swimming pools, foundations or pilings in the ground, and all parts of any kind of structure above ground including decks, railings, dormers, and stairs. Excluding sidewalks, fences, driveways, parking lots, and field or garden walls or embankment retaining walls.

Building/Structure Height: The vertical distance between the highest point of the roof and the average grade of the existing or original ground adjoining the building or structure, whichever distance is greater.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors, and the like, or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales or activities utilizing trucks as part of the business operation.

Campground: Land on which one or more tents are erected or trailers are parked for a fee for temporary recreational use on sites arranged specifically for that purpose. The word "campground" includes the words "camping ground", and "tenting grounds".

Cemetery: Property used for the interring of the dead.

Church: A building or structure, or group of buildings or structures, designed and primarily intended and used for the conduct of religious services. This term does not include buildings primarily used for schools.

Civic, Convention Center: A building or complex of buildings that may house Town offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

Cluster Development: A development consisting exclusively of residential dwelling units or commercial uses, planned, developed as a whole, or in a programmed series of developments, and controlled by one developer which contemplates an innovative, more compact grouping of dwelling units or other uses. Cluster developments treat the developed area as an entirety to promote flexibility in design, architectural diversity, the efficient use of land, a reduction in the size of road and utility systems, the creation of permanent, common open space, and the conservation of natural characteristics of the land.

Code Enforcement Officer: A person appointed by the Town Officers to administer and enforce land use ordinances.

Collector Street: A street whose principal function is to carry traffic between local, residential, commercial and industrial streets and arterial streets, but that may also provide direct access to abutting properties. It serves or is designed to serve, directly or indirectly more than 100 dwelling units and is designed to be used or is used to carry more than 800 trips per day.

Commercial Communication Tower: A structure on which commercial transmitting and/or receiving devices are located, excluding facilities only used for public safety, utility and public works services.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: racquet and tennis clubs, health facilities, amusement parks, golf courses, gymnasiums and swimming facilities, etc.

Commercial Use: Any activity carried out for pecuniary gain.

Community Center, Club: A building that houses any voluntary association of persons organized for social, religious, benevolent, literary, scientific, or political purposes; whose facilities, especially a clubhouse, are open to members and guests only, and not the general public; and which association is not engaged in activities customarily carried on by a business or for pecuniary gain.

Conditional Use Permit: *A permit issued by the Planning Board that authorizes the recipient to make use of property in accordance with the requirements of this Ordinance as well as any additional requirements imposed by the Planning Board.*

Conforming Use: A building, structure, or use of land, or portion thereof, which complies with the provisions of this Ordinance.

Congregate or Housing: Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly or disabled occupants; the individuals are unable to live independently yet do not require the constant supervision or intensive health care available at intermediate care or skilled nursing facilities. Congregate housing includes only those facilities that have been certified by the State of Maine as meeting all

certification standards and guidelines for congregate housing facilities as promulgated by the Department of Human Services pursuant to the provisions of the Maine State Statutes.

Constructed: Built, erected, altered, reconstructed, moved upon, or any physical operations on the premises that are required for construction. Excavation, fill, drainage, and similar site work are considered a part of construction.

Convenience Stores:

“Neighborhood” Convenience Store: A store of less than 2,501 square feet of floor space intended to service the convenience of a residential neighborhood. Primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include "sit-down" dining or "eat-in" foods or take out windows or the sale of petroleum products like gasoline and diesel fuel.

“General” Convenience Store: A store intended to service the convenience of a residential neighborhood. Primarily with the sale of merchandise, including such items as, but not limited to, basic food, newspapers, emergency home repair articles, and other household items, but not to include take out windows. The sale of petroleum products like gasoline and diesel fuel for vehicle refueling is permitted.

Club, Private: Building or use catering primarily to club members and their guests for recreational purposes, and not operated primarily for profit.

Day Care: Homes and Centers licensed as such by the Maine Department of Human Services.

DBH-Trees: "Diameter at Breast Height", usually 4 1/2 feet vertically from the base of the tree to the point where the diameter of the tree is measured "Breast Height".

Density: The number of dwelling units per lot of land or unit.

Development: Any man-made changes to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations.

Distribution Terminal-Trucking: Any building or group of buildings used primarily to receive goods and materials and re-transport these goods and materials primarily by truck to other locations.

District: A specified portion of the Town, delineated on the official land use map, and within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway: That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodations area.

Dwelling: A building or structure or portion thereof that is designed or used for residential purposes.

1. **Accessory Dwelling:** A second dwelling unit which occupies a portion of, or is attached to, a single-family residence (not associated with a duplex) that comprises not more than 25% of the gross floor area of the building, nor more than a total of 600 square feet.
2. **Single-Family Dwelling:** A structure containing one (1) dwelling unit for occupation by not more than one (1) family.
3. **Two Family Dwellings:** A building containing only two (2) dwelling units, for occupation by not more than two (2) families.

4. **Duplex Dwellings**: A two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.
5. **Multi-Family Dwellings**: A building containing three (3) or more dwelling units, such buildings being designed exclusively for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units.
6. **Dwelling Unit**: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities.

Elevations: (Exterior elevation of a structure) a drawing or design that represents a structure as being projected geometrically on a vertical plane parallel to one of its sides.

Essential Services: Facilities for the transmission or distribution of water, gas, electricity, or essential communications, or for the collection and treatment of sewerage wastes including, without limitation: towers, poles, wires, mains, drains, sewers, traffic signals, hydrants and similar accessories but not buildings. Essential services do not include commercial communication towers.

Excavation: Any breaking of the ground, except common household gardening and ground care.

Expansion of a structure in the shoreland zone: An increase in the footprint of a structure, including all extensions such as, but not limited to: attached decks, garages, porches and greenhouses.

Expansion of use in the shoreland zone: The addition of one or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

Extractive Industries: The excavation, processing or storage of soil, topsoil, peat, loam, sand, gravel, rock, or other mineral deposits, not including:

1. The excavation of material incidental to, and at the site of, approved construction of buildings, driveways or parking areas;
2. The excavation of material incidental to, and at the site of, construction or repair of streets; and
3. The excavation, processing or storage of less than ten (10) cubic yards of material, within a one year period on a lot.

Family: One or more persons occupying a dwelling unit and living as a single housekeeping unit, whether or not related to each other by birth, adoption, or marriage. Except an unrelated group may not consist of more than five (5) persons, as distinguished from a group occupying a guest house, rooming house, hotel, motel, inn or a licensed group home.

Farm Stand: A building or structure used for the retail sale of fruits, vegetables, and other agricultural products, to the public.

Fill: A quantity of material used to build up an area of ground or to displace an area of water.

Firewood Processing: The commercial cutting, splitting, sawing or preparing of forest products to be sold as a solid fuel.

Flood: A temporary rise in stream or river flow that results in water overflowing its banks and inundating adjacent areas.

1. **Flood Insurance Rate Map**: The official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.

2. Flood Plain: The lands adjacent to a body of water that have been or may be covered by the regional flood.
3. Regional Flood: The maximum known flood of a body of water; either the one hundred (100) year frequency flood, where calculated, or the flood of record.
4. Flood-way: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood (100 Year Flood) without cumulatively increasing the water surface elevation more than one foot.

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.

Forestry: The operation of timber tracts, tree farms, forest nurseries, the gathering of forest products or the performance of forest services.

Frontage, Road: The horizontal, straight-line distance between the intersections of the side lot lines with the road right-of-way.

Frontage, Shore: The horizontal distance, measured in a straight line, between the intersections of the lot lines with the shoreline at normal high water elevation.

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.

Garage: An accessory building, or part of a principal building, including a car port, used primarily for the storage of motor vehicles as an accessory use.

Gasoline Service Station: A place of business at which gasoline, other motor fuels or motor oil are sold at retail to the public for use in a motor vehicle, regardless of any other business on the premises.

Group Home: Six (6) or more unrelated individuals occupying a dwelling unit and living as a single housekeeping unit, usually associated with an agency or organization that provides staff for management or supervision of the individuals in the group home.

Hazardous Material: Any gaseous, liquid or solid materials, either in pure form or incorporated into other materials, according to current guidelines of the U.S. Environmental Protection Agency, or substances designated as hazardous by the United States Environmental Protection Agency and/or the Maine Department of Environmental Protection.

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.

Home Occupation: An occupation or profession which is carried on in no more than five-hundred (500) square feet or twenty-five percent (25%) of the floor area of a detached, single-family dwelling unit by the full-time permanent occupants of the dwelling and no more than two (2) non-occupant employees on site at any time, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character of the neighborhood. The term "home occupation" includes both professional and personal services.

Hospital: An institution providing, but not limited to, overnight health services, primarily for in-patients, and medical or surgical care for the sick or injured including, as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central services facilities, and staff offices.

Hotel/Motel/Inn: A commercial building or group of buildings built to accommodate, for a fee, travelers and other transient guests who are staying for a limited duration with sleeping rooms without cooking facilities, each rental unit having its own private bathroom and its own separate entrance leading either to the outdoors or to a common corridor or hallway. A hotel may include restaurant facilities where food is prepared and meals served to its guests and other customers.

Industrial Uses are defined as follows:

Light Manufacturing: Uses that, generally, do not have offensive characteristics and can be conducted entirely within enclosed buildings. These may include by way of example industrial processes such as printing, manufacturing of products from component parts, food packaging, or warehousing.

Heavy Manufacturing: Uses, such as the manufacture or processing of chemicals, cement or rubber products, stockyards, paper mills, or distilleries, that generally produce nuisances. These nuisances may be in the form of air pollutants, excessive noise, traffic, glare or vibrations, noxious odors, danger of explosion, or unsightly appearance.

Junkyards: A site exposed to the elements, which is used for the storage and sale of second-hand products or materials, or for the storage of two (2) or more automobiles or trucks, which cannot pass the Maine State inspection requirements in their existing condition.

kennel: An establishment in which more than four (4) dogs or four (4) cats are sold, housed, bred, boarded, or trained for a fee.

Landfill: A tract of land that is used to dispose of waste material that has been discarded, including garbage, refuse or the like, usually by burying the material.

Lot: A parcel of land in the Town of Parsonsfield owned or in leasehold, with ascertainable boundaries established by deed or instrument of record. Also, a parcel of land whose ownership is defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the York County Registry of Deeds.

Lot Area: The total horizontal square feet within the lot lines.

Lot, Minimum Area: The minimum required lot area within a district for a single use.

Lot, Corner: A lot with at least two contiguous sides abutting a street or right-of-way.

Lot, Coverage: The percentage of a lot covered by all buildings.

Lot Lines: Lines bounding a lot as defined below:

1. **Front Lot Line:** On an interior lot, the front line is the line separating the lot from a street or right-of-way. On a corner or through lot, the front lot line is the line separating the lot from either street or right-of-way.
2. **Rear Lot Line:** The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line is an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line is opposite from the front lot line of least dimension.
3. **Side Lot Line:** A lot line other than the front lot line or rear lot line.

Lot of Record: A parcel of land, a legal description of which, or the dimensions of which, are recorded on a document or map on file with the York County Register of Deeds.

Lot, Shorefront: A lot abutting a body of water.

Lot, Through: An interior lot having frontages on two more or less parallel streets or rights-of-way or between a street and a body of water, or a right-of-way and a body of water, or between two bodies of water, as distinguished from a corner lot. All sides of through lots adjacent to streets, rights-of-way, and bodies of water are considered frontage, and front yards must be provided as required.

Lot Width: The distance between the side boundaries of the lot measured at the front setback line.

Manufactured Housing: A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site.

Mobile Home Park: A plot of land developed to accommodate at least three (3) manufactured homes.

Mobile Signs: A sign on the front, sides or back of any vehicle whose primary purpose is the transporting of individuals and/or material from place to place.

Net Residential Acreage: The gross available acreage less the area required for streets or access and less the areas of any portions of the site which are unsuitable for development because of topography, natural drainage or subsoil conditions.

Net Residential Density: The number of dwelling units per net residential acre.

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: A building, structure, lot, use of land, or portion thereof, legally existing at the effective date of adoption or amendment of this Ordinance which thereafter fails to conform to all applicable provisions of this Ordinance.

Nursing Home: A privately operated, State licensed establishment where skilled nursing care is provided for persons who are unable to care for themselves.

Parks and Recreational Facilities: Park and recreational facilities that are operated by a governmental unit and are open to the general public including, but not limited to, playgrounds, parks, monuments, greenways, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, and the

maintenance of such land and facilities. The term does not include campgrounds, or commercial recreation and amusement centers.

Permitted Uses: Uses which are listed as permitted in the various districts set forth in this Ordinance. The term shall not include prohibited uses.

Photocopying Facility: A commercial facility where documents, images, pictures, printed material or the like are copied or duplicated using photocopying equipment, for a fee.

Planning Board: The Planning Board in the Town of Parsonsfield.

Portable Signs: A sign not designed or intended to be permanently affixed into the ground or on a structure. Moveable identification signs are not considered to be portable signs.

Principal Structure: The structure in which the principal use of the lot is conducted.

Principal Use: The primary use to which the premises are devoted.

Printing Facility: A commercial facility where for a fee documents, text, pictures, designs, images, etc. are reproduced or represented on a surface or surfaces through the transfer by machinery of ink, dye, pigment etc.

Public and Private Schools: An elementary or secondary school, or parochial school, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with State Compulsory Education Requirements.

Public Utility: A person, firm, corporation, town department, board or commission authorized to furnish gas, steam, electricity, sewerage disposal, communication facilities, transportation or potable water to the public.

Recreational Activity: An activity, pastime, hobby, sport, or the like that is done by an individual(s) for relaxation and enjoyment.

Recreational Camping Vehicle: A self-propelled or drawn vehicle or vehicular attachment designed for temporary sleeping or living quarters for one or more persons, which is not a dwelling and which may include a pick-up camper, travel trailer, tent trailer, or motor home.

Restaurant: An establishment where meals are prepared and served to the public

Retail Business: A business establishment engaged in the sale, rental, or lease of goods or services to the ultimate consumer for direct use or consumption and not for resale.

Retail Fuel Distributor: A commercial enterprise that stores and or delivers gaseous, liquid or solid energy products, like petroleum products, gas, oil, kerosene, propane, coal, wood etc. to retail customers for a fee, which is used and consumed as an energy source for space heating, in combustion engines or furnaces, etc..

Right-of-way: All public or private roads and streets, state and federal highways, private ways (a/k/a public easements), and public land reservations for the purpose of public access, including utility rights-of-way.

Road: An existing state, county, or town way or a street dedicated for public use and shown upon a plan duly approved by the Planning Board and recorded in the York County Registry of Deeds. Also, a road dedicated for public use and shown on a plan duly recorded in the York County Registry of Deeds prior to the establishment of the Planning Board and the grant to the Planning Board of its power to approve plans. *The term "road" does not include those ways that have been discontinued or abandoned.*

Setback: The minimum horizontal distance from a lot line to the nearest part of a building, including porches, steps, and railings.

Shopping Center: A concentration of two or more retail stores or service establishments under one ownership or management containing 15,000 sq. ft. or more of gross floor space.

Signs: Any structure, or part thereof, attached thereto or painted or represented thereon, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or representation used as, or which is in the nature of an announcement, direction, or advertisement.

Sludge: Sediment like, but not limited to sewerage sediment, that contains a heavy growth of micro-organisms resulting from vigorous aeration.

Stable: A building or structure for the lodging and feeding of horses.

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

Structure in the shoreland zone: 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.

Subdivision: A subdivision is (1) as defined in Title 30-A M.R.S.A., 4401, as amended (a division of a tract or parcel of land into three (3) or more lots within a five year period) (see statute for full definition); and (2) as that definition is further augmented by the following:

1. Such division may be accomplished by sale, lease, development, building or otherwise, including informal arrangements which result in the functional division of a tract or parcel. The term subdivision may, at the Planning Boards discretion, also include cluster housing, shopping centers, lodging places (e.g. motels, inns. etc.) and apartment, condominium, or cooperative housing units, when any of these items contain three or more units.
2. Under such definition, lots of forty (40) or more acres each must be counted as lots if the lots are wholly or partly within the Shoreland District and the average lot-depth-to-shore-frontage ratio is greater than three to one.
3. A parcel of land 40 or more acres in size must be counted as part of a subdivision of land.

Swale: A low place in a tract of land, usually moister and often having ranker vegetation than the adjacent higher land.

Swimming Pool: An outdoor man-made receptacle or excavation designed to hold water to a depth of at least twenty-four (24) inches, primarily for swimming or bathing, whether in the ground or above the ground.

Tavern: A place where alcoholic beverages are sold and consumed on the premises.

Temporary Signs: Signs that are not permanently fixed.

Timber Harvesting: Means the cutting or removal of at least 50 cords of timber for the primary purpose of selling or processing forest products.

Transmission Tower: A structure that is used to support electric power transmission lines and that do not provide direct electrical service to local customers.

Use: The manner in which land or a structure is arranged, designed or intended, or is occupied.

Variance: A variance is a relaxation of the terms of this code, where such variance will not be contrary to the public interest. Also, where owing to conditions peculiar to the property and not the results of the actions of the applicant, a literal enforcement of the code will result in unnecessary or undue hardship.

Vendor, Mobile or Temporary: A commercial activity conducted by person(s) whose location is not permanent and who engages in the sale of goods or merchandise to the public. Persons or persons selling products or services using a mobile, registered vehicle/equipment. Sales of controlled or illegal products or services are not allowed. Permit required for any operation of three (3) days or more per year.

Waste Disposal: The process by which waste, garbage, refuse, discarded material, and the like are collected, processed and disposed of.

Wetlands: All freshwater wetlands. Fresh-water wetlands are all lands identified by the Department of Inland Fisheries and Wildlife in accordance with Title 38 M.R.S.A. Section 407A, or areas identified by the United States Environmental Protection Agency having jurisdiction under Section 404 of the Clean Water Act.

Wholesale Business: On-premises sales of goods primarily to customers engaged in the business of reselling the goods.

**CODE ENFORCEMENT OFFICER
FEE SCHEDULE**

1. **Installation/Certification Forms for Electric or Telephone Service:**
\$3.00 fee for each to CEO for doing work and signing form.
Applicant may submit forms to Planning Board for completion at next scheduled meeting at no charge.
Applicant may submit forms for Selectmen to sign at next scheduled meeting only if subdivision and shoreland laws do not apply at no charge

2. **Electrical Service Hook-Up Inspection**
\$50.00

3. **Building Permits:**
For buildings being constructed, replaced or restored:

Dwellings:
\$25.00 permit fee plus \$.45 per square foot of living space with a minimum of 600 square feet on the first floor, design required.

Accessory Buildings, Sheds and Lean-tos:
One Story: \$25.00 permit fee plus \$.20 per square foot of ground area covered
Multi-Story: \$25.00 permit fee plus \$.15 per square foot of floor area in each story
Pole Structures, earthen floor: \$25.00 permit fee plus \$ 10.00

Finished Accessory Buildings:
One Story: \$25.00 permit fee plus \$.30 per square foot of ground area covered
Multi-Story: \$25.00 permit fee plus \$.25 per square foot of floor area in each story

Commercial or Other Structures:
One Story: \$25.00 permit fee plus \$.45 per square foot of ground area covered
Multi-Story: \$25.00 permit fee plus \$.40 per square foot of floor area in each story

Daylight Basements:
\$.15 per square foot of ground area covered

Decks, Open Porches, Etc.:
\$25.00 permit fee plus \$.15 per square foot of ground area covered;
If covered, same as pole structures and sheds

Docks and Signs:
\$30.00 for initial and one follow-up visit
\$20.00 for each subsequent visit

Transmission Towers: Fee to be determined by the Planning Board at Site Plan Review

After the Fact Building Permits: Double the Normal Fee

4. **Occupancy Permit**
\$25.00

5. **Plumbing Permits:**
Fee per the State schedule
6. **Variance Requests**
\$25.00 fee for CEO
7. **Conditional Use Applications**
\$25.00 fee for CEO
8. **Site Plan Review Applications**
\$25.00 fee for CEO
9. **Renewal of Expired Building Permit:**
One-half (1/2) of the original building permit fee regardless of degree of completion
10. **Saco River Corridor Commission:**
Reimburse for telephone, correspondence and mileage expenses. Mileage at IRS rate.
11. **Other:**
Enforcement of Zoning Ordinance and Building Code, Issuing Permits, Inspections, Etc.
\$2,500.00 annual stipend plus

Correspondence: Reimbursement for postage on receipt of bill

\$25.00 fee for CEO for standard letter of suitability for building occupancy for banks, realtor, insurance companies, etc.

\$50.00 fee for CEO for custom letters of opinion relating to compliance of specific real estate with various relevant codes and regulations
(There is no fee for letters to holders of valid building permits confirming that the work performed complies with pertinent regulations.)

Mileage: Reimbursed at IRS rate
12. **Payment:**
All checks are to be made out to the Town of Parsonsfield.

Minimum Fee:
\$5.00 as per Ordinance
\$3.00 for each inspection visit after 90 days of issuance
of building permit or interior plumbing permit

SUBDIVISION REGULATIONS OF THE TOWN OF PARSONSFIELD, MAINE

ADOPTED BY THE PARSONSFIELD PLANNING BOARD MARCH 19, 1981.

**AMENDED APRIL 28, 2003 TO BRING INTO AGREEMENT WITH SMRPC MODEL SUBDIVISION
REGULATIONS OF DECEMBER, 1996**

AMENDED OCTOBER 11, 2005

**AMENDED SEPTEMBER 9, 2017
REPLACED AVERAGE DAILY TRAFFIC DEFINITION WITH ANNUAL AVERAGE DAILY TRAFFIC DEFINITION**

Table of Contents

ARTICLE 1 - PURPOSES	1
ARTICLE 2 - AUTHORITY AND ADMINISTRATION	
2.1 Authority	1
2.2 Administration	1
2.3 Amendments	2
ARTICLE 3 - DEFINITIONS	2
ARTICLE 4 - ADMINISTRATIVE PROCEDURE	8
ARTICLE 5 - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION	
5.1 Purpose	8
5.2 Procedure	8
5.3 Submission.....	8
5.4 Contour Interval and On-Site Inspection	9
5.5 Rights not Vested.....	9
5.6 Establishment of File	9
ARTICLE 6 - MINOR SUBDIVISION	
6.1 General	10
6.2 Procedure	10
6.3 Submissions	11
ARTICLE 7 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION	
7.1 Procedure	17
7.2 Submissions	18
ARTICLE 8 - FINAL PLAN FOR MAJOR SUBDIVISION	
8.1 Procedure	22
8.2 Submissions	24
8.3 Final Approval and Filing.....	26
ARTICLE 9 - REVISIONS TO APPROVED PLANS	
9.1 Procedure	28
9.2 Submissions	28
9.3 Scope of Review	28
ARTICLE 10 - INSPECTIONS AND ENFORCEMENT	
10.1 Inspection of Required Improvements.....	29
10.2 Violations and Enforcement	30
ARTICLE 11 - PERFORMANCE STANDARDS	
11.1 Pollution.....	31
11.2 Sufficient Water.....	31
11.3 Impact on Existing Water Supplies	32
11.4 Soil Erosion	32
11.5 Traffic Conditions.....	32
11.6 Sewage Disposal	34
11.7 Impact on the Municipality’s Ability to Dispose of Solid Waste	34
11.8 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline	35
11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances..	36
11.10 Financial and Technical Capacity.....	37
11.11 Impact on Water Quality or Shoreline.....	37

11.12 Impact on Ground water Quality or Quantity 37

11.13 Floodplain Management 38

11.14 Identification of Freshwater Wetlands..... 39

11.15 Storm Water Management 39

11.16 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services..... 40

11.17 Phosphorus Impacts on Great Ponds 41

ARTICLE 12 - DESIGN GUIDELINES

12.1 Sufficient Water 45

12.2 Traffic Conditions..... 45

12.3 Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline 59

12.4 Storm Water Management Design Guidelines 62

12.5 Impact on Water Quality or Shoreline..... 63

12.6 Blocks 63

12.7 Lots 63

12.8 Utilities 64

12.9 Monuments 64

12.10 Cluster Developments..... 65

12.11 Phosphorus Export..... 67

ARTICLE 13 - PERFORMANCE GUARANTEES

13.1 Types of Guarantees 69

13.2 Contents of Guarantee 69

13.3 Escrow Account..... 69

13.4 Performance Bond 70

13.5 Letter of Credit 70

13.6 Conditional Agreement..... 70

13.7 Phasing of Development..... 70

13.8 Release of Guarantee 70

13.9 Default 71

13.10 Improvements Guaranteed..... 71

ARTICLE 14 - WAIVERS

14.1 Waivers Authorized 72

14.2 Findings of Fact Required 72

14.3 Conditions..... 72

14.4 Waivers to be shown on final plan..... 72

ARTICLE 15 - APPEALS

15.1 Appeals to Superior Court 72

APPENDICES

- Appendix A Subdivision Law
- Appendix B Sample Letter of Credit
- Appendix C Sample Storm Drainage Easement
- Appendix D Application Form
- Appendix E Receipt of Subdivision Application
- Appendix F Notice to Abutters of Receipt of Application
- Appendix G Notice to Planning Board and Clerk of Neighboring Municipalities
- Appendix H Notice of Incomplete Application

- Appendix I Notice of Complete Application
- Appendix J Notice of Public Hearing
- Appendix K Agreement to Extend Subdivision Review Period
- Appendix L Notice of Approval of Preliminary Plan Application
- Appendix M Notice of Decision
- Appendix N Final Plan Application Checklist for Minor Subdivisions
- Appendix O Preliminary Plan Application Checklist for Major Subdivisions
- Appendix P Final Plan Application Checklist for Major Subdivisions
- Appendix Q Subdivision Review Checklist for Minor and Major Subdivisions, Article 11 -
Performance Standards
- Appendix R Subdivision Review Checklist for Minor and Major Subdivisions, Article 12 - Design
Guidelines
- Appendix S Typical Street Cross Section
- Appendix T Maine's Regional Councils
- Appendix U Soil and Water Conservation Districts
- Appendix V Planning Board Record of Subdivision Applications

SUBDIVISION REGULATIONS

ARTICLE 1 - PURPOSES

The purposes of these regulations are:

- 1.1** To provide for an expeditious and efficient process for the review of proposed subdivisions;
- 1.2** To clarify the approval criteria of the state Subdivision Law, found in Title 30-A M.R.S.A., §4404;
- 1.3** To assure new development in the Town of Parsonsfield meets the goals and conforms to the policies of the Parsonsfield Comprehensive Plan;
- 1.4** To assure the comfort, convenience, safety, health and welfare of the people of the Town of Parsonsfield;
- 1.5** To protect the environment and conserve the natural and cultural resources identified in the Parsonsfield Comprehensive Plan as important to the community;
- 1.6** To assure that a minimal level of services and facilities are available to the residents of new subdivisions and that lots in subdivisions are capable of supporting the proposed uses and structures;
- 1.7** To minimize the potential impacts from new subdivisions on neighboring properties and on the municipality; and
- 1.8** To promote the development of an economically sound and stable community.

ARTICLE 2 - AUTHORITY AND ADMINISTRATION

2.1 Authority.

- A. These standards have been prepared in accordance with the provisions of Title 30-A M.R.S.A., §4403.
- B. These standards shall be known and may be cited as “Subdivision Regulations of the Town of Parsonsfield, Maine.”

2.2 Administration.

- A. The Planning Board of the Town of Parsonsfield, hereinafter called the Board, shall administer these regulations.
- B. The provisions of these regulations shall pertain to all land and buildings proposed for subdivision within the boundaries of the Town of Parsonsfield.

2.3 Amendments.

- A. These regulations may be amended by:
 - 1. The Legislative Body of the Town of Parsonsfield.
 - 2. The Planning Board if the Legislative Body has not adopted or amended the standards.
- B. A public hearing shall be held prior to the adoption of any amendment. Notice of the hearing shall be provided at least seven days in advance of the hearing.

ARTICLE 3 - DEFINITIONS

In general, words and terms used in these regulations shall have their customary dictionary meanings. More specifically, any word or term defined in the Parsonsfield Zoning Ordinance shall have the definition contained in that ordinance, unless defined differently below; other words and terms used herein are defined as follows:

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

Applicant: The person applying for subdivision approval under these regulations.

Annual Average Daily Traffic (AADT): The total number of vehicles you would expect to go by a specific location as a total of both directions (assuming the road allows traffic in both directions).

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

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

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

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

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

Complete Application: An application shall be considered complete upon submission of the required fee and all information required by these regulations, or by a vote by the Board to waive the submission of required information. The Board shall issue a written statement to the applicant upon its determination that an application is complete.

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

Comprehensive Plan: A document or interrelated documents adopted by the Legislative Body, containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and a strategy for implementation of the policies.

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

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

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

Direct Watershed of a Great Pond: That portion of the watershed that drains directly to the great pond without first passing through an upstream great pond. For the purposes of these regulations, the watershed boundaries shall be as delineated in the comprehensive plan. Due to the scale of the map in the comprehensive plan there may be small inaccuracies in the delineation of the watershed boundary. Where there is a dispute as to exact location of a watershed boundary, the Board or its designee and the applicant shall conduct an on-site investigation to determine where the drainage divide lies. If the Board and the applicant can not agree on the location of the drainage divide based on the on-site investigation, the burden of proof shall lie with the applicant to provide the Board with information from a professional land surveyor showing where the drainage divide lies.

Driveway: A vehicular access way serving two dwelling units or less.

Dwelling Unit: A room or suite of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

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

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

Freshwater Wetland: Areas which are inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and are not part of a great pond, coastal wetland, river, stream or brook. Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the above criteria.

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

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

100-Year Flood: The highest level of flood that, on the average, has a one percent chance of occurring in any given year.

High Water Mark:

Coastal Waters: The elevation at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, salt tolerant vegetation includes, but is not limited to: salt marsh grass, salt meadow hay, black arrow grass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, orach, salt marsh sedge, salt marsh aster. In places where vegetation is not present, the high water mark shall be the identifiable debris line left by non-storm tidal action. On a sand dune, the high water mark shall be the mean seaward limit of salt tolerant vegetation.

Inland Waters: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. In the case of wetlands adjacent to rivers, streams, brooks, or ponds, the normal high-water mark is the upland edge of the wetland, and not the edge of the open water.

Level of Service: A description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the *Highway Capacity Manual*, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A, with free traffic flow and no delays to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

- Multifamily Development:** A subdivision that contains three or more dwelling units on land in common ownership, such as apartment buildings, condominiums or mobile home parks.
- Municipal Engineer:** Any registered professional engineer hired or retained by the municipality, either as staff or on a consulting basis.
- Net Residential Acreage:** The total acreage available for the subdivision, as shown on the proposed subdivision plan, minus the area for streets or access and the areas that are unsuitable for development as outlined in Section 12.10.C.3.
- Net Residential Density:** The average number of dwelling units per net residential acre.
- New Structure or Structures:** Includes any structure for which construction begins on or after September 23, 1988. The area included in the expansion of an existing structure is deemed to be a new structure.
- Person:** Includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- Planning Board:** The Planning Board of the Town of Parsonsfield.
- Preliminary Plan:** The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Planning Board for its consideration.
- Professional Engineer:** A professional engineer, registered in the State of Maine.
- Public Water System:** A water supply system that provides water to at least 15 service connections or services water to at least 25 individuals daily for at least 30 days a year.
- Recording Plan:** An original of the Final Plan, suitable for recording at the Registry of Deeds and which need show only information relevant to the transfer of an interest in the property, and which does not show other information presented on the plan such as sewer and water line locations and sizes, culverts, and building lines.
- Reserved Affordable Housing:** Affordable housing which is restricted by means of deed covenants, financing restrictions, or other binding long term methods to occupancy by households making 80% or less of the area median household income.
- Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway. Used in these regulations as a reference for unobstructed road visibility.
- Sketch Plan:** Conceptual maps, renderings, and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval.
- Street:** Public and private ways such as alleys, avenues, highways, roads, and other rights-of-way, as well as areas on subdivision plans designated as rights-of-way for vehicular access other than driveways.

Street Classification:

Arterial Street: A major thoroughfare that serves as a major traffic way for travel between and through the municipality. The following roadways shall be considered arterial streets:

Route 25.

Collector Street: A street with average daily traffic of 200 vehicles per day or greater, or streets that serve as feeders to arterial streets, and collectors of traffic from minor streets.

Cul-de-sac: A street with only one outlet and having the other end for the reversal of traffic movement.

Industrial or Commercial Street: Streets servicing industrial or commercial uses.

Minor Residential Street: A street servicing only residential properties and which has an average daily traffic of less than 200 vehicles per day.

Private Right-of-Way: A minor residential street servicing no more than eight dwelling units, which is not intended to be dedicated as a public way.

Subdivision: The division of a tract or parcel of land into 3 or more lots within any 5-year period, that begins after September 23, 1971. This definition applies whether the division is accomplished by sale, lease, development, buildings or otherwise. The term “subdivision” also includes the division of a new structure or structures on a tract or parcel of land into 3 or more dwelling units within a 5-year period, the construction or placement of 3 or more dwelling units on a single tract or parcel of land and the division of an existing structure or structures previously used for commercial or industrial use into 3 or more dwelling units within a 5-year period.

In determining whether a tract or parcel of land is divided into 3 or more lots, the first dividing of such tract or parcel shall be considered to create the first 2 lots and the next dividing of either of the first 2 lots, by whomever accomplished, unless otherwise exempted herein shall be considered to create a third lot, unless:

- a. Both dividings are accomplished by a sub divider who has retained one of the lots for the sub divider’s own use as a single-family residence or for open space land as defined in Title 36 M.R.S.A., §1102 for a period of at least 5 years before the second dividing occurs; or
- b. The division of the tract or parcel is otherwise exempt under this definition.

A lot of 40 or more acres shall not be counted as a lot, except where the lot or parcel from which it was divided is located entirely or partially within any shoreland area as defined in Title 38 M.R.S.A., §435, or the municipality’s shoreland zoning.

A division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption or a gift to a municipality or by transfer of any interest in land to the owner of land abutting that land does not create a lot or lots for the purposes of these regulations, unless the intent of the transferor in any transfer or gift is to avoid the objectives of

these regulations. If real estate exempt under this paragraph by a gift to a person related to the donor by blood, marriage or adoption is transferred within 5 years to another person not related to the donor of the exempt real estate by blood, marriage or adoption, then the previously exempt division creates a lot or lots for the purposes of this definition. The grant of bona fide security interest in an entire lot that has been exempted from the definition under this paragraph, or subsequent transfer of that entire lot by the original holder of the security interest or that person's successor in interest, does not create a lot for the purposes of this definition, unless the intent of the transferor is to avoid the objectives of these regulations.

In determining the number of dwelling units in a structure, the provisions regarding the determination of the number of lots shall apply, including exemptions from the definition of a subdivision of land.

Subdivision, Major: Any subdivision containing more than four lots or dwelling units, or any subdivision containing a proposed street.

Subdivision, Minor: Any subdivision containing four lots or dwelling units or less, and in which no street is proposed to be constructed.

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

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

ARTICLE 4 - ADMINISTRATIVE PROCEDURE

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

ARTICLE 5 - PREAPPLICATION MEETING, SKETCH PLAN AND SITE INSPECTION

5.1 Purpose.

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

5.2 Procedure.

- A. The applicant shall present the Pre-application Sketch Plan and make a verbal presentation regarding the site and the proposed subdivision.
- B. Following the applicant's presentation, the Board may ask questions and make suggestions to be incorporated by the applicant into the application.
- C. The date of the on-site inspection is selected.

5.3 Submission.

The Pre-application Sketch Plan shall show in simple sketch form the proposed layout of streets, lots, buildings and other features in relation to existing conditions. The Sketch Plan, which does not have to be engineered and may be a free-hand penciled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It will be most helpful to both the applicant and the Board for site conditions such as steep slopes, wet areas and vegetative cover to be identified in a general manner. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the assessor's map(s) on which the land is located. The Sketch Plan shall be accompanied by:

- A. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision unless the proposed subdivision is less than ten acres in size.
- B. A copy of that portion of the county soil survey covering the proposed subdivision, showing the outline of the proposed subdivision.

5.4 Contour Interval and On-Site Inspection.

Within thirty days of the pre-application meeting, the Board shall hold an on-site inspection of the property and inform the applicant in writing of the required contour interval on the Preliminary Plan, or Final Plan in the case of a Minor Subdivision. The applicant shall place “flagging” at the centerline of any proposed streets, and at the approximate intersections of the street centerlines and lot corners, prior to the on-site inspection. On-site inspections will not be held when the ground is snow covered nor during the months of December through March regardless of snow conditions.

5.5 Rights not vested.

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

5.6 Establishment of File.

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

ARTICLE 6 - MINOR SUBDIVISION

6.1 General.

The Board may require, where it deems necessary to make a determination regarding the criteria for approval from Title 30-A M.R.S.A., §4404, or the standards from Article 11 of these regulations, that a Minor Subdivision comply with some or all of the submission requirements for a Major Subdivision.

6.2 Procedure.

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a final plan at least fifteen days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal office or delivered by hand to the municipal office. Failure to submit the application within six months shall require resubmission of the Sketch Plan to the Board. The final plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for final plan approval for a Minor Subdivision shall be accompanied by a non-refundable application fee of \$200 plus \$50 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$250 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application, if necessary. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the applicant deposit an additional \$25 per lot or dwelling unit. The Board shall continue to notify the applicant and require an additional \$25 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising.
- C. The applicant, or his duly authorized representative, shall attend the meeting of the Board to present the final plan. Failure to attend the meeting to present the final plan shall result in a delay of the Board's receipt of the plan until the next meeting which the applicant attends.
- D. At the meeting at which an application for final plan approval of a minor subdivision is initially presented, the Board shall:
 1. Issue a dated receipt to the applicant.
 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.

- E. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- F. Upon a determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of that determination. The Board shall determine whether to hold a public hearing on the final plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant and abutters.
- H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria contained in Title 30-A M.R.S.A., §4404 and the standards of Article 11. If the Board finds that all the criteria of the Statute and the standards of Article 11 have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of Article 11 has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the criteria and standards will be met by the subdivision. The Board shall issue a written notice of its decision to the applicant, including its findings, conclusions and any reasons for denial or conditions of approval.

6.3 Submissions.

The final plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - 1. Existing subdivisions in the proximity of the proposed subdivision.
 - 2. Locations and names of existing and proposed streets.
 - 3. Boundaries and designations of zoning districts.
 - 4. An outline of the proposed subdivision and any remaining portion of the owner's property if the final plan submitted covers only a portion of the owner's entire contiguous holding.

C. Final Plan. The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. The reproducible transparencies shall be embossed with the seal of the individual responsible for preparation of the plan. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the borderlines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. Three copies of all information accompanying the plan shall be submitted. In addition, one copy of the Plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

D. Application Requirements.

The application for approval of a Minor Subdivision shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
2. Verification of right, title, or interest in the property.
3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments. The plan shall indicate the type of monument found or to be set at each lot corner.
4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district, stating that the district has the capacity to collect and treat the wastewater, shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.

7. An indication of the type of water supply system(s) to be used in the subdivision.
 - a. When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating that there is adequate supply and pressure for the subdivision and that the district approves the plans for extensions where necessary. Where the district's supply line is to be extended, a written statement from the fire chief, stating approval of the location of fire hydrants, if any, and a written statement from the district approving the design of the extension shall be submitted.
 - b. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan, and adjoining property owners.
10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan. On wooded sites, the plan shall indicate the area where clearing for lawns and structures shall be permitted and/or any restrictions to be placed on clearing existing vegetation.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at the interval specified by the Board, showing elevations in relation to mean sea level.
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets and highways, and existing and proposed easements, building lines, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. In order to facilitate the addition of the subdivision into the municipal property records, this information shall also be submitted on a 3 ½ inch computer disc in a format compatible with the assessor's records.

17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
18. The location of any open space to be preserved and a description of proposed improvements and its management.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the applicant or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the municipal officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
20. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
21. A hydro-geology assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydro-geology, when the subdivision is not served by public sewer and
 - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on a map entitled "Hydro geologic Data for Significant Sand and Gravel Aquifers," by the Maine Geological Survey, 1985, Map No. ___; or
 - b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydro geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or proposed use of shared or common subsurface waste water disposal systems.

The hydro geologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.

22. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.

23. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
24. A storm water management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
25. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a critical natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
27. If the proposed subdivision is in the direct watershed of a great pond, a phosphorus control plan.
 - a. For subdivisions which qualify for the simplified review procedure as described in Section 11.17.A.2, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems.
 - b. For subdivisions which do not qualify for the simplified review procedure as described in Section 11.17.A.2, the following shall be submitted.
 1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, September, 1992 revision.

2. A long-term maintenance plan for all phosphorus control measures.
 3. The contour lines shown on the plan shall be at an interval of no less than five feet.
 4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.
28. The location and method of disposal for land clearing and construction debris.

ARTICLE 7 - PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure.

- A. Within six months after the on-site inspection by the Board, the applicant shall submit an application for approval of a preliminary plan at least fifteen days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. Failure to submit an application within six months shall require resubmission of the Sketch Plan to the Board. The preliminary plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board.
- B. All applications for preliminary plan approval for a Major Subdivision shall be accompanied by an application fee of \$200 plus \$50 per lot or dwelling unit, payable by check to the municipality. In addition, the applicant shall pay a fee of \$250 per lot or dwelling unit to be deposited in a special account designated for that subdivision application, to be used by the Board for hiring independent consulting services to review the application. If the balance in this special account is drawn down by 75%, the Board shall notify the applicant, and require that the applicant deposit an additional \$25 per lot or dwelling unit. The Board shall continue to notify the applicant and require an additional \$25 per lot or dwelling unit be deposited as necessary whenever the balance of the account is drawn down by 75% of the original deposit. Any balance in the account remaining after a decision on the final plan application by the Board shall be returned to the applicant. If the Board deems a public hearing necessary, an additional fee shall be required to cover the costs of advertising.
- C. The applicant, or the applicant's representative, shall attend the meeting of the Board to present the preliminary plan application. Failure to attend the meeting to present the preliminary plan application shall result in a delay of the Board's receipt of the plan until the next meeting that the applicant attends.
- D. Within three days of the meeting at which an application for preliminary plan approval of a major subdivision is initially presented, the Board shall:
 - 1. Issue a dated receipt to the applicant.
 - 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.
 - 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.
- E. Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.

- F. Upon determination that a complete application has been submitted for review, the Board shall notify the applicant in writing of its determination. The Board shall determine whether to hold a public hearing on the preliminary plan application.
- G. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining that it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven days prior to the hearing. A copy of the notice shall be mailed to the applicant.
- H. Within thirty days from the public hearing or within sixty days of determining a complete application has been received, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the preliminary plan application. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- I. When granting approval to a preliminary plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the final plan;
 - 2. The character and extent of the required improvements for which waivers may have been requested and which the Board finds may be waived without jeopardy to the public health, safety, and general welfare; and
 - 3. The construction items for which cost estimates and performance guarantees will be required as prerequisite to the approval of the final plan.
- J. Approval of a preliminary plan shall not constitute approval of the final plan or intent to approve the final plan, but rather it shall be deemed an expression of approval of the design of the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval by the Board upon fulfillment of the requirements of these regulations and the conditions of preliminary approval, if any. Prior to the approval of the final plan, the Board may require that additional information be submitted and changes in the plan be made as a result of further study of the proposed subdivision or as a result of new information received.

7.2 Submissions.

The preliminary plan application shall consist of the following items.

- A. Application Form.
- B. Location Map. The location map shall be drawn at a size adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The location map shall show:
 - 1. Existing subdivisions in the proximity of the proposed subdivision.
 - 2. Locations and names of existing and proposed streets.
 - 3. Boundaries and designations of zoning districts.

4. An outline of the proposed subdivision and any remaining portion of the owner's property if the preliminary plan submitted covers only a portion of the owner's entire contiguous holding.
- C. Preliminary Plan. The preliminary plan shall be submitted in three copies of one or more maps or drawings that may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The preliminary plan shall be drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. In addition, one copy of the plan(s) reduced to a size of 8 ½ by 11 inches or 11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.
- D. Application Requirements. The application for preliminary plan approval shall include the following information. The Board may require additional information to be submitted, where it finds necessary in order to determine whether the criteria of Title 30-A M.R.S.A., §4404 are met.
1. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot numbers.
 2. Verification of right, title or interest in the property.
 3. A standard boundary survey of the parcel, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the parcel shall be located on the ground and marked by monuments.
 4. A copy of the most recently recorded deed for the parcel. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
 5. A copy of any deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
 6. An indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by connection to the public sewer, a letter from the sewer district stating the district has the capacity to collect and treat the wastewater shall be provided.
 - b. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator or Certified Soil Scientist shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
 7. An indication of the type of water supply system(s) to be used in the subdivision.

When water is to be supplied by public water supply, a written statement from the servicing water district shall be submitted indicating there is adequate supply and pressure for the subdivision.

8. The date the plan was prepared, north point, and graphic map scale.
9. The names and addresses of the record owner, applicant, and individual or company who prepared the plan and adjoining property owners.
10. A high intensity soil survey by a Certified Soil Scientist. Wetland areas shall be identified on the survey, regardless of size.
11. The number of acres within the proposed subdivision, location of property lines, existing buildings, vegetative cover type, and other essential existing physical features. The location of any trees larger than 24 inches in diameter at breast height shall be shown on the plan.
12. The location of all rivers, streams and brooks within or adjacent to the proposed subdivision. If any portion of the proposed subdivision is located in the direct watershed of a great pond, the application shall indicate which great pond.
13. Contour lines at the interval specified by the Board, showing elevations in relation to Mean Sea Level.
14. The zoning district in which the proposed subdivision is located and the location of any zoning boundaries affecting the subdivision.
15. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
16. The location, names, and present widths of existing streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.
17. The width and location of any streets, public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
18. The proposed lot lines with approximate dimensions and lot areas.
19. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
20. The location of any open space to be preserved and a description of proposed ownership, improvement and management.
21. The area on each lot where existing forest cover will be permitted to be removed and converted to lawn, structures or other cover and any proposed restrictions to be placed on clearing existing vegetation.
22. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation, as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
23. A hydro geologic assessment prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, when the subdivision is not served by public sewer and
 - a. Any part of the subdivision is located over a sand and gravel aquifer, as shown on

a map entitled “Hydrogeologic Data for Significant Sand and Gravel Aquifers,” by the Maine Geological Survey, 1985, Map No. ___; or

- b. The subdivision has an average density of more than one dwelling unit per 100,000 square feet.

The Board may require a hydro geologic assessment in other cases where site considerations or development design indicate greater potential of adverse impacts on ground water quality. These cases include extensive areas of shallow to bedrock soils; or cluster developments in which the average density is less than one dwelling unit per 100,000 square feet but the density of the developed portion is in excess of one dwelling unit per 80,000 square feet; or the proposed use of shared or common subsurface waste water disposal systems.

The hydro geologic assessment shall be conducted in accordance with the provisions of Section 11.12.A.1 below.

- 24. An estimate of the amount and type of vehicular traffic to be generated on a daily basis and at peak hours. Trip generation rates used shall be taken from *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the applicant demonstrates that these sources better reflect local conditions.
- 25. For subdivisions involving 40 or more parking spaces or projected to generate more than 400 vehicle trips per day, a traffic impact analysis, prepared by a Registered Professional Engineer with experience in traffic engineering, shall be submitted. The analysis shall indicate the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types of vehicles expected, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
- 26. Areas within or adjacent to the proposed subdivision which have been identified as high or moderate value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife or within the comprehensive plan. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
- 27. If the proposed subdivision is in the direct watershed of a great pond, and qualifies for the simplified review procedure for phosphorus control, the plan shall indicate the location and dimensions of vegetative buffer strips or infiltration systems and the application shall include a long-term maintenance plan for all phosphorus control measures.

ARTICLE 8 - FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure.

- A. Within six months after the approval of the preliminary plan, the applicant shall submit an application for approval of the final plan at least fifteen days prior to a scheduled meeting of the Board. Applications shall be submitted by mail to the Board in care of the municipal offices or delivered by hand to the municipal offices. If the application for the final plan is not submitted within six months after preliminary plan approval, the Board shall require resubmission of the preliminary plan, except as stipulated below. The final plan shall approximate the layout shown on the preliminary plan, plus any changes required by the Board.

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

- B. All applications for final plan approval for a major subdivision shall be accompanied by an application fee of \$25 per lot or dwelling unit payable by check to the municipality. If a public hearing is deemed necessary by the Board, an additional fee shall be required to cover the costs of advertising and postal notification.
- C. Prior to submittal of the final plan application, the following approvals shall be obtained in writing, where applicable:
1. Maine Department of Environmental Protection, under the Site Location of Development Act.
 2. Maine Department of Environmental Protection, under the Natural Resources Protection Act or if a storm water management permit or a wastewater discharge license is needed.
 3. Maine Department of Human Services, if the applicant proposes to provide a public water system.
 4. Maine Department of Human Services, if an engineered subsurface wastewater disposal system(s) is to be utilized.
 5. U.S. Army Corps of Engineers, if a permit under Section 404 of the Clean Water Act is required.
- D. The applicant, or the applicant's duly authorized representative, shall attend the meeting of the Board to discuss the final plan. Failure to attend the meeting to present the final plan application shall result in a delay of the Board's receipt of the plan until the next meeting which the applicant attends.
- E. At the meeting at which an application for final plan approval of a major subdivision is initially presented, the Board shall issue a dated receipt to the applicant.

- F. Within thirty days of the receipt of the final plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.
- G. Upon determination that a complete application has been submitted for review, the Board shall issue a dated receipt to the applicant. The Board shall determine whether to hold a public hearing on the final plan application.
- H. If the Board decides to hold a public hearing, it shall hold the hearing within thirty days of determining it has received a complete application, and shall publish a notice of the date, time and place of the hearing in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing. In addition, the notice of the hearing shall be posted in at least three prominent places within the municipality at least seven days prior to the hearing.
- I. The Board shall notify the road commissioner, school superintendent, police chief, and fire chief of the proposed subdivision, the number of dwelling units proposed, the length of roadways, and the size and construction characteristics of any multi-family, commercial or industrial buildings. The Board shall request that these officials comment upon the adequacy of their department's existing capital facilities to service the proposed subdivision.
- J. Before the Board grants approval of the final plan, the applicant shall meet the performance guarantee requirements contained in Article 13.
- K. Within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, or within another time limit as may be otherwise mutually agreed to by the Board and the applicant, the Board shall make findings of fact, and conclusions relative to the criteria for approval contained in Title 30-A M.R.S.A., §4404 and the standards of these regulations. If the Board finds that all the criteria of the statute and the standards of these regulations have been met, they shall approve the final plan. If the Board finds that any of the criteria of the statute or the standards of these regulations has not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be stated in the records of the Board.

8.2 Submissions.

The final plan shall consist of one or more maps or drawings drawn to a scale of not more than one hundred feet to the inch. Plans for subdivisions containing more than one hundred acres may be drawn at a scale of not more than two hundred feet to the inch provided all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the borderline on the left side for binding and a one-inch margin outside the border along the remaining sides. Space shall be reserved on the plan for endorsement by the Board. Two reproducible, stable-based transparencies, one to be recorded at the Registry of Deeds, the other to be filed at the municipal office, and three copies of the plan shall be submitted. The applicant may instead submit one reproducible stable-based transparent original of the final plan and one recording plan with three copies of the final plan. In addition, one copy of the final plan, reduced to a size of 8 ½ by 11 inches or

11 by 17 inches, and all accompanying information shall be mailed to each Board member no less than seven days prior to the meeting.

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

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the assessor's map and lot numbers.
- B. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- C. An indication of the type of sewage disposal to be used in the subdivision. When sewage disposal is to be accomplished by connection to the public sewer, a written statement from the sewer district indicating the district has reviewed and approved the sewerage design shall be submitted.
- D. An indication of the type of water supply system(s) to be used in the subdivision.
 - 1. When water is to be supplied by an existing public water supply, a written statement from the servicing water district shall be submitted indicating the district has reviewed and approved the water system design. A written statement shall be submitted from the fire chief approving all hydrant locations or other fire protection measures deemed necessary.
 - 2. When water is to be supplied by private wells, evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
- E. The date the plan was prepared, north point, graphic map scale.
- F. The names and addresses of the record owner, applicant, and individual or company who prepared the plan.
- G. The location of any zoning boundaries affecting the subdivision.
- H. If different than those submitted with the preliminary plan, a copy of any proposed deed restrictions intended to cover all or part of the lots or dwellings in the subdivision.
- I. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- J. The location, names, and present widths of existing and proposed streets, highways, easements, buildings, parks and other open spaces on or adjacent to the subdivision. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The location, bearing and length of street lines, lot lines and parcel boundary lines shall be certified by a professional land surveyor. The original reproducible plan shall be embossed with the seal of the professional land surveyor and be signed by that individual.

- K. Street plans, meeting the requirements of Section 12.2.B.2.
- L. A storm water management plan, prepared by a registered professional engineer in accordance with the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection (1995). The Board may not waive submission of the storm water management plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- M. An erosion and sedimentation control plan prepared in accordance with the *Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices*, published by the Cumberland County Soil and Water Conservation District and the Maine Department of Environmental Protection, March 1991. The Board may not waive submission of the erosion and sedimentation control plan unless the subdivision is not in the watershed of a great pond, the proposed subdivision will not involve grading which changes drainage patterns, and the addition of impervious surfaces such as roofs and driveways is less than 5% of the area of the subdivision.
- N. The width and location of any streets or public improvements or open space shown upon the official map and the comprehensive plan, if any, within the subdivision.
- O. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers to convey title to the municipality of all public ways and open spaces shown on the Plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If proposed streets and/or open spaces or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer to convey title shall be included.
- P. The boundaries of any flood hazard areas and the 100-year flood elevation as depicted on the municipality's Flood Insurance Rate Map, shall be delineated on the plan.
- Q. If any portion of the proposed subdivision is in the direct watershed of a great pond, and does not qualify for the simplified review procedure for phosphorus control under Section 11.17.A.2, the following shall be submitted or indicated on the plan.
 - 1. A phosphorus impact analysis and control plan conducted using the procedures set forth in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. The analysis and control plan shall include all worksheets, engineering calculations, and construction specifications and diagrams for control measures, as required by the *Technical Guide*.
 - 2. A long-term maintenance plan for all phosphorus control measures.
 - 3. The contour lines shown on the plan shall be at an interval of no less than five feet.
 - 4. Areas with sustained slopes greater than 25% covering more than one acre shall be delineated.

- R. A list of construction items, with cost estimates, that will be completed by the applicant prior to the sale of lots, and evidence that the applicant has financial commitments or resources to cover these costs.
- S. A list of construction and maintenance items, with both capital and annual operating cost estimates, that must be financed by the municipality, or quasi-municipal districts. These lists shall include but not be limited to:

Schools, including busing

Street maintenance and snow removal

Police and fire protection

Solid waste disposal

Recreation facilities

Storm water drainage

Waste water treatment

Water supply

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

- T. The location and method of disposal for land clearing and construction debris.

8.3 Final Approval and Filing.

- A. No plan shall be approved by the Board as long as the applicant is in violation of the provisions of a previously approved Plan within the municipality.
- B. Upon findings of fact and determination that all standards in Title 30-A M.R.S.A., §4404, and these regulations have been met, and upon voting to approve the subdivision, the Board shall sign the final plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. The Board shall retain one copy of the signed plan as part of its permanent records. One copy of the signed plan shall be forwarded to the tax assessor. One copy of the signed plan shall be forwarded to the code enforcement officer. Any subdivision not recorded in the Registry of Deeds within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time the Board grants final plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to ensure the orderly development of the Plan. If any municipal or quasi-municipal department head notified of the proposed subdivision informs the Board that their department or district does not have adequate capital facilities to service the subdivision, the Board shall require the plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to allow the orderly planning, financing and provision of public services to the subdivision. If the superintendent of schools indicates that there is less than 20% excess classroom capacity existing in the school(s) which will serve the subdivision, considering previously approved but not built

subdivisions, the Board shall require the plan to be divided into sections to prevent classroom overcrowding. If the expansion, addition or purchase of the needed facilities is included in the municipality's capital improvements program, the time period of the phasing shall be no longer than the time period contained in the capital improvements program for the expansion, addition or purchase.

- D. No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Board and endorsed in writing on the plan, unless the revised final plan is first submitted and the Board approves any modifications, except in accordance with Article 10. The Board shall make findings that the revised plan meets the criteria of Title 30-A M.R.S.A., §4404, and the standards of these regulations. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Registry of Deeds.
- E. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the municipal officers covering future deed and title dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- F. Except in the case of a phased development plan, failure to complete substantial construction of the subdivision within five years of the date of approval and signing of the plan shall render the plan null and void. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.

ARTICLE 9 - REVISIONS TO APPROVED PLANS

9.1 Procedure.

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

9.2 Submissions.

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

9.3 Scope of Review.

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

ARTICLE 10 - INSPECTIONS AND ENFORCEMENT

10.1 Inspection of Required Improvements.

- A. At least five days prior to commencing construction of required improvements, the sub divider or builder shall:
 - 1. Notify the code enforcement officer in writing of the time when (s)he proposes to commence construction of such improvements, so that the municipal officers can arrange for inspections to assure that all municipal specifications, requirements, and conditions of approval are met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.
 - 2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of the required improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus shall be refunded to the sub divider or builder as appropriate. If the inspection account shall be drawn down by 90%, the sub divider or builder shall deposit an additional 1% of the estimated costs of the required improvements.
- B. If the inspecting official finds upon inspection of the improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the sub divider, the inspecting official shall so report in writing to the municipal officers, Board, and the sub divider and builder. The municipal officers shall take any steps necessary to assure compliance with the approved plans.
- C. If at any time it appears necessary or desirable to modify the required improvements before or during the construction of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Board. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the sub divider shall obtain permission from the Board to modify the plans in accordance with Article 9.
- D. At the close of each summer construction season the Town shall, at the expense of the sub divider, have the site inspected by a qualified individual. By October 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate. The report shall also include a discussion and recommendations on any problems that were encountered.
- E. Prior to the sale of any lot, the sub divider shall provide the Board with a letter from a professional land surveyor, stating that all monumentation shown on the plan has been installed.

- F. Upon completion of street construction and prior to a vote by the municipal officers to submit a proposed public way to a town meeting, a written certification signed by a professional engineer shall be submitted to the municipal officers at the expense of the applicant, certifying that the proposed public way meets or exceeds the design and construction requirements of these regulations. If there are any underground utilities, the servicing utility shall certify in writing that they have been installed in a manner acceptable to the utility. "As built" plans shall be submitted to the municipal officers.
- G. The sub divider shall be required to maintain all improvements and provide for snow removal on streets and sidewalks until acceptance of the improvements by the municipality or control is placed with a lot owners' association.

10.2 Violations and Enforcement.

- A. No plan of a division of land within the municipality that would constitute a subdivision shall be recorded in the Registry of Deeds until the Board in accordance with these regulations has approved a final plan.
- B. A person shall not convey, offer or agree to convey any land in a subdivision that has not been approved by the Board and recorded in the Registry of Deeds.
- C. A person shall not sell, lease or otherwise convey any land in an approved subdivision that is not shown on the plan as a separate lot.
- D. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which the Board has not approved a final plan.
- E. Development of a subdivision without Board approval shall be a violation of law. Development includes grading or construction of roads, grading of land or lots, or construction of buildings that require a plan approved as provided in these regulations and recorded in the Registry of Deeds.
- F. No lot in a subdivision may be sold, leased, or otherwise conveyed before the street upon which the lot fronts is completed in accordance with these regulations up to and including the entire frontage of the lot. No unit in a multi-family development shall be occupied before the street upon which the unit is accessed is completed in accordance with these regulations.
- G. Violations of the above provisions of this section are a nuisance and shall be punished in accordance with the provisions of Title 30-A M.R.S.A., §4452.

ARTICLE 11 - PERFORMANCE STANDARDS

The performance standards in this article are intended to clarify and expand upon the criteria for approval found within the subdivision statute (Title 30-A M.R.S.A., §4404). In reviewing a proposed subdivision, the Board shall review the application for conformance with the following performance standards and make findings that each has been met prior to the approval of a final plan. Compliance with the design guidelines of Article 12 shall be considered to be evidence of meeting the appropriate performance standards. Proposed subdivisions not in compliance with the design guidelines of Article 12 may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

11.1. Pollution.

- A. The proposed subdivision shall not discharge wastewater to a water body without a license from the Maine Department of Environmental Protection.
- B. Discharges of storm water shall be treated to remove oil, grease, and sediment prior to discharge into surface water bodies. When the subdivision is within the watershed of a great pond, the storm water shall be treated in order to remove excess nutrients.

11.2. Sufficient Water.

- A. Water Supply.
 - 1. Any subdivision within the area designated in the comprehensive plan for future public water supply service shall make provisions for connection to the public system. When public water supply service will not be available at the time of construction of the subdivision, a “capped system” shall be installed within the subdivision to allow future connection when service becomes available without excavation within the right-of-way of any street within the subdivision.
 - 2. When a subdivision is to be served by a public water system, the complete supply system within the subdivision including fire hydrants, shall be installed at the expense of the applicant. The size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the servicing water company or district and the fire chief.
 - 3. When a proposed subdivision is not within the area designated for public water supply service in the comprehensive plan, water supply shall be from individual wells or a private community water system.
 - a. Individual wells shall be sited and constructed to prevent infiltration of surface water, and contamination from subsurface wastewater disposal systems and other sources of potential contamination.
 - b. Lot design shall permit placement of wells, subsurface waste water disposal areas, and reserve sites for subsurface waste water disposal areas in compliance with the Maine Subsurface Wastewater Disposal Rules and the Well Drillers and Pump Installers Rules.

- c. If a central water supply system is provided by the applicant, the location and protection of the source, the design, construction and operation of the system shall conform to the standards of the Maine Rules Relating to Drinking Water (10-144A C.M.R. 231).
- d. In areas where the comprehensive plan has identified the need for additional water storage capacity for fire fighting purposes, the applicant shall provide adequate water storage facilities. Facilities may be ponds with dry hydrants, underground storage reservoirs or other methods acceptable to the fire chief. An easement shall be granted to the municipality granting access to and maintenance of dry hydrants or reservoirs where necessary. The Board may waive the requirement for water storage only upon submittal of evidence that the soil types in the subdivision will not permit their construction or installation and that the fire chief has indicated in writing that alternate methods of fire protection are available.

B. Water Quality.

Water supplies shall meet the primary drinking water standards contained in the Maine Rules Relating to Drinking Water. If existing water quality contains contaminants in excess of the secondary drinking water standards in the Maine Rules Relating to Drinking Water, that fact shall be disclosed in a note on the plan to be recorded in the Registry of Deeds.

11.3. Impact on Existing Water Supplies.

In meeting the standards of Section 11.2.A, a proposed subdivision shall not generate a demand on the source, treatment facilities or distribution system of the servicing water company or district beyond the capacity of those system components, considering improvements that are planned to be in place prior to occupancy of the subdivision. The applicant shall be responsible for paying the costs of system improvements to the district's or company's system as necessary to alleviate existing deficiencies.

11.4 Soil Erosion.

- A. The proposed subdivision shall prevent soil erosion from entering water bodies, wetlands, and adjacent properties.
- B. The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages.
- C. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.

11.5 Traffic Conditions.

- A. In general, provision shall be made for vehicular access to the subdivision and circulation within the subdivision in such a manner as to:
 - 1. Safeguard against hazards to traffic and pedestrians in existing streets and within the subdivision;
 - 2. Avoid traffic congestion on any street; and
 - 3. Provide safe and convenient circulation on public streets and within the subdivision.

B. More specifically, access and circulation shall also conform to the following standards.

1. The vehicular access to the subdivision shall be arranged to avoid through traffic use of existing streets that the comprehensive plan has classified as residential access streets.
2. The street giving access to the subdivision and neighboring streets and intersections which can be expected to carry traffic generated by the subdivision shall have the capacity or be suitably improved to accommodate that traffic and avoid unreasonable congestion. No subdivision shall reduce the Level of Service (LOS) of the street giving access to the subdivision and neighboring streets and intersections to "E" or below, unless the comprehensive plan has indicated that Levels of Service "E" or "F" are acceptable for that street or intersection.
3. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, sidewalks, bicycle ways and traffic controls within existing public streets.
4. Access ways to non-residential subdivisions or to multifamily developments shall be designed to avoid queuing of entering vehicles on any street. Left lane storage capacity shall be provided to meet anticipated demand. A study or analysis to determine the need for a left-turn storage lane shall be done.
5. Where topographic and other site conditions allow, provision shall be made for street connections to adjoining lots of similar existing or potential use within areas of the municipality designated as growth areas in the comprehensive plan; or in non-residential subdivisions when such access shall be provided if it will:
 - a. Facilitate fire protection services as approved by the fire chief; or
 - b. Enable the public to travel between two existing or potential uses, generally open to the public, without need to travel upon a public street.
6. Street Names, Signs and Lighting.

Streets that join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality, and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall either install street name, traffic safety and control signs meeting municipal specifications or reimburse the municipality for the costs of their installation. Street lighting shall be installed as approved by the Board.

7. Clean-up.

Following street construction, the developer or contractor shall conduct thorough clean up of stumps and other debris from the entire street right-of-way. If on-site disposal of the stumps and debris is proposed, the site shall be indicated on the plan, and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

11.6 Sewage Disposal.

A. Public System.

1. Any subdivision within the area designated in the comprehensive plan for future public sewage disposal service shall be connected to the public system.
2. When a subdivision is proposed to be served by the public sewage system, the complete collection system within the subdivision, including manholes and pump stations, shall be installed at the expense of the applicant.
3. The sewer district shall certify that providing service to the proposed subdivision is within the capacity of the system's existing collection and treatment system or improvements planned to be complete prior to the construction of the subdivision.
4. The sewer district shall review and approve the construction drawings for the sewerage system. The size and location of laterals, collectors, manholes, and pump stations shall be reviewed and approved in writing by the servicing sewer district or department.

B. Private Systems.

1. When a proposed subdivision is not within the area designated for public sewage disposal service in the comprehensive plan, connection to the public system shall not be permitted. Sewage disposal shall be private subsurface wastewater disposal systems or a private treatment facility with surface discharge.
2. The applicant shall submit evidence of site suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.
 - a. The site evaluator shall certify in writing that all test pits that meet the requirements for a new system represent an area large enough to a disposal area on soils that meet the Disposal Rules.
 - b. On lots in which the limiting factor has been identified as being within 24 inches of the surface, a second site with suitable soils shall be shown as a reserve area for future replacement of the disposal area. The reserve area shall be shown on the plan and restricted so as not to be built upon.
 - c. In no instance shall a disposal area be on a site that requires a New System Variance from the Subsurface Wastewater Disposal Rules.

11.7 Solid Waste.

If the additional solid waste from the proposed subdivision exceeds the capacity of the municipal solid waste facility, causes the municipal facility to no longer be in compliance with its license from the Department of Environmental Protection, or causes the municipality to exceed its contract with a non-municipal facility, the applicant shall make alternate arrangements for the disposal of solid waste. The alternate arrangements shall be at a disposal facility that is in compliance with its license. The Board may not require the alternate arrangement to exceed a period of five years.

11.8. Impact on Natural Beauty, Aesthetics, Historic Sites, Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. The plan shall, by notes on the final plan and deed restrictions, limit the clearing of trees to those areas designated on the plan.
2. Except in areas of the municipality designated by the comprehensive plan as growth areas, the subdivision shall be designed to minimize the visibility of buildings from existing public roads.
3. The Board may require the application to include a landscape plan that will show the preservation of any existing trees larger than 24 inches diameter breast height, the replacement of trees and vegetation, and graded contours.
4. When a proposed subdivision street traverses open fields the plans shall include the planting of street trees.

B. Retention of Open Spaces and Natural or Historic Features.

1. If any portion of the subdivision is located within an area designated by the comprehensive plan as open space or greenbelt, that portion shall be reserved for open space preservation.
2. If any portion of the subdivision is located within an area designated as a unique natural area by the comprehensive plan or the Maine Natural Areas Program the plan shall indicate appropriate measures for the preservation of the values that qualify the site for such designation.
3. If any portion of the subdivision is designated a site of historic or prehistoric importance by the comprehensive plan or the Maine Historic Preservation Commission, appropriate measures for the protection of the historic or prehistoric resources shall be included in the plan.
4. The subdivision shall reserve sufficient undeveloped land to provide for the recreational needs of the occupants. The percentage of open space to be reserved shall depend on the identified needs for outdoor recreation in the portion of the municipality in which the subdivision is located according to the comprehensive plan, the proposed lot sizes within the subdivision, the expected demographic makeup of the occupants of the subdivision, and the site characteristics.
5. Land reserved for open space purposes shall be of a character, configuration and location suitable for the particular use intended.
6. Reserved open space land may be dedicated to the municipality.

7. Where land within the subdivision is not suitable or is insufficient in amount, where the applicant prefers, or when suggested by the comprehensive plan, a payment in lieu of dedication may be substituted for the reservation of some or part of the open space requirement. Payments in lieu of dedication shall be calculated based on the percentage of reserved open space that otherwise would be required and that percentage of the projected market value of the developed land at the time of the subdivision, as determined by the municipal tax assessor. The payment in lieu of dedication shall be deposited into a municipal land open space or outdoor recreation facility acquisition or improvement fund.

C. Protection of Significant Wildlife Habitat.

If any portion of a proposed subdivision lies within:

1. 250 feet of the following areas identified and mapped by the Department of Inland Fisheries and Wildlife or the comprehensive plan as:
 - a. Habitat for species appearing on the official state or federal lists of endangered or threatened species;
 - b. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - c. Shorebird nesting, feeding and staging areas and seabird nesting islands;
 - d. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission; or
2. 1,320 feet of an area identified and mapped by the Department of Inland Fisheries and Wildlife as a high or moderate value deer wintering area or travel corridor;
3. Or other important habitat areas identified in the comprehensive plan including coastal wildlife concentration areas,

the applicant shall demonstrate that there shall be no adverse impacts on the habitat and species it supports. A report prepared by a wildlife biologist certified by the Wildlife Society with demonstrated experience with the wildlife resource being impacted shall be submitted. This report shall assess the potential impact of the subdivision on the significant habitat and adjacent areas that are important to the maintenance of the affected species and shall describe appropriate mitigation measures to ensure that the subdivision will have no adverse impacts on the habitat and the species it supports.

- D. Any existing public rights of access to the shoreline of a water body shall be maintained by means of easements or rights-of-way, or should be included in the open space with provisions made for continued public access.

11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances.

All lots shall meet the minimum dimensional requirements of the zoning ordinance for the zoning district in which they are located. The proposed subdivision shall meet all applicable performance standards or design criteria from the zoning ordinance.

11.10 Financial and Technical Capacity.

A. Financial Capacity.

The applicant shall have adequate financial resources to construct the proposed improvements and meet the criteria of the statute and the standards of these regulations. When the applicant proposes to construct the buildings as well as the subdivision improvements, the applicant shall have adequate financial resources to construct the total development. In making the above determinations the Board shall consider the proposed time frame for construction and the effects of inflation.

B. Technical Ability.

1. The applicant shall retain qualified contractors and consultants to supervise, construct and inspect the required improvements in the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the existence of violations of previous approvals granted to the applicant.

11.11. Impact on Water Quality or Shoreline.

Cutting or removal of vegetation along water bodies shall not increase water temperature, result in shoreline erosion or sedimentation of water bodies.

11.12. Impact on Ground Water Quality or Quantity.

A. Ground Water Quality.

1. When a hydro geologic assessment is submitted, the assessment shall contain at least the following information:
 - a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.
 - c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, or at the subdivision boundaries; or at a distance of 1,000 feet from potential contamination sources, whichever is a shortest distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 200 feet of the subdivision boundaries.

2. Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).

3. No subdivision shall increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No subdivision shall increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.

4. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.

5. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

6. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the final plan, and as restrictions in the deeds to the affected lots.

B. Ground Water Quantity.

1. Ground water withdrawals by a proposed subdivision shall not lower the water table beyond the boundaries of the subdivision.

2. A proposed subdivision shall not result in a lowering of the water table at the subdivision boundary by increasing runoff with a corresponding decrease in infiltration of precipitation.

11.13 Floodplain Management.

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency:

A. All public utilities and facilities, such as sewer, gas, electrical and water systems shall be located and constructed to minimize or eliminate flood damages.

B. Adequate drainage shall be provided so as to reduce exposure to flood hazards.

C. The plan shall include a statement that structures in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The statement shall clearly articulate that the 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 the plan.

11.14. Identification of Freshwater Wetlands.

Freshwater wetlands shall be identified in accordance with the *1987 Corps of Engineers Wetland Delineation Manual*, published by the United States Army Corps of Engineers.

11.15. Storm Water Management.

A. Adequate provision shall be made for the management of the quantity and quality of all storm water generated within the subdivision, and any drained ground water through a management system of swales, culverts, under drains, storm drains and best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, in conformance with the policies of the comprehensive plan. The storm water management system shall be designed to meet the following standards:

1. Quantity.

Peak discharge rates shall be limited to the predevelopment levels for the 2-year, 10-year, and 25-year frequency, 24-hour duration storm unless storm water from the subdivision will drain directly into a major water body such as a great pond or the ocean.

2. Quality.

a. Major Subdivisions.

Storm water run-off in major subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 40% reduction in total suspended solids.

b. Minor Subdivisions.

Storm water run-off in minor subdivisions must be treated by the use of best management practices equivalent to those described in the *Stormwater Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995, to achieve, by design, 15% reduction in total suspended solids.

B. Where necessary to achieve the above standards, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the municipality allowing maintenance and improvement of the system.

11.16 Reservation or Dedication and Maintenance of Open Space and Common Land, Facilities and Services.

- A. All open space common land, facilities and property shall be owned by:
 - 1. The owners of the lots or dwelling units by means of a lot owners' association;
 - 2. An association which has as its principal purpose the conservation or preservation of land in essentially its natural condition; or
 - 3. The municipality.
- B. Further subdivision of the common land or open space and its use for other than non-commercial recreation, agriculture, or conservation purposes, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to non-commercial recreational or conservation uses may be erected on the common land. When open space is to be owned by an entity other than the municipality, there shall be a conservation easement deeded to the municipality prohibiting future development.
- C. The common land or open space shall be shown on the final plan with appropriate notations on the plan to indicate:
 - 1. It shall not be used for future building lots; and
 - 2. Which portions of the open space, if any, may be dedicated for acceptance by the municipality.
- D. The final plan application shall include the following:
 - 1. Covenants for mandatory membership in the lot owners' association setting forth the owners' rights, interests, and privileges in the association and the common property and facilities, to be included in the deed for each lot or dwelling.
 - 2. Draft articles of incorporation of the proposed lot owners' association as a not-for-profit corporation; and
 - 3. Draft by-laws of the proposed lot owners' association specifying the responsibilities and authority of the association, the operating procedures of the association and providing for proper capitalization of the association to cover the costs of major repairs, maintenance and replacement of common facilities.
- E. In combination, the documents referenced in paragraph D above shall provide for the following:
 - 1. The homeowners' association shall have the responsibility of maintaining the common property or facilities.
 - 2. The association shall levy annual charges against all owners of lots or dwelling units to defray the expenses connected with the maintenance, repair and replacement of common property and facilities and tax assessments.
 - 3. The association shall have the power to place a lien on the property of members who fail to pay dues or assessments.

4. The developer or sub divider shall maintain control of the common property, and be responsible for its maintenance until development sufficient to support the association has taken place. The Board upon request of the lot owners' association or the developer shall make such determination.

11.17 Phosphorus Impacts on Great Ponds.

A. Phosphorus Export.

1. Any subdivision within the watershed of a great pond shall limit its post development phosphorus export to the standards contained in Table 11.17-1, dependent on the great pond in whose watershed the subdivision is located.

The Board shall keep an accurate record of permits issued by watershed and shall notify the comprehensive planning committee of the actual development rates at five year intervals, as the comprehensive plan is revised. The above table shall be amended as required by amendments to the comprehensive plan, reflecting changes in expected development rates.

2. Simplified Phosphorus Review.

The simplified review may be used for a

- a. Proposed subdivision of three or four lots with less than 200 feet of new or upgraded street with a cumulative driveway length not to exceed 450 feet for a three-lot subdivision or 600 feet for a four-lot subdivision;
- b. Proposed subdivision of three or four lots with no new or upgraded street with a cumulative driveway length not to exceed 950 feet for three lot subdivisions or 1,100 feet for four lot subdivisions; or
- c. Proposed subdivision consisting of multi-family dwellings that have less than 20,000 square feet of disturbed area including building parking, driveway, lawn, subsurface wastewater disposal systems, and infiltration areas, and new or upgraded streets not exceeding 200 linear feet.

A proposed subdivision that creates lots that could be further divided such that five or more lots may result shall be subject to the standard review procedures unless there are deed restrictions prohibiting future divisions of the lots.

3. Standard Review.

This section shall apply to proposed subdivisions that do not qualify for the simplified review. Phosphorus export from a proposed development shall be calculated according to the procedures in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. When a proposed subdivision creates lots which are more than twice the required minimum lot size and there are no deed restrictions proposed to prohibit future divisions, the applicant shall either calculate phosphorus loading based on the maximum feasible number of lots, and shall design controls adequate to limit the resulting phosphorus loading, or shall reserve a portion of the permitted phosphorus export for future divisions.

4. Maintenance and Use Restrictions for Phosphorus Control Measures.

Provisions for monitoring, inspections, and maintenance of phosphorus control measures shall be included in the application.

a. Vegetative Buffer Strips.

Individual lot owners shall be required to maintain buffer areas on their individual lots in accordance with the following standards, to be specified in recorded deed restrictions and as notes on the plan. Where a vegetative buffer strip is to be owned in common by property owners in the subdivision, documentation establishing the lot owners' association shall include the following standards.

i. Wooded Buffers.

Maintenance provisions for wooded buffers shall provide for either of the following two options.

(a) No Disturbance.

Maintenance and use provisions for wooded buffer strips which are located on hydrologic soil group D soils and within 250 feet of the great pond or a tributary, or which are located on slopes over 20% shall include the following.

- [1] Buffers shall be inspected annually for evidence of erosion or concentrated flows through or around the buffer. All eroded areas must be seeded and mulched. A shallow stone trench must be installed as a level spreader to distribute flows evenly in any area showing concentrated flows.
- [2] All existing undergrowth (vegetation less than four feet high), forest floor duff layer, and leaf litter must remain undisturbed and intact, except that one winding walking path, no wider than six feet, is allowed through the buffer. This path shall not be a straight line to the great pond or tributary and shall remain stabilized.
- [3] Pruning of live tree branches that do not exceed twelve feet above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
- [4] No cutting is allowed of trees except for normal maintenance of dead, wind blown, or damaged trees.
- [5] Buffers shall not be used for all-terrain vehicle or vehicular traffic.

(b) Limited Disturbance.

Maintenance and use provisions for other buffer strips may include the following:

- [1] There shall be no cleared openings. An evenly distributed stand of trees and other vegetation shall be maintained.
 - [2] Activity within the buffer shall be conducted to minimize disturbance of existing forest floor, leaf litter and vegetation less than four feet in height. Where the existing ground cover is disturbed and results in exposed mineral soil, that area shall be immediately stabilized to avoid soil erosion.
 - [3] Removal of vegetation less than four feet in height is limited to that necessary to create a winding foot path no wider than six feet. This path shall not be a straight line to the great pond or a tributary. The path must remain stabilized.
 - [4] Pruning of live tree branches that do not exceed 12 feet in height above the ground level is permitted provided that at least the top two-thirds of the tree canopy is maintained.
 - [5] Where the removal of storm-damaged, diseased, unsafe, or dead trees results in a cleared opening, those openings shall be replanted with native trees at least three feet in height unless existing new tree growth is present.
 - [6] Buffers shall not be used for all terrain vehicle or vehicular traffic.
- ii. Non-wooded Buffers.
- (a) Non-wooded buffers may be allowed to revert or to be planted to forest, in which case the standards above shall apply.
 - (b) A buffer must maintain a dense, complete and vigorous cover of “non-lawn” vegetation that shall be mowed no more than once a year. Vegetation may include grass, other herbaceous species, shrubs and trees.
 - (c) Activity within the buffer shall be conducted so as to prevent damage to vegetation and exposure of mineral soil. Burning of vegetation shall be prohibited.
 - (d) Buffers shall not be used for all-terrain vehicles or other vehicular traffic.

b. Infiltration Systems.

Individual lot owners shall be responsible for maintenance of individual infiltration systems according to the standards specified in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992. Requirements for maintenance shall be included in deed restrictions and as notes upon the plan. As an alternative to maintenance by individual lot owners, the applicant may designate some other entity to be contracted to take the responsibility, and shall include the above referenced maintenance provisions in any contractual agreement. Where infiltration systems serve more than one lot, a

lot owners' association shall be established and the above referenced maintenance provisions shall be referenced in the documentation establishing the association.

c. Wet Ponds.

A lot owners' association shall be established to maintain wet ponds, unless the municipality or some other public entity agrees to assume inspection and maintenance duties. Documentation establishing the association or establishing an agreement with a public entity shall include the maintenance standards specified in the manual *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

ARTICLE 12 - DESIGN GUIDELINES

This article is intended to provide an example of design guidelines, which if followed will result in meeting the appropriate performance standards of Article 11. Compliance with these guidelines shall be considered evidence of meeting those standards. Proposed subdivisions not in compliance with the design guidelines of this article may be considered, but the applicant shall provide clear and convincing evidence that the proposed design will meet the performance standard(s) and the statutory criteria. In all instances the burden of proof shall be upon the applicant to present adequate information to indicate all performance standards and statutory criteria for approval have been or will be met.

12.1. Sufficient Water.

A. Well Construction.

1. Due to the increased chance of contamination from surface water, dug wells shall be prohibited on lots of smaller than one acre. On lots of one acre or smaller, the applicant shall prohibit dug wells by deed restrictions and a note on the plan.
2. Wells shall not be constructed within 100 feet of the traveled way of any street, if located downhill from the street, or within 50 feet of the traveled way of any street, if located uphill of the street. This restriction shall be included as a note on the plan and deed restriction to the effected lots.

B. Fire Protection.

1. Fire hydrants connected to a public water supply system shall be located no further than 500 feet from any building.
2. A minimum storage capacity of 10,000 gallons shall be provided for a subdivision not served by a public water supply. Additional storage of 2,000 gallons per lot or principal building shall be provided. The Board may require additional storage capacity upon a recommendation from the fire chief. Where ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest water level less an equivalent of three feet of ice.
3. Hydrants or other provisions for drafting water shall be provided to the specifications of the fire department. Minimum pipe size connecting dry hydrants to ponds or storage vaults shall be six inches.
4. Where the dry hydrant or other water source is not within the right-of-way of a proposed or existing street, an easement to the municipality shall be provided to allow access. A suitable access way to the hydrant or other water source shall be constructed.

12.2. Traffic Conditions.

A. Access Control.

1. Where a subdivision abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly onto the arterial street. This requirement shall be noted on the plan and in the deed of any lot with frontage on the arterial street.

2. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Subdivision Access Design for Subdivisions Entering onto Arterial Streets.

When the access to a subdivision is a street, the street design and construction standards of Section 12.2.B below shall be met. Where there is a conflict between the standards in this section and the standards of Section 12.2.B, the stricter or more stringent shall apply.

a. General.

Access design shall be based on the estimated volume using the access classification defined below. Traffic volume estimates shall be as defined in the *Trip Generation Manual*, 1991 edition, published by the Institute of Transportation Engineers.

1. Low Volume Access: An access with 50 vehicle trips per day or less.
2. Medium Volume Access: Any access with more than 50 vehicle trips per day but less than 200 peak hour vehicle trips per day.
3. High Volume Access: Peak hour volume of 200 vehicle trips or greater.

b. Sight Distances.

Accesses shall be located and designed in profile and grading to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver's seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3 ½ feet, to the top of an object 4 ¼ feet above the pavement. The required sight distances are listed by road width and for various posted speed limits.

1. Two Lane Roads.

A minimum sight distance of ten feet for each mile per hour of posted speed limit shall be maintained or provided.

2. Four Lane Roads.

The sight distances provided below are based on passenger cars exiting from accesses onto four lane roads and are designed to enable exiting vehicles:

- (a) Upon turning left or right to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than 10 miles per hour, and
- (b) Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

Operating Speed (mph)	Safe Sight Distance - Left (ft.)	Safe Sight Distance - Right (ft.)
20	130	130
30	220	260
40	380	440
50	620	700

c. Vertical Alignment.

Accesses shall be flat enough to prevent the dragging of any vehicle undercarriage.

Accesses shall slope upward or downward from the gutter line on a straight slope of 3 percent or less for at least 75 feet. The maximum grade over the entire length shall not exceed 10%.

d. Low Volume Accesses.

1. Skew Angle.

Low volume accesses shall be two-way operation and shall intersect the road at an angle as nearly 90 degrees as site conditions permit, but in no case less than 60 degrees.

2. Curb Radius.

The curb radius shall be between 10 feet and 15 feet, with a preferred radius of 15 feet.

3. Access Width.

The width of the access shall be between 20 feet and 24 feet, with a preferred width of 20 feet.

e. Medium Volume Accesses.

1. Skew Angle.

Medium Volume Accesses shall be either one-way or two-way operation and shall intersect the road at an angle as nearly 90° as site conditions permit, but in no case less than 60°.

2. Curb Radius.

Curb radii will vary depending if the access has one-way or two-way operation.

On a two-way access the curb radii shall be between 25 feet and 40 feet, with a preferred radius of 30 feet. On one-way accesses, the curb radii shall be 30 feet for right turns into and out of the site, with a 5-foot radius on the opposite curb.

3. Width.

On a two-way access the width shall be between 24 and 26 feet, with a preferred width of 26 feet, however where truck traffic is anticipated, the width may be no more than 30 feet. On a one-way access the width shall be between 16 feet and 20, with a preferred width of 16 feet.

4. Curb-Cut Width.

On a two-way access the curb-cut width shall be between 74 feet and 110 feet with a preferred width of 86 feet. On a one-way access the curb-cut width shall be between 46 feet and 70 feet with a preferred width of 51 feet.

f. High Volume Accesses.

1. Skew Angle.

High Volume Accesses shall intersect the road at an angle as nearly to 90° as site conditions permit, but in no case less than 60°.

2. Curb Radius.

Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between 30 feet and 50 feet. With channelization islands, the curb radii shall be between 75 feet and 100 feet.

3. Curb Cut Width.

Without channelization, curb-cut width shall be between 106 feet and 162 feet with a preferred width of 154 feet. With channelization, the curb-cut width shall be between 196 feet and 262 feet with a preferred width of 254 feet.

4. Entering and exiting accesses shall be separated by a raised median that shall be between 6 feet and 10 feet in width. Medians separating traffic flows shall be no less than 25 feet in length, with a preferred length of 100 feet.

5. Width.

Access widths shall be between 20 feet and 26 feet on each side of the median, with a preferred width of 24 feet. Right turn only lanes established by a channelization island shall be between 16 feet and 20 feet, with a preferred width of 20 feet.

6. Appropriate traffic control signage shall be erected at the intersection of the access and the street and on medians and channelization islands.

g. Special Case Accesses.

Special Case Accesses are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These accesses are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed access. These accesses are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows.

1. Perpendicular Driveways.

(a) Curb Radii.

Curb radii shall be between 30 feet and 50 feet, with a preferred radius of 50 feet.

(b) Access Width.

Access width shall be between 26 feet and 30 feet with a preferred width of 30 feet. On two-way accesses, a triangular channelization island shall be provided at the intersection with the street. On each side of the island the one-way drive shall be between 15 feet and 24 feet with a preferred width of 20 feet.

(c) Curb-Cut Width.

The total curb-cut width shall be between 86 feet and 130 feet with a preferred width of 130 feet.

(d) Channelization Island.

The channelization island on two-way accesses shall be raised and curbed. Corner radii shall be 2 feet.

2. Skewed Accesses.

(a) Skew Angle.

The skew angle shall be between 45° and 60°, with a preferred angle of 45°.

(b) Curb Radii.

Curb radii shall be between 30 feet and 50 feet on the obtuse side of the intersection, with a preferred radius of 50 feet. Curb radii shall be between 5 feet and 10 feet on the acute side of the intersection with a preferred radius of 5 feet.

(c) Access Width.

Access width shall be between 15 feet and 24 feet with a preferred width of 20 feet. Where entering and exiting access meet, the width shall be between 24 and 30 feet with a preferred width of 30 feet.

(d) Curb-Cut Width.

The curb-cut width for each access shall be between 35 feet and 75 feet with a preferred width of 42 feet.

h. Access Location and Spacing.

1. Minimum Corner Clearance.

Corner clearance shall be measured from the point of tangency for the corner to the point of tangency for the access. In general the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed in Table 12.2-1, based upon access volume and intersection type.

Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor streets, the site shall be restricted to partial access. Alternately, construction of a shared access drive with an adjacent parcel is recommended.

Table 12.2-1. Minimum Standards for Corner Clearance

Minimum Corner Clearance (feet)

<u>Access Type</u>	<u>Intersection Signalized</u>	<u>Intersection Unsignalized</u>
Low Volume	150	50
Medium Volume	150	50
High Volume	500	250
Special Case		
Right turn in only	50	50
Right turn out only	100	50
Right turn in or out only	100	50

2. Access Spacing.

Accesses and street intersections shall be separated from adjacent accesses, streets and property lines as indicated in Table 12.2-2, in order to allow major through routes to effectively serve their primary function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between accesses and from the access point of tangency to a projection of the property line at the edge of the roadway for access spacing to the property line.

Table 12.2-2. Minimum Access Spacing

Access Type	Minimum Spacing to Property Line (Dpl) ¹ (feet)	Minimum Spacing to Adjacent Access by Access Type ² (Dsp) ³			
		Medium (feet)	High w/o RT* (feet)	High w/RT** (feet)	Special Case (feet)
Low Volume	5				
Medium Volume	10	75			
High Volume (w/o RT)*	75	75	150		
High Volume (w/ RT)**	75	75	250	500	
Special Case	10	75	75	75	40***

- 1 Dpl measured from point of tangency of access to projection of property line on roadway edge.
- 2 For two more accesses serving a single parcel, or from a proposed access from an existing access.
- 3 Dsp measured from point of tangency of access to point of tangency of adjacent access.
 - * High volume access without right turn channelization
 - ** High Volume access with right turn channelization
 - *** Right-turn-in-only upstream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

i. Number of Accesses.

The maximum number of accesses on to a single street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of accesses independent of frontage length.

- 1. No low volume traffic generator shall have more than one two-way access onto a single roadway.
- 2. No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.

j. Construction Materials/Paving.

- 1. All accesses entering a curbed street shall be curbed with materials matching the street curbing. Sloped curbing is required around all raised channelization islands or medians.
- 2. All accesses shall be paved with bituminous concrete pavement within the street right-of-way. All commercial accesses, regardless of access volume, shall be paved with bituminous concrete pavement within 30 feet of the street right-of-way.

B. Street Design and Construction Standards.

1. General Requirements.

- a. The Board shall not approve any subdivision plan unless proposed streets are designed in accordance with any local ordinance or the specifications contained in these regulations. Approval of the final plan by the Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.
- b. Applicants shall submit to the Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets and existing streets within 300 feet of any proposed intersections. The plan view shall be at a scale of one-inch equals no more than fifty feet. The vertical scale of the profile shall be one inch equals no more than five feet. The plans shall include the following information:
 1. Date, scale, and north point, indicating magnetic or true.
 2. Intersections of the proposed street with existing streets.
 3. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.
 4. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.
 5. Complete curve data shall be indicated for all horizontal and vertical curves.
 6. Turning radii at all intersections.
 7. Centerline gradients.
 8. Size, type and locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting, and cable television.
- c. Upon receipt of plans for a proposed public street the Board shall forward one copy to the municipal officers, the road commissioner, and the municipal engineer for review and comment. Plans for streets that are not proposed to be accepted by the municipality shall be sent to the municipal engineer for review and comment.
- d. Where the applicant proposes improvements within existing public streets, the proposed design and construction details shall be approved in writing by the road commissioner or the Maine Department of Transportation, as appropriate.
- e. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan.

“All roads in this subdivision shall remain private roads to be maintained by the

developer or the lot owners and shall not be accepted or maintained by the Town, until they meet the municipal street design and construction standards.”

2. Street Design Standards.

- a. These design guidelines shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances associated with the street, and shall be met by all streets within a subdivision, unless the applicant can provide clear and convincing evidence that an alternate design will meet good engineering practice and will meet the performance standards of Article 11.
- b. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed with the municipality.
- c. Adjacent to areas zoned and designed for commercial use, or where a change of zoning to a zone which permits commercial uses is contemplated by the municipality, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in these regulations.
- d. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in these regulations), or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not be included in computing lot area or setback requirements of the zoning ordinance. When such widening or realignment is included in the municipality’s capital investment plan, the reserve area shall not be included in any lot, but shall be reserved to be deeded to the municipality or State.
- e. Any subdivision expected to generate average daily traffic of 200 trips per day or more shall have at least two street connections with existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted. Any street with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, streets shown on an Official Map, or streets on an approved subdivision plan for which performance guarantees have been filed and accepted.
- f. The design standards of Table 12.2-3 shall apply according to street classification.

Table 12.2-3. Street Design Guidelines

<u>Description</u>	<u>Type of Street</u>				
	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private Rights-of-Way</u>	<u>Industrial/Commercial</u>
Minimum Right-of-Way Width	80'	50'	50'	50'	60'
Minimum Traveled Way Width	44'	24'	20'	18'	30'
Minimum Width of Shoulders					
(each side)	5'	3'	3'	3'	9'
Sidewalk Width	8'	5'	5'	N/A	8'
Minimum Grade	.5%	.5%	.5%	N/A	.5%
Maximum Grade*	5%	6%	8%	8%	5%
Minimum Centerline Radius					
without superelevation	500'	280'	280'	175'	400'
with superelevation	350'	175'	175'	110'	300'
Roadway Crown**	¼"/ft	¼"/ft	¼"/ft.	***	¼"/ft.
Minimum angle of street intersections****	90°	90°	75°	75°	90°
Maximum grade within 75 ft. of intersection	3%	3%	3%	N/A	3%
Minimum curb radii at intersections	30'	25'	20'	N/A	30'*****
Minimum r/o/w radii at intersections	20'	10'	10'	10'	20'

* Maximum grade may be exceeded for a length of 100 feet or less.

** Roadway crown is per foot of lane width.

*** Gravel surfaces shall have a minimum crown of ¾ inch per foot of lane width.

**** Street intersection angles shall be as close to 90° as feasible but no less than the listed angle.

***** Should be based on turning radii of expected commercial vehicles, but no less than 30 feet.

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

h. Dead End Streets.

In addition to the design standards in Table 12.2-3, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii: Property line: 60 feet; outer edge of pavement: 50 feet; inner edge of pavement: 30 feet. Where the cul-de-sac is in a wooded area prior to development, a stand of trees shall be maintained within the center of the cul-de-sac. The Board shall require the reservation of a twenty foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a fifty-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

i. Grades, Intersections, and Sight Distances.

1. Grades of all streets shall conform in general to the terrain, so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves in order to provide the following minimum stopping sight distances based on the street design speed.

Design Speed (mph)	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>
Stopping Sight Distance (ft.)	125	150	200	250

Stopping sight distance shall be calculated with a height of eye at 3¹/₂ feet and the height of object at ½ foot.

3. Where new street intersections or driveway curb-cuts are proposed, sight distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below. Sight distances shall be measured from the driver’s seat of a vehicle standing on that portion of the exit with the front of the vehicle a minimum of 10 feet behind the curb line or edge of shoulder, with the height of the eye 3¹/₂ feet, to the top of an object 4¹/₄ feet above the pavement.

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

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

4. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the comprehensive plan or at other important traffic intersections. A minimum distance of 125 feet shall be maintained between centerlines of minor streets and 200 feet between collectors or a collector and minor street.

j. Sidewalks.

Sidewalks shall be installed within all subdivisions within areas designated as growth areas in the comprehensive plan. Where sidewalks exist adjacent to a proposed subdivision outside of growth areas, sidewalks shall be installed connecting to existing sidewalks. Where installed, sidewalks shall meet these minimum requirements.

1. Location.

Sidewalks may be located adjacent to the curb or shoulder but it is recommended to locate sidewalks a minimum of 2 ½ feet from the curb facing or edge of shoulder if the street is not curbed.

2. Bituminous Sidewalks.

- (a) The “sub base” aggregate course shall be no less than twelve inches thick after compaction.
- (b) The hot bituminous pavement surface course shall be MDOT plant Mix Grade D constructed in two lifts, each no less than one inch after compaction.

3. Portland Cement Concrete Sidewalks.

- (a) The “sub base” aggregate shall be no less than twelve inches thick after compaction.
- (b) The Portland cement concrete shall be reinforced with six-inch square, number 10 wire mesh and shall be no less than four inches thick.

- k. Curbs shall be installed within all subdivisions within areas designated as growth areas in the comprehensive plan. Granite curbing shall be installed on a thoroughly compacted gravel base of six inches minimum thickness. Bituminous curbing shall be installed on the base course of the pavement. The specified traveled way width above shall be measured between the curbs.

3. Street Construction Standards.

- a. The minimum thickness of material after compaction shall meet the specifications in Table 12.2-4.

Table 12.2-4. Minimum Pavement Materials Thickness

<u>Street Materials</u>	<u>Arterial</u>	<u>Collector</u>	<u>Minor</u>	<u>Private</u> <u>Right of Way</u>	<u>Industrial/</u>
	<u>Commercial</u>				
Aggregate Sub base Course (Max. sized stone 6")					
Without base gravel	24"	18"	18"	15"	24"
With base gravel	20"	15"	15"	12"	20"
Crushed Aggregate Base Course (if necessary)	4"	3"	3"	3"	4"
Hot Bituminous Pavement					
Total Thickness	3"	3"	3"	N/A	4"
Surface Course	1 ¼"	1 ¼"	1 ¼"	N/A	1 ¼"
Base Course	1 ¾"	1 ¾"	1 ¾"	N/A	2 ¾"
Surface gravel	N/A	N/A	N/A	3"	N/A

b. Preparation.

1. Before any clearing has started on the right-of-way, the centerline and sidelines of the new road shall be staked or flagged at fifty-foot intervals.
2. Before grading is started, the entire area within the right-of-way necessary for traveled way, shoulders, sidewalks, drainage-ways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders and tree stumps shall be removed from the cleared area.
3. All organic materials or other deleterious material shall be removed to a depth of two feet below the sub grade of the roadway. Rocks and boulders shall also be removed to a depth of two feet below the sub grade of the roadway. On soils which have been identified by the municipal engineer as not suitable for roadways, either the subsoil shall be removed from the street site to a depth of two feet below the sub grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or a Maine Department of Transportation approved stabilization geotextile may be used.
4. Except in a ledge cut, side slopes shall be no steeper than a slope of three feet horizontal to one foot vertical, and shall be graded, loamed, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan. Where a cut results in exposed ledge a side slope no steeper than one foot horizontal to four feet vertical is permitted.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement.

1. Bases/Sub base.
 - (a) The Aggregate sub base course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Table 12.2-5.

Table 12.2-5. Aggregate Sub base Grading Requirements

Percentage by Weight Passing

<u>Sieve Designation</u>	<u>Square Mesh Sieves</u>
¼ inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub base shall contain no particles of rock exceeding six inches in any dimension.

- (b) If the Aggregate Sub base Course is found to be not fine gradable because of larger stones, then a minimum of three inches of Aggregate Base Course shall be placed on top of the sub base course. The Aggregate Base Course shall be screened or crushed gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a three-inch square mesh sieve shall meet the grading requirements of Table 12.2-6.

Aggregate for the base shall contain no particles of rock exceeding two inches in any dimension.

Table 12.2-6. Base Course Grading Requirements

Percentage by Weight Passing

<u>Sieve Designation</u>	<u>Square Mesh Sieves</u>
½ inch	45-70%
¼ inch	30-55%
No. 40	0-20%
No. 200	0-5%

2. Pavement Joints.

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

3. Pavements.

- (a) Minimum standards for the base layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade B with an aggregate size no more than 1 inch maximum and a liquid asphalt content between 4.8% and 6.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and November 15, provided the air temperature in the shade at the paving location is 35°F or higher and the surface to be paved is not frozen or unreasonably wet.

- (b) Minimum standards for the surface layer of pavement shall be the Maine Department of Transportation specifications for plant mix grade C or D with an aggregate size no more than ¾ inch maximum and a liquid asphalt content between 5.8% and 7.0% by weight depending on aggregate characteristics. The pavement may be placed between April 15 and October 15, provided the air temperature in the shade at the paving location is 50°F or higher.

4. Surface Gravel.

Private Rights-of-Way need not be paved and may have a gravel surface. Surface gravel shall be placed on top of the aggregate sub base, shall have no stones larger than two inches in size and meet the grading requirements of Table 12.2-7.

Table 12.2-7. Surface Gravel Grading Requirements

Percentage by Weight Passing

<u>Sieve Designation</u>	<u>Square Mesh Sieves</u>
2 inch	95-100%
½ inch	30-65%
No. 200	7-12%

12.3 Wildlife Habitat, Rare Natural Areas or Public Access to the Shoreline.

A. Preservation of Natural Beauty and Aesthetics.

1. Unless located in areas designated as a growth area in the comprehensive plan, a subdivision in which the land cover type at the time of application is forested shall maintain a wooded buffer strip no less than fifty feet in width along all existing public roads. The buffer may be broken only for driveways and streets.
2. Unless located in areas designated as a growth area in the comprehensive plan, building location shall be restricted from open fields, and shall be located within forested portions of the subdivision. When the subdivision contains no forest or insufficient forested portions to include all buildings, the subdivision shall be designed to minimize the appearance of building when viewed from existing public streets.
3. When a proposed subdivision contains a ridgeline identified in the comprehensive plan as a visual resource to be protected, the plan shall restrict tree removal and prohibit building placement within 50 feet vertical distance of the ridge top. These restrictions shall appear as notes on the plan and as covenants in the deed.
4. When a proposed subdivision street traverses open fields, the plan shall include the planting of street trees. Street trees shall include a mix of tall shade trees and medium height flowering species. Trees shall be planted no more than fifty feet apart.

B. Retention of Open Spaces and Natural or Historic Features.

1. The subdivision shall reserve between 5% and 10-% of the area of the subdivision as open space in order to provide for the recreational needs of the occupants of the subdivision and/or to maintain the scenic or natural beauty of the area. In determining the need for open space the Board shall consider the needs identified in the comprehensive plan or recreation plan for open space or recreation facilities in the neighborhood surrounding the subdivision and the policies of the plan for meeting those needs; the proximity of the subdivision to neighboring dedicated open space or recreation facilities; the type of development and the demographic characteristics of potential residents in the subdivision; and the density or lot sizes of the development.
2. Subdivisions with an average density of more than three dwelling units per acre shall provide no less than fifty percent of the open space as usable open space to be improved for ball fields, playgrounds or other similar active recreation facility. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry, have a total frontage on one or more streets of at least 200 feet, and have no major dimensions of less than 200 feet.
3. Sites selected primarily for scenic or passive recreation purposes shall have such access as the Board may deem suitable and no less than 25 feet of road frontage. The configuration of such sites shall be deemed adequate by the Board with regard to scenic attributes and significant wildlife habitat to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.
4. Proposed subdivisions which include or are adjacent to buildings or sites on the National Register of Historic Places or which the comprehensive plan has identified as being of historical significance shall be designed in such a manner as to minimize the impacts on the historic features. When the historic features to be protected include buildings, the placement and the architectural design of new structures in the subdivision shall be similar to the historic structures. The Board shall seek the advice of the Maine Historic Preservation Commission in reviewing such plans.

C. Protection of Significant Wildlife Habitat and Important Habitat Areas.

The following guidelines are designed to protect the significant wildlife resources identified in the municipality. The Board recognizes that wildlife management must take into account many site-specific variables. Applicants proposing to subdivide land within identified wildlife resources must consult with the Maine Department of Inland Fisheries and Wildlife or a qualified wildlife biologist and provide their written comments to the Board. The guidelines of this section shall apply to only those subdivisions which include significant wildlife habitat or resources identified in Section 11.8.C.

1. Protection of Habitat of Endangered or Threatened Species.
 - a. Habitat or species appearing on the official state or federal lists of endangered or threatened species shall be placed in open space.

- b. Deed restrictions and notes on the plan shall reflect standards from the Department of Inland Fisheries and Wildlife for removal of vegetation within 250 feet of the habitat for species appearing on the list of endangered or threatened species unless the Department of Inland Fisheries and Wildlife has approved cutting of vegetation in writing.
2. Protection of Waterfowl, Shorebird, and Wading Bird Habitat, Atlantic Salmon Spawning and Nursery Areas.
- a. There shall be no cutting of vegetation within the strip of land extending 75 feet inland from the normal high-water mark of the following habitat areas:
 - 1. Shorebird nesting, feeding and staging areas and seabird nesting islands;
 - 2. High and moderate value waterfowl and wading bird habitats, including nesting and feeding areas;
 - 3. Critical spawning and nursery areas for Atlantic sea run salmon as defined by the Atlantic Sea Run Salmon Commission, or
 - 4. Other important habitat areas identified in the comprehensive plan.
 - b. This restriction shall appear as a note on the plan and as a deed restriction to the affected lots.
3. Protection of Deer Wintering Areas.

The report prepared by a wildlife biologist, selected or approved by the Board, shall include a management plan for deer wintering areas.

4. Protection of Important Shoreland Areas.
- a. Except as in areas described in Section 12.3.C.2, within all areas subject to the state mandated 250-foot shoreland zone:
 - 1. Tree removal shall be limited to no more than 40% of the volume of trees 4 inches or more in diameter measured at 4 ½ feet above the ground level on any lot in any ten-year period.
 - 2. Cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, shall not exceed in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.
 - b. These restrictions shall appear as notes on the plan and as deed restrictions to the affected lots.
5. If the proposed subdivision includes other important wildlife habitat as identified by the Department of Inland Fisheries and Wildlife or the comprehensive plan, the restrictions on activities in and around these areas shall be reviewed by the Department or a qualified wildlife biologist and their comments presented in writing to the Board.

12.4 Storm Water Management Design Guidelines.

- A. Design of best management practices shall be substantially equivalent to those described in the *Storm Water Management for Maine: Best Management Practices*, published by the Maine Department of Environmental Protection, 1995.
- B. Drainage easements for existing water courses or proposed drainage ways shall be provided at least 30 feet wide, conforming substantially with the lines of existing natural drainage.
- C. The minimum pipe size for any storm drainage pipe shall be 15 inches for driveway entrances and eighteen inches for cross culverts. Maximum trench width at the pipe crown shall be the outside diameter of the pipe plus two feet. Pipe shall be bedded in a fine granular material, containing no stones larger than three inches, lumps of clay, or organic matter, reaching a minimum of six inches below the bottom of the pipe extending to six inches above the top of the pipe.
- D. Catch basins shall be installed where necessary and when located within a street shall be located at the curb line.
- E. Storm Drainage Construction Standards.
 - 1. Materials.
 - a. Storm drainage pipes shall conform to the requirements of Maine Department of Transportation materials specifications Section 706 for non-metallic pipe and Section 707 for metallic pipe. Plastic (polyethylene) pipes shall not be installed except in closed systems such as street under drains. Bituminous-coated steel pipes shall not be used.
 - b. Where the storm drainage pipe is to be covered by ten feet or more of fill material, pipe material with a fifty-year life shall be used. These materials include concrete pipe, polymer coated galvanized corrugated steel pipe, polyvinyl-chloride (PVC) pipe, and corrugated aluminum alloy pipe.
 - c. Where storm drainage pipe may come into contact with salt water, corrugated aluminum alloy pipes shall be used.

2. Pipe Gauges.

Metallic storm drainage pipe shall meet the thickness requirements of Table 12.4-1, depending on pipe diameter:

Table 12.4-1. Culvert Size and Thickness Material - Galvanized CMP

<u>Inside Diameter</u>	<u>Aluminum/Zinc Coated CMP Corrugated Aluminum Alloy</u>	<u>Aluminum Coated CMP Polymer Coated CMP</u>
15" to 24"	14 ga.	16 ga.
30" to 36"	12 ga.	14 ga.
42" to 54"	10 ga.	12 ga.
60" to 72"	8 ga.	10 ga.

3. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the municipal engineer.
 4. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400-foot intervals.
- F. Upon completion, each catch basin or manhole shall be cleaned of all accumulation of silt, debris or foreign matter and shall be kept clean until final acceptance.

12.5. Impact on Water Quality or Shoreline.

Within a strip of land extending 100 feet inland from the normal high-water line of a great pond or any tributary to a great pond, and 75 feet from any other water body or the upland edge of a wetland, a buffer strip of vegetation shall be preserved. The deeds to any lots that include any such land shall contain the following restrictions:

- A. There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed ten feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created. Adjacent to a great pond, or a tributary to a great pond, the width of the footpath shall be limited to six feet.
- B. Selective cutting of trees within the buffer strip is permitted provided that a well-distributed stand of trees and other vegetation is maintained. No more than 40% of the total volume of trees four inches or more in diameter, measured at 4 ½ feet above ground level may be removed in any ten-year period.
- C. In order to protect water quality and wildlife habitat adjacent to great ponds, and tributaries to great ponds, existing vegetation under three feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described above.
- D. Pruning of tree branches, on the bottom third of the tree is permitted.

12.6 Blocks.

Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width constructed in accordance with design standards in Section 12.3.B.2.j. Maintenance obligations of the easement shall be included in the written description of the easement.

12.7 Lots.

- A. Wherever possible, side lot lines shall be perpendicular to the street.
- B. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future division. Deed restrictions and notes on the plan shall either prohibit future divisions of the lots or specify that any future division shall constitute a revision to the plan and shall require

approval from the Board, subject to the criteria of the subdivision statute, the standards of these regulations and conditions placed on the original approval.

- C. If a lot on one side of a stream, tidal water, road or other similar barrier fails to meet the minimum requirements for lot size, it may not be combined with a lot on the other side of the stream, tidal water, or road to meet the minimum lot size.
- D. The ratio of lot length to width shall not be more than three to one. Flag lots and other odd shaped lots in which narrow strips are joined to other parcels in order to meet minimum lot size requirements are prohibited.
- E. In areas served by a postal carrier, lots shall be numbered in such a manner as to facilitate mail delivery. Even numbers shall be assigned to lots on one side of the street, and odd numbers on the opposite side. Where the proposed subdivision contains the extension of an existing street or street approved by the Board, but not yet constructed, the lot numbers shall correspond with the existing lot numbers. The Postmaster shall review the lot numbering and his comments considered by the Board.

12.8 Utilities.

Utilities serving subdivisions in areas designated by the comprehensive plan as growth areas shall be installed underground. Utilities serving lots with a street frontage of 125 feet or less shall be installed underground. The Board may approve overhead utilities when the applicant proposes reserved affordable housing and provides evidence that the increased costs of underground utilities will raise the costs of the housing beyond the targets for affordable housing in the comprehensive plan.

12.9 Monuments.

- A. Stone or precast concrete monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
- B. Stone or precast concrete monuments shall be set at all corners and angle points of the subdivision boundaries where the interior angle of the subdivision boundaries is 135° or less.
- C. Stone or concrete monuments shall be a minimum of four inches square at the top and four feet in length, and set in the ground at final grade level. After they are set, drill hole ½ inch deep shall locate the point or points described above.
- C. All other subdivision boundary corners and angle points, as well as all lot boundary corners and angle points shall be marked by suitable monuments, as required by the Maine Board of Registration of Land Surveyors.

12.10 Cluster Developments.

A. Purpose.

The purpose of these provisions is to allow for flexibility in the design of housing developments to allow for the creation of open space which provides recreational opportunities or protects important natural features from the adverse impacts of development, provided that the net residential density shall be no greater than is permitted in the district in which the development is proposed. Notwithstanding provisions of the zoning ordinance relating to dimensional requirements, the Board, in reviewing and approving proposed residential subdivisions, may modify the provisions related to dimensional requirements to permit flexibility in approaches to housing and environmental design in accordance with the following guidelines. This shall not be construed as granting variances.

B. Application Procedure.

The Planning Board may allow lots within subdivisions to be reduced in area and width below the minimum normally required by this ordinance in return for open space where the Board determines that the benefits of the cluster approach will decrease development costs, increase recreational opportunities or prevent the loss of natural features without increasing the net density of the development. Two sketch plans shall be submitted with one layout as a standard subdivision and the second as a cluster development indicating open space and significant natural features. Each lot in the standard subdivision shall meet the minimum lot size and lot width requirements of this ordinance, and if not serviced by public sewer have an area suitable for subsurface wastewater disposal according to the Maine Subsurface Wastewater Disposal Rules. The number of buildable lots or dwelling units in the cluster development shall in no case exceed the number of lots or dwelling units in the standard subdivision.

Estimated costs of infrastructure development (roads, utilities, etc.) shall accompany the plan. The written statement shall describe the natural features that will be preserved or enhanced by the cluster approach. Natural features include, but are not limited to moderate-to-high value wildlife and waterfowl habitats, important agricultural soils, moderate-to-high yield aquifers and important natural or historic sites identified by the comprehensive plan as worthy of preservation. The statement shall also compare the impacts upon the municipality from each plan. Examples of impacts are municipal cost for roads, school bussing, solid waste removal, utility efficiencies, recreational opportunities, protection of flood water storage areas, environmental impacts on sensitive lands caused by construction activities, underground utilities, reclamation of land and provision of land for conservation use.

Within ten days of receiving the application, the Board shall invite comments on the application from the conservation commission, the recreation commission, other appropriate town agencies, and abutters. Within thirty days of receiving the application, the Board shall determine whether to allow the subdivision to be developed in accordance with the cluster standards of this section.

C. Basic Requirements for Cluster Developments.

1. Cluster developments shall meet all requirements of these regulations.
2. Each building shall be an element of an overall plan for site development. Only developments having a total site plan for structures will be considered. The application shall illustrate the placement of buildings and the treatment of spaces, paths, roads, service and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of these regulations.
3. The net residential acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:
 - a. 15% of the area of the lot to account for roads and parking.
 - b. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Board.
 - c. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Insurance Administration.
 - d. Portions of the lot that are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
 1. slopes greater than 20%.
 2. organic soils.
 3. wetland soils.
 4. 50% of the poorly drained soils.
 5. coastal sand dunes.
 - e. Portions of the lot subject to rights of way.
 - f. Portions of the lot located in the resource protection zone.
 - g. Portions of the lot covered by surface waters.
 - h. Portions of the lot utilized for storm water management facilities.
4. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage shall be divided by the minimum lot size required by the zoning ordinance. No building shall be sited on slopes steeper than 25%, within 100 feet of any water body or wetland, or on soil classified as being very poorly drained.
4. Unless a community sewage collection and treatment system is provided, no lot shall be smaller in area than 20,000 square feet.

6. The total area of reserved open space within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required by the zoning ordinance. No less than 30% of the reserved open space shall be usable open space.
7. Every building lot that is reduced in area below the amount normally required shall be within 1,000 feet of the common land.
8. The distance between buildings shall not be less than 20 feet.
9. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.
10. Shore frontage shall not be reduced below the minimum normally required by the zoning ordinance.
11. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.

12.11 Phosphorus Export.

- A. When a proposed subdivision is within the direct watershed of a great pond and qualifies for the simplified review procedure, buffer strips shall be provided in accordance with the following table. Buffer strips shall be provided on the downhill side of all lots along all tributaries to great ponds and along the great pond.

The minimum required width of buffer strips are designated in Table 12.11-1 and depend on the watershed in which the proposed subdivision is located, the size of the lot, the hydrologic soil group, and whether deed restrictions are proposed to limit the area which may be cleared on each lot.

Table 12.11-1 Buffer Strip Widths in Watershed of Hypothetical Pond
 Phosphorus Standard: 0.07 - 0.08 lbs./acre
 Buffer Width (ft.) per lot

<u>Lot Size</u>	<u>H.S.G.</u>	<u>Clearing Restricted to 12,500 sq. ft.</u>	<u>No Clearing Restrictions</u>
< 1 Acre	A	75	85
	B	130	150
	C	NA	NA
	D	NA	NA
1-1.99 Acres	A	25	25
	B	25	55
	C	55	190
	D	200	NA
2-2.99 Acres	A	25	25
	B	25	25
	C	25	50
	D	25	200

H.S.G. is the Hydrologic Soil Group

All lots 3 acres and larger shall provide a minimum 25-foot buffer.

- B. When the proposed subdivision is within the direct watershed of a great pond and does not qualify for simplified reviewed, the phosphorus control measures shall meet the design criteria in *Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development*, published by the Maine Department of Environmental Protection, revised September, 1992.

ARTICLE 13 - PERFORMANCE GUARANTEES

13.1 Types of Guarantees.

With submittal of the application for final plan approval, the applicant shall provide one of the following performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs:

- A. Either a certified check payable to the municipality or a savings account or certificate of deposit naming the municipality as owner, for the establishment of an escrow account;
- B. A performance bond payable to the municipality issued by a surety company, approved by the municipal officers, or town manager;
- C. An irrevocable letter of credit (see Appendix B for a sample) from a financial institution establishing funding for the construction of the subdivision, from which the Municipality may draw if construction is inadequate, approved by the municipal officers, or town manager; or
- D. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The Board with the advice of the municipal engineer, road commissioner, municipal officers, and/or municipal attorney shall determine the conditions and amount of the performance guarantee.

13.2 Contents of Guarantee.

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

13.3 Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

13.4 Performance Bond.

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

13.5 Letter of Credit.

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

13.6 Conditional Agreement.

The Board at its discretion may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the final plan on the condition that no more than four lots may be sold or built upon until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the final plan that is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 13.8.

13.7 Phasing of Development.

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

13.8 Release of Guarantee.

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the municipal engineer or other qualified individual retained by the municipality and any other agencies and departments who may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion or phase of the subdivision for which the release is requested.

13.9 Default.

If upon inspection, the municipal engineer or other qualified individual retained by the municipality finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the code enforcement officer, the municipal officers, the Board, and the applicant or builder. The municipal officers shall take any steps necessary to preserve the municipality's rights.

13.10 Improvements Guaranteed.

Performance guarantees shall be tendered for all improvements required to meet the standards of these regulations and for the construction of the streets, storm water management facilities, public sewage collection or disposal facilities, public water systems, and erosion and sedimentation control measures.

ARTICLE 14 - WAIVERS

14.1 Waivers Authorized.

Where the Board makes written findings of fact that there are special circumstances of a particular parcel proposed to be subdivided, it may waive portions of the submission requirements, unless otherwise indicated in the regulations, provided the applicant has demonstrated that the performance standards of these regulations and the criteria of the subdivision statute have been or will be met, the public health, safety, and welfare are protected, and provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations.

14.2 Findings of Fact Required.

Where the Board makes written findings of fact that due to special circumstances of a particular lot proposed to be subdivided, the provision of certain required improvements is not requisite to provide for the public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed subdivision, it may waive the requirement for such improvements, subject to appropriate conditions, provided the waivers do not have the effect of nullifying the intent and purpose of the comprehensive plan, the zoning ordinance, or these regulations, and further provided the performance standards of these regulations and the criteria of the subdivision statute have been or will be met by the proposed subdivision.

14.3 Conditions.

Waivers may only be granted in accordance with Sections 14.1 and 14.2. When granting waivers, the Board shall set conditions so that the purposes of these regulations are met.

14.4 Waivers to be shown on final plan.

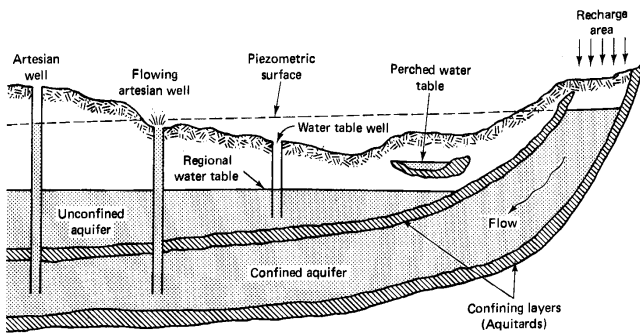
When the Board grants a waiver to any of the improvements required by these regulations, the final plan, to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date on which they were granted.

ARTICLE 15 - APPEALS

15.1 Appeals to Superior Court.

An aggrieved party may appeal any decision of the Board under these regulations to York County Superior Court, within thirty days of the date the Board issues a written order of its decision.

TOWN OF PARSONSFIELD
LARGE SCALE WATER EXTRACTION ORDINANCE
Adopted June 5, 2007



I, Gloria Hermance, Town Clerk for the Town of Parsonsfield, hereby attest this copy to be a true copy of the complete document prepared by the Parsonsfield Planning Board May 8 2007.

Gloria Hermance
Town Clerk
Town of Parsonsfield

Article I. TITLE

This ordinance shall be known and cited as the “Large Scale Water Extraction Ordinance” of the Town of Parsonsfield, Maine.

Article II. PURPOSE

The intent and purposes of this ordinance are:

- to protect the quality and quantity of groundwater, spring water and/or water in aquifers and their recharge areas as well as surface waters such as lakes, ponds, wetlands and streams located wholly or partially within the Town of Parsonsfield;
- to insure that any large scale water extraction is subjected to prior review and approval so as to establish the ongoing sustainability and quality of said water supplies and the avoidance of any interruption or degradation of water quality and quantity to members of the general public within the Town;
- to protect all private and public property, including all structures and facilities, and to ensure no degradation of existing or new roadways;
- to minimize or limit excessive pumping noise, vibration, or pollution from all water extraction and related equipment and/or vehicles used in the project;
- to guarantee that any water extraction does not impair vegetative growth, including forested areas, and to ensure the continuing stability and health of topsoil and surface land, especially in the extraction area;
- to provide for equitable access to water extraction; and
- to generally protect the health, safety and welfare of persons dependent upon such water supplies.

Article III. AUTHORITY

This ordinance is adopted and enacted pursuant to:

- Title 38 M.R.S.A. § 401
- Maine Constitution, Article VIII, Part 30 A MSRA 2101 et seq. (“Municipal Home Rule”)
- 30A MRSA 3001-3006 (“Ordinance Power”).
- Title 30-A MRSA Article 4311 (Growth management), Title 22 MRSA Chapter 601 Sec 2611 et seq.(Drinking Water Regulations)

Article IV. DEFINITIONS

Words and phrases, unless their context requires otherwise, shall be defined as follows: first as set forth below, second in accordance with their generally accepted technical meaning within the involved scientific disciplines, third as defined by Maine Statutes, and fourth their common dictionary definition.

“Agriculture” is the production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and greenhouse products. Agriculture includes tree farms and timber harvesting.

“Aquifer” is a water-bearing geologic formation capable of yielding a usable amount of ground water to a well. In Maine there are two types of aquifers; loose soil materials (such as sand, gravel, and other sediments) and fractured bedrock.

”Extraction” or (“water extraction” or “extraction of water”) means withdrawal, removal, diversion, taking, or collection by any means of water from ground water sources, aquifers, springs, wells, pumps, pipes or similar.

“Extraction point” or “Extraction facility” means the physical location where water is extracted, whether by well, pump, pipeline, catchment, or other similar method.

“Ground water” is water found below the land surface in the pore spaces between sand grains and in fractures in the bedrock.

“Isotope Hydrology” is a scientific method to discover the age of groundwater, defined as the last time it had contact with the atmosphere.

“Large scale water extraction” means extraction of more than one thousand (1,000) gallons per acre per day, or more than an aggregate of ten thousand (10,000) gallons per day (from an aggregate of sites of more than ten (10) acres of ground water, spring water and/or water from aquifers or their recharge areas by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized.

“Reviewing authority”, “reviewing agency”, “Planning Board” are used interchangeably in this ordinance and have the same meaning.

“Structure” – means for the purpose of this ordinance a walled and roofed building or liquid storage tank.

“Water bodies” or “surface water(s)” means lakes, ponds, river, streams, wetlands and similar.

“Zone of Contribution (ZOC)” means that area of an aquifer (even if beyond Town borders) that contributes water to a well or other extraction point under the most severe pumping and recharge conditions that can be realistically anticipated - one hundred and eighty (180) days of pumping at approved yield with no recharge from precipitation. It is bounded by the groundwater divides¹ that result from pumping the well and by the contact of the aquifer with less permeable materials such as till or bedrock. In some cases, streams or lakes may act as recharge boundaries. In all cases the zone of contribution shall extend upgradient to its point of intersection with prevailing hydrogeologic boundaries (a groundwater flow divide, a contact with till or bedrock, or a recharge boundary).

“Zone of Influence (ZOI)” means the area surrounding a pumping well within which the water table or Potentiometric Surfaces changes due to ground-water withdrawal.

¹ Note that the “Zone of Contribution” can be different than a “Watershed” which is the area of land from which rainfall (and/or snow melt) drains into a single point. Watersheds are also sometimes referred to as drainage basins or drainage areas. Ridges of higher ground generally form the boundaries between watersheds. In some places a subsurface drainage divide forms the boundary. At these boundaries, rain falling on one side flows toward the low point of one watershed, while rain falling on the other side of the boundary flows toward the low point of a different watershed.

Article V. LARGE SCALE WATER EXTRACTION

A. Permits

1. Permit Required

The extraction of more than one thousand (1,000) gallons per acre per day up to an aggregate of ten thousand (10,000) gallons per day of ground water, spring water and/or water from aquifers or their recharge areas by any one entity or person, or consortium or association of entities or persons acting in concert, regardless of the number of extraction facilities utilized, shall require a written Conditional Use Permit issued by the Planning Board, after Public Hearing and opportunity for public comment. The amount of one thousand (1,000) gallons per acre is about one-third (1/3) of the average daily precipitation on an acre of land in Maine and in and around Parsonsfield.

2. Certificate of Non-Applicability.

This Ordinance shall not apply to any person or entity which has obtained a Certificate of Non-Applicability issued by the reviewing agency upon written request. To obtain such Certificate, the person or entity shall demonstrate to the satisfaction of the reviewing authority that the groundwater extraction will be within the scope of any of the following exemptions:

- (a) The entity extracting the water is a utility company supplying drinking water and domestic water operating under regulatory authority of a state public utility commission; provided however the use of water extracted need not be limited to supplying drinking water and domestic water; or
- (b) The entity extracting the water is supplying water for its own use on adjacent or other premises in the immediate vicinity of the extraction point; or
- (c) The water extracted will be used for agricultural purposes, and utilized on the farm or other farms or agricultural uses in the immediate vicinity of the extraction point; or
- (d) The entity extracting the water was extracting water prior to the enactment of this Ordinance, and the volume to be extracted will not increase by more than 50%.

Any person or entity seeking a Certificate of Non-Applicability from the reviewing agency shall file a written request to the agency and shall be required to provide any evidence or documentation reasonably required by the reviewing agency. There is no fee for such request. However, the reviewing agency may schedule the request for a hearing to receive public input if it deems the request to raise significant issues as to whether the Applicant qualifies for exemption under the above exemptions(s). If the agency schedules a hearing, notices shall be given as provided for a complete application in ¶ C below, and the person or entity requesting the Certificate shall pay the cost of such notification. The agency may obtain independent technical evaluation of the request as provided in Article VII at the expense of the person requesting the determination. The hearing and review shall be conducted as provided in ¶ D below. Any determination of the agency, or the failure of the agency to act within a reasonable time may be appealed as provided in ¶ E below.

B. Application Requirements

The basic application requirements, performance requirements, and application review standards for Conditional Use Permits are described in the *Zoning Ordinance* for the Town of Parsonsfield. A separate booklet containing excerpts from the *Zoning Ordinance* and the application form is available at the Town Office. The application requirements, performance requirements and application review standards described in this ordinance are in *addition* to those contained in the *Zoning Ordinance*.

1. The application shall be in writing and be accompanied by site plans prepared by a Maine licensed Surveyor, Maine licensed Engineer, and Maine licensed Hydrogeologist.
2. The application shall include:
 - (a) evidence of applicant's right, title and interest in and to the property(ies) from which the water is to be extracted. If such evidence is other than outright ownership and title as evidenced by a deed duly recorded in the York County Registry of Deeds (or other appropriate Registry), the entire document / documentation (other than reference(s) to purchase price and financing terms, which may be redacted) whether by lease, option, contract or otherwise establishing right, title and interest shall be submitted with the application. Only land for which evidence of right title and interest has been provided to the Planning Board shall be considered in calculating the daily extraction limit as set forth in Article VI, subsection A Geological and Hydrologic Standards, paragraph 6 applied to each extraction point.
 - (b) a statement of the total maximum daily quantity of water to be extracted, from each extraction point (as well as the aggregate) operated by the same individual or entity, or consortium or association of individuals or entities.
 - (c) the location(s) of the points of extraction.
 - (d) the method(s) of extraction, type of aquifer(s), depth of extraction(s).
 - (e) the proposed use for which the water is to be extracted, including the identity of any end user of the extracted water whose facilities for use, processing, transporting, storage, bottling, shipping, piping, sales or other similar activities are located outside the Town of Parsonsfield.
 - (f) a copy of any related application and exhibits and reports for such extraction filed or to be filed with any other municipal authority or any agency or department of the State of Maine or Federal government, including as required by 22 MRSA 2660 et seq. (transport of water for commercial purposes,) or under applicable Department of Health and Human Services rules and regulations.
 - (g) a copy of any related permit, approval, or denial for such extraction as may have been issued by any agency referred to in (f) above. Such documents include, but are not limited to, DHHS bulk Water Transport Permit, DHHS Public Water Supply approval, DEP Site Location License, and DEP Wetlands Alteration Permit (as appropriate).
 - (h) a written report, certified to the Parsonsfield Planning Board, procured and paid for by the applicant, of a hydrogeologic investigation and study; conducted and prepared by a Maine licensed Professional Hydrogeologist, Geologist, Hydrologist, or registered Professional Engineer. The report shall be based on a hydrogeologic investigation of sufficient detail to provide, but not be limited to the following information:

- (1) A map of the entire topographic drainage basin both up gradient of the water extraction site(s) as well as the Zone of Influence downstream of the extraction site(s). Topographic contours shall be shown at an interval of twenty (20) feet or less.
- (2) Two maps of the aquifer showing the spring(s), well(s), or excavation(s) from which water is to be extracted, wetlands, and surface water bodies within two thousand (2,000) feet of the extraction site(s). These maps shall be at a scale of one hundred (100) feet to an inch or better and include surface topographic contours as in (1), above. The two maps shall show the following information respectively: 1) Water Table contours and the range of those under ambient conditions as determined over at least a two (2) year period prior to any water extraction; 2) Water Table contours under actual pumping conditions at the completion of a five day constant rate pumping test at a rate at or above that proposed for operation. These maps shall be based on Water Table elevation measurements from monitoring wells and surface water bodies in the vicinity of the extraction site(s), and must include surface water elevations for more distant locations. The applicant shall take reasonable measures to obtain such data from land not owned, leased, or to be leased by the applicant but the applicant is not required to include such data from land whose owners do not allow access.
Graphs of precipitation, flow of water in related streams, brooks, or rivers and the Water Table elevation over the two-year period prior to any water extraction shall be provided as well as discussion of the significance of the data. Similarly graphs of precipitation, flow of water in related streams, brooks, or rivers, and Water Table elevations shall be provided for the period of the pumping test and ten days afterward.
- (3) At least two geologic cross-sections showing geologic structure, ground water, and surface water elevations for each of the maps provided in (2), above. The locations of said cross-sections to be indicated on said maps.
- (4) A map showing the long-term Zone of Contribution and Zone of Influence of the extraction site(s) based on maximum proposed extraction rates, and a quantitative water budget analysis that includes precipitation input, evaporation losses, surface water runoff, ground water flux, and discharge-recharge relationships between surface water and ground water and their relationship to the soil types in the drainage basin. Such maps shall also indicate the areas of owned and leased lands.
- (5) a discussion of the ability of the aquifer or other ground water source to deliver the water desired to be extracted by the applicant based on the geologic structure and material properties (e.g. conductivity and transmissivity); such discussion to include rates of draw down and recharge, sustainable extraction rates, aquifer boundaries, recharge areas, possible changes in the Zone of Contribution and Zone of Influence over time, and prediction of the affects of long-term water extraction on the water table, and impacts on any and all existing water bodies including but not limited to lakes, ponds, rivers, streams and wetland areas, Town wells, and private wells or other existing extraction locations within the zone of contribution.
- (6) the chemical and biological characteristics of the aquifer or other groundwater source and a baseline chemical fingerprint of the water (taken for one (1) year on a monthly basis before testing for draw down) including, but not

limited to those items listed in Article VI, subsection A Geological and Hydrologic Standards, item 7.

- (7) possible effects on the aquifer or other ground water resources which might result in the disturbance of existing minerals such as, but not limited to iron, manganese, arsenic, or uranium, and any health hazards raised by such disturbance(s) or other impacts including issues such as drinking water turbidity, clarity and aroma.
- (8) Isotope hydrology testing to be conducted to determine the age, origin, size, and flow of the water in order to determine if the water is replenishable.
- (i) a traffic impact analysis, prepared, signed, and sealed by a Professional Engineer registered in the State of Maine with experience in traffic engineering. The analysis shall indicate routes to be used, the expected average daily vehicular trips, peak-hour volumes, access conditions at the site, distribution of traffic, types and weights of vehicles expected, an assessment of the load capability of the roads/streets to be used, effect upon the level of service of the street giving access to the site and neighboring streets which may be affected, and recommended improvements to maintain the desired level of service on the affected streets.
- (j) a small-scale site plan depicting at least the following:
 - (1) the location(s) of the proposed extraction points.
 - (2) the existing network of public or private roads leading to or by the extraction point(s).
 - (3) any proposed new roads or driveways to be constructed for access to and egress from the extraction point(s), and the point(s) of intersection of such proposed roads or driveways with existing roads.
 - (4) any existing or proposed utility lines to be used in the extraction operation(s).
 - (5) the location and type of monitoring and test wells. Refer to Article VI, subsection A, Geologic and Hydrologic Standards.
 - (6) any existing or proposed pipes, pipelines, aqueducts or similar that are intended to facilitate transport of extracted water from the extraction point(s).
 - (7) any other relevant and material detail(s) bearing on the proposed extraction process, the omission of which would tend to hinder the ability of the reviewing authority, affected land owners, or the public from developing a full understanding of the scope and impact of the proposal.
- (k) a large scale site plan depicting at least the following:
 - (1) a detailed plan of the extraction point(s) including without limitation well heads, pumping facilities, monitoring or test wells, lighting, all structures (including but not limited to buildings , sheds, tanks and silos, paving, vehicular drives, parking and turn around, utility lines, fencing, pipelines, access roads or driveways), elevation and contour lines.
 - (2) any other relevant and material detail(s) bearing on the proposed extraction process the omission of which would tend to hinder the ability of the reviewing authority, affected landowners or the public from developing a full understanding of the scope and impact of the proposal. Examples include: impacts due to noise, times of operation, air pollution.
- (l) For any site development, a Storm Water Management Plan, prepared, signed, and sealed by a Professional Engineer registered in the State of Maine in accordance with the most recent revision of *Stormwater Management for Maine*:

Best Management Practices, published by the Maine Department of Environmental Protection (1995).

- (m) For any site development, an Erosion and Sedimentation Control Plan prepared, signed, and sealed by a Professional Engineer registered in the State of Maine in accordance with the most recent revision of *Maine Erosion and Sediment BMPS* published by the Bureau of Land and Water Quality, Maine Department of Environmental Protection, March 2003.
 - (n) a discussion of the benefits to the community.
 - (o) a list of the people to be notified (see 3 below)
3. The applicant shall provide written notification of the application, an explanation of the intent, scope and location of the proposed water extraction in terms readily understandable to a layman, and a notification of the date, time, and place of the Public Hearing, to be addressed and mailed, via certified mail, return receipt requested, to the following:
- (a) the owners of record of all properties abutting the property(ies) from which the water is to be extracted.
 - (b) the owners of record of all parcels of land lying within the Zone of Contribution and the Zone of Influence for the extraction points.
 - (c) the owners of record of all parcels of land having frontage on any body of water whether lake, pond, river, stream or wetland within where any portion of the body of water is within the Zone of Contribution or the Zone of Influence.
 - (d) for purposes of these notification requirements an applicant is entitled to rely on information on file at the Parsonsfield Town Office as represented by its most recent assessors' maps and the mailing addresses maintained by the Town as to the owners of the affected parcels shown thereon. Actual posting of the certified mail notices is not required until the application is declared or deemed to be complete and the Planning Board has determined the date, time and place of the Public Hearing. See Article V, subsection D, paragraph 9 below.
 - (e) for good cause shown, the above notice requirements may be modified by the Planning Board where, for example, it can be established that a body of water, a portion of which lies within the Zone of Contribution or the Zone of Influence, extends so far from the proposed extraction point(s) that actual notice to the owners of all land having frontage on that body of water is not necessary.

C. Application Process

- 1. Twelve (12) copies of the entire application, including studies, reports, site plans and all other items referred to in Article V, subsection C above shall be submitted to the Planning Board at least fifteen (15) days before a regular meeting of the Planning Board. The application shall be placed on the next available spot for new applications on the Planning Board's agenda and the applicant shall be notified of the date and time. The applicant shall present the application at that meeting and the application shall then be considered as "submitted".
- 2. Fees that shall accompany the application:
 - (a) The standard Conditional Use Application fee of one hundred dollars (\$100.00), payable to the Town of Parsonsfield. (See *Parsonsfield Land Use and Development Ordinance*, Article IV Conditional Use Application, Subsection 2.A.
 - (b) In addition, the applicant shall pay a fee of one thousand (\$1,000.00) dollars to be deposited in the Town of Parsonsfield's main bank account and accounted for in a General Ledger account designated for that Conditional Use Permit Application. These funds are to be used by the Board for hiring independent

consulting services (See also Article VII) to review the application and to cover the costs of advertising and all mailings for Public Hearings and other mailings associated with the application and review process except those mailings required to be sent by the applicant as notice to interested persons pursuant to Article V, subsection C, item 3. If the balance in this account is drawn down by seventy five percent (75%), the Board or its agent shall notify the applicant and require that an additional seven hundred and fifty dollars (\$750.00) be deposited by the applicant. The Board or its agent shall continue to notify the applicant and require an additional seven hundred and fifty dollars (\$750.00) be deposited as necessary whenever the balance of the account is drawn down by seventy-five percent (75%) of the original deposit. Any balance in the account remaining after a decision on the Conditional Use Permit Application by the Board shall be returned to the applicant.

3. The Planning Board shall have thirty-five (35) days from the date of submission to conduct a preliminary review of the application solely for the purpose of determining whether the application is complete as required by this ordinance.
4. If within said thirty-five (35) day period the Planning Board deems the application incomplete, in any material or relevant aspect, it shall so inform the applicant in writing. After such notification, the applicant shall have a reasonable period of time, not to exceed sixty (60) days to complete its application in accordance with this ordinance, upon failure of which the application shall be deemed withdrawn. Additional material shall be submitted and reviewed by the Planning Board according to items 1 and 3 above.
5. After the Planning Board has determined that the application is complete, the Board shall have thirty-five (35) days to notify the applicant that the application is complete.
6. The Planning Board shall have thirty-five (35) days from the date it determines the application is complete to select independent technical evaluators and send appropriate application materials to them (See Article VII). The Board shall endeavor to select qualified evaluators that can respond within ninety (90) days; however, the Board may extend that time as necessary depending on the complexity of the application and review process.
7. The Planning Board shall schedule a Public Hearing(s) on the application to be held at a date not later than forty-five (45) days from the date of receipt of the independent technical evaluation reports.
8. The Planning Board shall notify the applicant, the Code Enforcement Officer, Municipal Officers, and Board of Appeals at least twenty (20) days in advance, of the time and place of the Hearing, shall publish notice of the Hearing at least ten (10) days in advance in a newspaper of general circulation in the area, and shall post a notice at three conspicuous public places within the Town.
9. Applicant's obligations of written notification via certified mail of property owners as set forth in Article V, subsection C, paragraph 3 above shall not accrue until the application is declared or deemed complete under this ordinance and the Planning Board sets the date of the Public Hearing.

D. Review Process: Hearing Process

1. The completed application shall be reviewed by the Planning Board at a Public Hearing convened for that purpose, provided that:
 - (a) the applicant shows proof that certified mail notice has been sent to all affected landowners as previously set forth in this ordinance and

- (b) the applicant has paid all fees, technical evaluation expenses, and other expenses authorized by the Planning Board for the application (See Article VII).
- 2. The Hearing shall be conducted in the manner specified for Conditional Use Permit Public Hearings in the *Parsonsfield Land Use and Development Ordinance*, Article IV Conditional Use Application, Subsection 2.B.

E. Decisions:

- 1. Upon the adjournment of the Public Hearing the Planning Board shall schedule a public session of the Board, to occur not later than thirty-five (35) days from the final adjournment of the Public Hearing, to deliberate and render a decision.
- 2. The Planning Board's decision may be:
 - (a) to approve the application;
 - (b) to deny the application; or
 - (c) to approve the application conditionally, with conditions or stipulations upon the satisfactory completion of which the application will be finally approved. Provided, however, any approval (conditional or unconditional) shall require the Board's determination that the applicant has satisfied all of the performance standards set forth below.
 - (d) any approval shall specify that it is only for a daily extraction total not exceeding the maximum daily quantity set forth in the application, and any increase in such daily total shall require further application and review in accordance with this ordinance.
- 3. The Planning Board shall issue a written decision with findings of fact and rulings and conclusions not later than thirty-five (35) days from the date on which it votes at a public session to approve, deny, or approve with conditions, and a copy of such written decision shall thereupon promptly be provided to the applicant and be available to the public at the Town Office.
- 4. Any extraction authority granted hereunder shall be for a period not to exceed three (3) years, but may be renewed subject to the same criteria contained herein.

Application for Permit Renewal:

If there is to be any increase in extraction, change in the location or configuration of the extraction facility, change in the right, title, and interest of the property associated with the extraction point(s), or change in traffic patterns or amounts, a full application shall be submitted and the timetable for a new application shall be applicable (see Article V).

If there are to be no changes, an abbreviated renewal application may be submitted. Such an abbreviated application for a renewal permit must be filed with the reviewing authority not less than ninety (90) days prior to the expiration of the existing permit. In this application, the applicant shall demonstrate through appropriate description, tables, and charts that:

- (a) there has been and will be no increase in the permit holder's extraction activities in terms of the quantity of water extracted; and
- (b) there has been and will be no change in the location or configuration of the extraction facility; and

- (c) there has been and will be no increase in the amount of traffic from that which was originally proposed, and
- (d) there has been no material deviation from the performance standards (Article VI).

In either case, the Planning Board shall schedule a Public Hearing (see Article V, E) and the applicant shall provide notice pursuant to Article V, C. 3. A decision on the renewal shall be provided as per Article V, F, Decisions.

A permit may be renewed for another three (3) year period if the Planning Board finds the following:

- (a) there has been no material failure by the permit holder to comply with any conditions of the expiring permit; and
- (b) there has been no material failure by the permit holder to meet the Performance Standards (see Article VI) applicable to the expiring permit; and
- (c) there is no significant, credible evidence that the permit holder's continuing operations would be unable to meet the Performance Standards of the ordinance during any renewal period.

Article VI. PERFORMANCE STANDARDS

The Planning Board shall not grant approval for the Conditional Use Permit until it has affirmatively found that each of the following Performance Standards has been or will be met. The burden of establishing and demonstrating compliance with the Standards is solely the applicant's. The applicant must also demonstrate to the reviewing authority that it possesses the expertise and financial resources to provide continuing adherence to these standards.

A. Geological and Hydrologic Standards

1. The quantity of water to be extracted will not have significant changes in ground water flow patterns relating to the aquifer, its recharge areas, or other ground water sources within or outside the Town.
2. The quantity of water to be extracted will not negatively impact, diminish or alter any surface waters within the Town, including during any periods of drought. (e.g. water levels not reduced below historical levels, no reduction in oxygen concentration profile, no increase in temperature profile, no increase in turbidity such as might be measured with a Secchi disk).
3. The extraction of water will not create increases in erosion or sedimentation in the zone of influence or zone of contribution.
4. The quantity of water to be extracted will not cause ground subsidence thirty (30) feet before the property lines of applicant's property. *Minutes of 9/12/2006 indicate that the distance discussed was twenty (20) feet.*
5. The quantity of water to be extracted will not adversely affect the long-term sustainability of the aquifer, or its recharge areas, or other groundwater source, including during periods of drought.

A drop in groundwater level at monitored locations more than three (3) inches below the mean monthly level (as determined by the groundwater level measured in the test wells prior to the commencement of any extraction) shall be cause for the Town of Parsonsfield to demand that all extractions cease until the groundwater level returns to two (2) inches below the original mean monthly level as defined above. This is to prevent the loss of future aquifer volume as hydrological data and research

have proven that severe withdrawal of an aquifer causes it to lose its original capacity forever in the future.

6. The quantity of water to be extracted will not adversely affect any pre-existing large scale water extraction entity(ies).

7. Daily Extraction for each point of extraction shall be limited to thirty-three (33%) percent of the weighted average of the preceding five (5) months' precipitation rate times the area owned and leased (in the Zone of Contribution for each point of extraction) by the Applicant:

$$\text{Daily Extraction} = 33 * \text{Area} * (0.3 * Pm_1 + 0.25 * Pm_2 + 0.2 * Pm_3 + 0.15 * Pm_4 + 0.1 * Pm_5)$$

gal/day

Where: "Area" = the land area (in acres) owned by the applicant *plus* that for which the applicant has a water extraction lease *less* an allowance of one-half (1/2) acre for each housing unit on the land owned or leased *less* one acre for each one thousand (1,000) gal/day extracted for other purposes within the owned and leased lands.

Pm_i is the average daily rainfall (inches) in the i^{th} prior month as determined by the Maine State Climate Office for the Parsonsfield vicinity.

The Planning Board shall reduce the percentage if the hydrological study shows the recharge of the aquifer does not support this rate of withdrawal. Withdrawal shall be no more than seventy-five (75%) percent of the anticipated recharge rate.

- a. The proposed extraction will not create a health risk to humans or animals, wild or domestic, nor cause significant changes in drinking water obtained from wells in the Zone of Contribution or Zone of Influence (e.g. turbidity, clarity, aroma, etc. resulting from the disturbance of existing minerals, or from any other cause; see also item 7, below, for monitoring, testing and reporting requirements).
- b. The establishment of an ongoing follow up monitoring system and development of a system of recording and documenting extraction and recharge data, within the Zone of Contribution and Zone of Influence, shall be reported in writing to the Parsonsfield Code Enforcement Officer, the Parsonsfield Planning Board, and the Parsonsfield Board of Selectmen on a monthly basis. At least twenty-five (25%) percent of monitor locations shall be at private wells located within the zone of contribution and ten (10%) percent shall be at private wells located within the zone of influence that lies outside the zone of contribution.

Such monitoring and/or testing shall include the following:

- Reports of rainfall over the preceding five (5) months and a table showing the calculated limit of pumping (see Article VI, subsection A, paragraph 6), and the actual amount pumped for each point of extraction as well as the aggregate pumped at all extraction points.
- Water level measurements and quality testing shall be performed for all test wells.
- Water quality testing shall be performed by a Maine licensed testing laboratory approved by the Planning Board.

- Information shall be gathered on appropriate water parameters including:
 - Water level
 - Flow rate in the aquifer
 - Turbidity
 - Transparency
 - Total phosphorus
 - Chlorophyll-a
 - Dissolved oxygen / Depth
 - Temperature / Depth
 - pH
 - Total organic carbon
 - Color
 - Pesticides / herbicides / chemical byproducts (e.g. Atrazine, Dioxin ...)
 - VOCs (Volatile Organic Compounds) (e.g. MTBE, Toluene ...)
 - Total Coliform / E. Coli
 - Phytoplankton / Zooplankton
 - Alkalinity
 - Conductivity
 - Aroma
 - Mercury, Arsenic, Lead, Iron, Sulfur, Manganese, Magnesium, Copper
 - Other items deemed appropriate by the Planning Board

- c. One or more representatives and/or officials of the Town of Parsonsfield shall have immediate and unconditional access at any and all times, without prior notification, to the entire facility or facilities for oversight purposes.
- d. Extraction well(s) are not permitted within one and one half (1.5) statute miles of any public well or public spring in the Town of Parsonsfield and surrounding communities as identified by the State of Maine, Department of Health and Human Services, Maine Drinking Water Program, Public Resource Information System.

B. Impacts on the General Vicinity

1. Any development of the extraction sites will not cause changes in stormwater runoff, erosion, or sedimentation.
2. The Planning Board shall require the furnishing of a bond, proof of insurance, letter of credit or other performance guaranty it deems of equivalent security, made payable to the Town of Parsonsfield, to secure the applicant's obligation under this Article should it determine that there is a substantial possibility of financial impact on the Town. Examples are: that a public water supply could be harmed by the proposed extraction, or that the Town would have to make public improvements (e.g. to avoid traffic hazards) if the applicant fails to do so.
3. Liability for harmful groundwater withdrawal shall be governed by 38 MRSA 404 which states:

The liability of applicant shall be for compensatory damages only, and shall be limited to the following:

- i. All costs necessary to restore the landowner or lawful land occupant to a status which is reasonably equivalent in terms of

quantity and quality of groundwater, made available on a similarly accessible and economic basis;

- ii. Compensatory damages for loss or damage to property, including, without limitation, the loss of habitability of residence, caused to the landowner or lawful land occupant by reason of the interference prior to restoration of the status provided for in subparagraph (a); and
 - iii. Reasonable costs, including expert witness and attorney fees incurred in initiating and prosecuting an action when necessary to secure a judgment granting the relief provided for under this Article.
4. Provision shall be made for vehicular access to extraction facility(ies) and for circulation, loading and unloading upon the lot in such manner as to safeguard against hazards to traffic and pedestrians on adjacent streets or roads, to avoid traffic congestion and traffic safety hazards, as well as other safety risks.
 5. Any driveways or access roads to the extraction facility(ies) shall be designed to meet Maine Department of Transportation Driveway and Entrance Rules as well as with all road and driveway standards as specified in the Parsonsfield Land Use and Development Ordinance in order to withstand the weight of and amount of traffic expected.
 6. Any vehicular demand on existing Town roads or public easements occasioned by the operation of the extraction and related storage and transfer facility(ies) shall not exceed the capacity of those roads, as determined by the Parsonsfield Road Commissioner or an independent technical evaluator, or cause the premature failure, aging or diminished utility of those roads. If the capacities of the roads to and from the extraction point(s) are inadequate, then before permitted extraction may begin, the applicant shall either upgrade the roads so that they are adequate for the traffic anticipated or provide an alternate means of moving the water (e.g. pipelines).
 7. To the extent the extraction facility(ies) will be served by pipes, pipelines, aqueducts or similar, such installations shall be sited and constructed in a manner which shall not
 - a. interrupt the public's use of any existing roadway,
 - b. interrupt the public's access to any private facility, great pond or similar,
 - c. interrupt private access to private property, or
 - d. pose the risk of damage to any property along or through which such installation traversesas a result of any failure or malfunction which might cause ponding, erosion, run off or similar.
 8. The proposed extraction and activities incident to such extraction (such as increased traffic [volume and type], parking, noise, glare from lights, or similar potential for nuisances) shall not cause a negative impact on adjacent properties, and the nearby vicinity as a whole.
 9. Hours of operation may not be before six (6) a.m. or after nine (9) p.m. The Planning Board may add additional restrictions on time periods of truck traffic depending on the roads used (e.g. for safety at school opening/closing times; location relative to residential areas) or on hours of operation depending on the potential impact on neighboring properties. "Hours of Operation" refers to hours when employees or trucks are at the facility.

10. All water extraction meters must be calibrated, certified and sealed annually by the Maine State Department of Weights and Measures with all costs to be born by the applicant or the extractor.

C. Extraction for Commercial Purposes and/or Bulk Water Transport Out of Parsonsfield

In addition to the foregoing performance standards, any application for an extraction permit, which includes or contemplates the transport of water in excess of one hundred (100) gallons per day out of the Town of Parsonsfield, must also meet the following standards and requirements:

1. the Town must have received a copy of any related application filed with any state agency, under the provisions of 22 MRSA 2660-A, or the Bulk Water Transport Rules of the Department of Human Services, contemporaneous with its filing with the State and a copy of any decision pertaining thereto which will be forwarded to the Planning Board.
2. transport of the water will not constitute a threat to public health, safety or welfare,
3. the water withdrawal will not adversely affect existing uses of groundwater or surface water resources, including private wells.

D. General Requirements:

In addition to the requirements of this ordinance, all applications must meet all requirements of the Parsonsfield Land Zoning Ordinance.

Article VII. INDEPENDENT EXPERT ASSISTANCE

The Planning Board shall obtain independent technical evaluation of the hydrogeologic and traffic impacts of the proposed project. The Planning Board may obtain independent technical evaluation of other aspects of the project where the Board finds that they need such experts to assure that the proposed project will meet the performance standards. The Planning Board is required to seek independent expert assistance to assist it in its review of the application, and may require that assistance in evaluating the substance of the application at a Public Hearing, or in developing appropriate conditions of approval where the Board finds that such expert assistance would be in the public interest. The applicant shall be required to pay to the Town, in advance of the scheduling of any Public Hearing, a sum equal to the actual, projected or estimated cost of the expert assistance, the failure of which payment shall excuse the Planning Board from scheduling any Public Hearing until such payment is made in full.

Article VIII. CONCURRENT JURISDICTION

As applicable, jurisdiction of the Planning Board under this ordinance is concurrent with such jurisdiction as may presently be vested in the Parsonsfield Board of Appeals (under the Parsonsfield Zoning Ordinance) and the Parsonsfield Code Enforcement Officer/Local Plumbing Inspector (under the Parsonsfield Zoning Ordinance/State Plumbing Code) and is not intended to divest them of existing jurisdiction as applicable, but rather establishes and imposes additional requirements and procedures as set forth herein.

Article IX. ENFORCEMENT AND SEVERABILITY

This ordinance shall be enforced by the Town Code Enforcement Officer under 30 A MRSA 4452, the fines and penalties set forth therein to apply hereto. Should any Article or

provisions of this ordinance be declared by a court of competent jurisdiction to be invalid such decision shall not invalidate or affect the enforcement of any other Article or provision of this ordinance.

Nothing in this ordinance and no decision by the Planning Board under this ordinance shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

As an additional means of enforcement, the Planning Board may suspend or revoke any permit issued hereunder if it determines, after notice and Public Hearing, that:

- a. it was issued
 - i. in error or
 - ii. upon incomplete information (e.g. not delivered and/or not waived) or
 - iii. upon submission of false information,or
- b. the applicant has failed to comply with any conditions of approval, or
- c. the applicant has failed to materially comply with the performance standards (e.g. extraction exceeding limits over a reporting period [month] and insufficient reduction to bring extraction into compliance over the next reporting period, continuing negative impact on neighboring properties due to noise, glare from lights or other nuisances).

Upon such suspension or revocation all water extraction addressed by said permit shall cease until a new approval or permit is obtained under this ordinance by the applicant.

Any appeal of any suspension or revocation of a permit shall be in accordance with Article VI, Appeals of the *Town of Parsonsfield Land Use and Development Ordinance*.

Whether denied or approved, an appeal process can occur.

Article X. EFFECTIVE DATE

This ordinance shall become effective immediately upon its adoption and enactment by vote of the legislative body of the Town at a Town meeting and is subject to periodic review at the Planning Board's discretion.