

2013

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PORTER, MAINE

LAND USE ORDINANCE

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PORTER LAND USE ORDINANCE

ARTICLE 1. GENERAL PROVISIONS

1.1 Legal Authority.

This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Maine Constitution, and the provisions of Title 30-A, MRSA Section 3001 (Home Rule); Title 30-A, MRSA Section 4312 et seq. (the Comprehensive Planning and Land Use Regulation Act); and Title 38 MRSA Section 435 et seq. (the Mandatory Shoreland Zoning Act).

1.2 Purpose.

This ordinance is known as the Porter Land Use Ordinance and is referred to herein as “this ordinance.” The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; to anticipate and respond to the impacts of development in shoreland areas, as well as to maintain the present rural character of the town; and to implement the town’s comprehensive plan.

1.3 Effective Date.

A. Effective Date of Ordinance and Ordinance Amendments

The effective date of this ordinance or amendment is its date of adoption by town vote. Any amendment affecting the provisions of the Shoreland Zone is not 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 Town 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 for property in the shoreland zone within the forty-five day period shall be governed by the terms of this Ordinance, or Ordinance Amendment if the Ordinance, or Ordinance amendment, is approved by the Commissioner.

B. Repeal of Municipal Timber Harvesting Regulation

The municipal Regulation of timber harvesting activities (Section 5.27, Timber Harvesting within the Shoreland Zone) is repealed on the statutory date established under 38 M.R.S.A. Section 438-B(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the Shoreland zone. On the date established under 38 M.R.S.A. section 438-B(5), the following provisions of this Ordinance are repealed: When Section 5.27 is repealed, the following are also repealed:

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1. In Section 3.4, Uses Permitted, “Forest Management Activities except for timber harvesting & land management roads”, “Land Management Roads “, and “Timber Harvesting” in the Shoreland Residential, Resource Protection, and Stream Protection Districts;
2. All definitions in Article VIII pertaining to timber harvesting and forest management activities, including the terms: Cross-sectional area, DBH, Disruption of shoreline integrity, Forest management activities, Forest stand, Harvest area, Land management road, Licensed forester, Residual basal area, Residual stand, Skid road or skid trail, Slash, Timber harvesting, Timber harvesting and related activities, and Wind firm.

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

1.4 Availability.

A certified copy of this Ordinance shall be filed with the Town 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.

1.5 Severability.

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

1.6 Conflicts with Other Ordinances.

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

1.7 Validity and Amendments.

A. Any proposal for an amendment shall be made to the Planning Board in writing, stating the specific changes requested. When a change in zoning boundaries is proposed, the application shall state the nature, extent, and location of the boundary change proposal and shall be accompanied by a scale drawing showing the areas to be changed with dimensions. When an amendment is proposed by other than the Municipal Officers or the Planning Board a fee shall accompany the proposal to cover the costs of hearing and advertisements.

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- B. Within thirty (30) days of receiving an amendment the Planning Board shall hold a public hearing on the proposed amendment, and unless the amendment has been submitted by the Municipal Officers or by a petition, the Board shall vote whether to recommend the amendment to the Municipal Officers. Notice of the hearing shall be given in accordance with Title 30-A MRSA, Section 4352, subsection 9. The Board shall make a written recommendation regarding passage to the Municipal Officers and Legislative Body prior to any action on the amendment by the Municipal Officers.
- C. The Municipal Officers shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted and advertised in a newspaper of general circulation in the municipality at least seven days prior to the hearing. The notice shall contain the time, date, and place of hearing, and sufficient detail about the proposed changes as to give adequate notice of their content. If the proposed changes are extensive, a brief summary of the changes, together with an indication that a full text is available at the municipal clerk's office is adequate notice.
- D. Amendments affecting Shoreland Zoning may be amended by a majority vote of the legislative body. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment with forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit within the Shoreland Zone 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.

1.8 Official Zoning Map a Part of this Ordinance.

Districts are located and bounded as shown on the Official Zoning Map, which is made a part of this Ordinance. The Official Zoning Map is to be kept on file in the office of the Town Clerk.

1.9 Districts and Zoning Map.

- A. To implement the provisions of this Ordinance, the Town of Porter is hereby divided into the following Districts:
 - 1. Village District
 - 2. Rural District
 - 3. Shoreland District
 - a. Shoreland Residential
 - b. Stream Protection
 - c. Resource Protection
 - 4. General Development
- B. The Official Zoning Map shall be drawn to a scale of 1 inch = 1000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

1.10 Certification of Zoning Map.

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The Official Zoning Map shall be signed by the Town Clerk certifying the date of adoption or amendment. Copies of this map may be seen in the Office of the Selectmen.

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1.11 Changes in the Official Zoning Map.

If changes are made in the Zoning District boundaries by the action of Town Meeting, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been adopted, or within thirty (30) days of approval by the Commissioner of the Department of Environmental Protection if Shoreland Zoning District Boundaries are involved. The change on the Official Zoning shall include an entry on the map as follows:

“On _____ (insert date) by action of the Town Meeting Warrant Article (insert number), the following change(s) was (were) made: (insert description of the change).” The Town Clerk shall sign the map immediately beneath that entry.

1.12 Replacement of the Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Town Meeting may adopt a new Official Zoning Map or any number of pages thereof, which supersede the prior map. The new map may correct drafting errors or omissions in the prior map but this procedure may not be used to amend the Official Zoning Map. (The Official Zoning Map is only amended by the procedure in this Section.) The replacement map created by the procedure herein shall be certified as the replacement of the Official Zoning Map by the Town Clerk. The prior Official Zoning Map shall be retained on file in the office of the Town Clerk.

1.13 Conflicts between Official Zoning Map and Ordinance Text.

If the Official Zoning Map conflicts with any metes and bounds descriptions of zoning district boundaries contained in this ordinance, the metes and bounds descriptions control.

1.14 Interpretation of Boundary Location.

Where uncertainty exists with respect to boundaries of various Districts as shown on the Official Zoning Map, the following rules apply:

- A. Boundaries indicated as approximately following the center lines of streets, lot lines, municipal limits, or railroad lines are to be construed as following such center lines, lot lines, municipal limits, or railroad lines;
- B. Boundaries indicated as following shorelines are to be construed as following such shorelines, and in the event of natural change in the shoreline, boundaries indicated as approximately following the center line of streams, rivers, lakes, or other bodies of water are to be construed as following such center lines;
- C. Boundaries indicated as being parallel to, or extensions of, features indicated above are to be so construed. Distances not specifically indicated on the Official Shoreland Zoning and Land Use are to be determined by the scale of the Map; and
- D. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning, or in other circumstances not covered by A – B, above, it is the duty of the Board of Appeals to interpret the District boundaries.

1.15 Division of Lots by District Boundaries.

Where a Zoning District boundary line, other than the boundary line of the Resource Protection or Shoreland Districts, divides a lot or parcel of land which was in the same ownership of record at the time such line was originally established or amendment of this

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Ordinance or prior Zoning Ordinances, the regulations applicable to the less restricted portion of the lot may be extended not more than 50 feet into the more restricted portion of the lot.

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ARTICLE II NON-CONFORMING SITUATIONS

2.1 General Provisions.

- A. **Purpose.** It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Article II. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.
- B. **Transfer of Ownership.** Non-conforming structure, lots, and uses, and uses which have a non-conforming site-development may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.
- C. **Repair and Maintenance.** This Ordinance allows: (1) the normal upkeep and maintenance of non-conforming uses, structures, and site-developments; (2) repairs, renovations and modernizations which do not involve expansion of the non-conforming use, structure, or site-development the value of which is less than 25% of the market value of the structure before the repair; and (3) such other changes in a non-conforming use, structure, or site-development as Federal, State or Local building and safety code may require.

2.2 Non-Conforming Uses.

- A. **Resumption Prohibited.** A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a single or two family residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.
- B. **Change of Use.** If approved by the Planning Board, any existing non-conforming use may be changed to another non-conforming use provided that the proposed use is equally or more appropriate to the district than the existing non-conforming use. In their determinations of appropriateness the Planning Board shall find that future adverse impacts from changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances will not be increased and that there will be a measurable, overall reduction. In the shoreland zone, the Planning Board shall also determine the new use has no greater adverse impact on the subject and adjacent properties and resources than the former 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, and archaeological and historic resources.
- C. **Expansions.** A non-conforming use of land may not be extended into any part of the remainder of a lot of land. A non-conforming use of land which is incidental to or accessory to a non-conforming use of a building or land shall be discontinued at the same time the non-conforming use of a building or land is discontinued. In the case of earth

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removal operations, the removal of earth may not be extended as a non-conforming use beyond the required setback lines of the specific parcel upon which such operations were in progress when such use became non-conforming. Adjacent parcels in the same or different ownership are eligible for exemption under the non-conforming use provisions unless earth removal operations were in progress on these parcels before these provisions were enacted.

- D. The provision of off-street parking, or making other improvements to the site which lessen the impact of the use, including, but not limited to, erosion and sedimentation control, and vegetative screening and buffering, are not considered an expansion of the use.

2.3 Non-Conforming Structures.

- A. **Reconstruction or Replacement.** If a non-conforming structure is destroyed by fire or other involuntary action, it may be replaced as close to the lot line as the original structure provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal. . In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is located less than the required setback from the high water line of a water body, tributary stream or upland edge of a wetland and which is destroyed by more than 50% of the market value of the structure before such destruction may be reconstructed or replaced provided the reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this ordinance.

If the reconstructed or replacement structure is less than the required Shoreland setback it shall not be any larger than the original structure, except as allowed pursuant to Section 2.3.B.1 below, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required Shoreland 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 2.3.C below.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged or destroyed by fire or other involuntary action 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 water setback to the greatest practical extent the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and of adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, the type and amount of vegetation to be removed to

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accomplish the relocation, and the physical condition and type of foundation present, if any.

- B. **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if the addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs 1 and 2 below.
1. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or upland edge of a wetland, that portion of the structure may not be expanded in floor area or volume by 30% or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of Section 2.3.A, and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989 had been expanded by 30% in floor area and volume since that date.
 2. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation shall 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 2.3.C, Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 2.3.B.1 above, and the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

A structure which is less than the required setback from a property line or the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland may not be expanded toward the property line or the waterbody, tributary stream, or wetland.

- 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, or that a new system can be installed in compliance with law and said Rules. In no case may 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 or its designee shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition,

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the area from which the relocated structure was removed shall be replanted with vegetation. Replanting shall be required as follows:

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

2. 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. 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 other functionally water-dependent uses.

2.4 Non-Conforming Lots.

- A. **Non-Conforming Lots.** A vacant non-conforming lot may be built upon provided that such lot is in single or joint ownership of record at the time of adoption or amendment of this ordinance and not contiguous with any other vacant land in the same ownership, and that all provisions of this ordinance except lot size and frontage can be met. Variance of setback or other requirements not involving area or width is obtained only by action of the Board of Appeals.
- B. If a non-conforming lot has a structure on it, the structure may be enlarged in conformity with all dimensional standards of the ordinance except lot area and frontage and may be used for any use permitted in that District. Variance of dimensional standards is obtained only by action of the Board of Appeals.
- C. **Contiguous Built Lots.** If two or more contiguous lots or parcels are in single or joint ownership of record at the time of adoption or amendment of this ordinance, if all or part of the lots do not meet the area and dimensional requirements of this ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed

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separately or together, providing that the State Minimum Lot Size Law (12 M.R.S.A. Sections 4807-A through 4807-D) and Subsurface Wastewater Disposal rules are complied with.

If two or more principal uses or structures existed on a single lot of record, each may be conveyed separately if the above referenced State Minimum Lot Size Law and Subsurface Wastewater Disposal Rules are complied with. When such lots are divided each lot thus created shall 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 are in single or joint ownership at the time of adoption or amendment of the ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two 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 standards except where rights have vested, or the lots have frontage on parallel streets.
- E. In the Shoreland Zone, if two or more contiguous lots are in single or joint ownership at the time of adoption or amendment of the Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if two 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 standards.

2.5 Non-Conforming as to Performance Standards/Site Development.

A use which is non-conforming as to performance standards and/or site development, including, but not limited to, parking spaces, loading spaces, screening, erosion and sedimentation control, lighting, hours of operation, and noise, may not expand, the structure may not be enlarged, and the structure may not be altered to expand the use, unless all non-conforming performance standards and the site development are brought into conformance.

2.6. Vested Rights.

Non-conforming use rights cannot arise by the mere filing of a notice of intent to build, an application for building permits, or an application for required state permits and approvals. Such rights arise when substantial construction of structures and development infrastructure improvements for town approved subdivisions begin prior to or within 12 months of the adoption of this ordinance, or in the case of pending applications, when the review process on an application commences. Such construction shall be legal at the time it is commenced and the owner shall be in possession of and in compliance with all validly issued permits, both state and local.

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ARTICLE III DISTRICTS AND DIMENSIONAL REQUIREMENTS

3.1. Designation of Districts.

The town is divided into the following districts shown on the official Porter Zoning Map.

- A. Village District
- B. Rural District
- C. Shoreland District
 - a. Shoreland Limited Residential
 - b. Stream Protection
 - c. Resource Protection
- D. General Development

Unless otherwise set forth on the official maps, district boundary lines are centerlines of roads and setbacks from waterbodies. The depiction of the shoreland and resource protection districts on the Official Shoreland Zoning Map is merely illustrative of their general location. The boundaries of these districts are determined by measurement of the distance indicated on the map from the high-water line of the water body or the upland edge of the wetland, regardless of the location of the boundary shown on the map. Where uncertainty exists as to the exact location of district boundary lines, the Porter Board of Appeals governs.

The **Shoreland 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.

Stream Protection: Includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two-hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and an associated Shoreland area are located within two-hundred and fifty (250) feet, horizontal distance of the above water bodies or wetlands, that land area shall be regulated under the terms of the Shoreland district associated with that water body or wetland.

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 Stream Protection:

3. 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

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river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

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

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

4. 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 or record, or in the absence of these, by soil types identified as recent flood-plain soils.
5. Areas of two or more contiguous acres with sustained slopes of 20% or greater.
6. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

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

7. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.

General Development District: The General Development District includes an area of land suitable for the following types of development:

1. Areas of two or more contiguous acres with direct access to Ossipee Trail (Route 25) devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:
 - a. Areas devoted to manufacturing, fabricating or other industrial activities;
 - b. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and
 - c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks and fairgrounds.
 - d. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

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The southerly border of the District is five hundred (500) feet northerly of the center line of Ossipee Trail (Route 25) extending 2500 feet to the north with a easterly boundary at the Bickford Pond Road extending west to the New Hampshire line, excepting any areas designated Shoreland Residential, Resource Protection or Stream Protection within these boundaries.

3.2. Dimensional Standards.

	Village District	Rural District	Shoreland Residential	Resource Protection	General Development
Minimum Lot Area (Sq.ft.)					
Without sanitary sewers Residential, within 250 ft	30,000	88,000	88,000	(A)	88,000
Of Ossipee River (G)	40,000		88,000 (G)	(A)	
Governmental, Institutional, Commercial, or Industrial within 250 ft					
Of Ossipee River	60,000		88,000 (G)	(A)	
Minimum Area per Family (Sq.ft.)					
Without sanitary sewers Residential, within 250 ft	30,000	88,000	88,000	(A)	88,000
Of Ossipee River (G)	40,000		88,000 (G)	(A)	
Minimum Street and Shore Frontage (Ft.) (F)					
on a street	100 (F)	300 (F)	300 (F)	(A)	300 (F)
on waterbodies or wetlands (if applicable):					
residential (B) per dwelling unit	200	200	200	(A)	N/A
commercial (B) per principal structure	300	N/A	300	N/A	N/A
Minimum Setbacks (ft.)					
Front	50 (C,D)	50 (C)	50 (C)	(A)	50 (C)
Side	20	50	50	(A)	50
Rear	20 (E)	50	50	(A)	50
from high water line of great ponds	100	100	100	250 (A)	N/A
from high water line of other water bodies					
or upland edge of wetland	75	75	75	250 (A)	N/A

Footnotes to Table of Dimensional Standards

- (A) No portion of any lot created after the effective date of adoption or amendment of this ordinance and lying within the Resource Protection District may be used to meet the dimensional requirements of other Districts in which the remainder of the lot is situated. Where a residential structure is in existence on the effective date of adoption or amendment of this ordinance, a lot containing such structure may not be created which does not contain a minimum of 88,000 square feet.

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- (B) A lot abutting a lake, pond, river, or stream in any District shall have a minimum shore frontage measured in a straight line between the points of intersection of the side lot lines with the shoreline at normal high water elevation.
- (C) A front yard abutting a street or road shall have a minimum depth, measured from the edge of the right-of-way according to the above table. The depth of any yard abutting a road or any waterbody shall conform to the front yard requirements.
- (D) Where a proposed structure is abutted on both sides by existing structures whose setback from the road are less than 50 feet, the setback of the proposed structure may be reduced to that of the abutting structures upon approval of the Planning Board.
- (E) A 30-foot setback is required for new commercial structures abutting an existing residential use.
- (F)
 - 1. New lots which abut a public or private street as defined by this Ordinance, over which the public has an easement of travel, shall have a minimum road frontage as specified in Table 3.2, unless exempted in 2 below.
 - 2. New lots not abutting a road, which are over 10 acres in area, are exempt from the road frontage requirements of this ordinance.
- (G) Lots in the Village District of Kezar Falls within 250 ft of the Ossipee River (Porter Town tax maps U-1, U-2, and U-4) shall be exempted from this minimum standard. They shall, however, meet the Village District standard of 30,000 sq. ft.
 - (1) The Code Enforcement Officer may grant a waiver of the minimum setback requirements to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The CEO shall restrict any waiver granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The CEO may impose conditions on the variance, including limiting the waiver 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.
 - (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
 - (3) 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 requirements for a lot with the proposed use.
 - (4) 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 storage of yard tools and similar equipment. Such accessory structures 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

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applicable standards, including lot coverage and vegetation clearing limitations. In no case may the structure be located closer to the shoreline or tributary stream than the principal structure.

- (5) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils.
- (6) The total footprint area of all structures, parking lots and other non-vegetated surfaces, including land area previously developed, within the Shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the Shoreland zone.
- (7) 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 the following conditions are met:

The site has been previously altered and an effective vegetated buffer does not exist;
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;

The site where the retaining wall will be constructed is legally existing lawn or is site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

The total height of the wall(s), in the aggregate are no more than 24 inches;

Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;

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

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 shall meet the following characteristics:

The buffer shall include shrubs and other woody and herbaceous vegetation.

Where natural ground cover is lacking the area shall be supplemented with leaf or bark mulch;

Vegetation plantings shall be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;

Only native species may be used to establish the buffer area;

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;

A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer

NOTE: If a wall and associated soil disturbance occurs within 75 feet, horizontal distance, of a water body or tributary stream, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.

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- (8) 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 the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

3.3 General Requirements.

The following general requirements apply to all Districts.

A. Multiple Principal Buildings

If more than one dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is to be constructed or established on a single parcel of land, dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Required Yard Spaces Serve Only One Lot

Except as may be allowed in a cluster development, no part of the yard or other open space required on any lot for any building may be included as part of the yard or open space similarly required for another building or lot.

C. Visibility at Corner Lots

All corner lots shall be kept free from visual obstructions for a distance of 25 feet measured along the intersecting street lines.

D. Building Height

A building may not exceed 35 feet in height as defined by this ordinance. Features of buildings and structures, such as chimneys, towers, ventilators, and spires which have no floor area may exceed 35 feet in height, but shall be set back from the nearest lot line a distance not less than the height of such features or structure, unless a greater setback is required by other provisions of this ordinance.

E. Sedimentation and Erosion Control

Sedimentation and erosion control plans will be reviewed by the Oxford County Soil and Water Conservation District whenever there is significant risk of sedimentation or erosion or upon request of the Planning Board.

F. Mixed Uses Allowed

More than one use is allowed on lots meeting the minimum lot area of standard 3.2 above, and on non-conforming lots of record, except for shoreland areas where state guidelines require that the lot size and frontage be met for each principal use on the property.

G. Wireless Communication Facilities and Communications Towers

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From the finished grade, the maximum height of a communications tower shall be 199 feet including antenna. The height of an antenna shall be included in the total height limitation as allowed for a communications tower.

H. Creation or Division of Lots

Effective March 18, 2006, no lot shall be divided or created, unless in conformity with Section 3.2 and all other applicable provisions of this Ordinance, at the time of such division or creation. In Shoreland zoned areas, no lot shall be divided or created after March 21, 1992 unless in conformity with Section 3.2 and all other applicable provisions of this Ordinance, at the time of such division or creation.

3.4. Uses Permitted.

The following uses are permitted in the designated land use districts, subject to the general performance standards in Section IV and the specific performance standards in Section V, as applicable:

VILLAGE DISTRICTS;

Land uses permitted in the Village District, in conformance with General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards of Section V are as follows:

Key: "A" means the use is allowed without a permit but shall comply with all applicable land use standards.

"C" means the use requires a permit authorized by the Code Enforcement Officer.

"LPI" means the use requires a permit authorized by the Plumbing Inspector

"P" means the use requires a permit authorized by the Planning Board.

P--Adult Business

P--Aquaculture

P--Assisted Living Facility

P--Automobile graveyard and junkyard

P--Bed and breakfast

P--Boarding house

P--Civic and social service

A--Clearing or removal of vegetation for activities other than timber harvesting

P--Cluster development

P--Day care centers

C--Driveway Access to Public or Private Street

P--Educational Facility

A--Emergency operations

A--Essential services

a. Roadside distribution lines (34.5kV and lower)

b. Other essential services

C--Filling and earth moving of ≥ 10 cubic yards

A--Filling and earth moving of < 10 cubic yards

A--Fire prevention activities

A--Forest management activities except for timber harvesting & land management

Roads (*See Section 1.3B*)

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- P--Garage and yard sales
- P--Governmental and Institutional
- P--Health Care Facility
- P--Home occupations
- P--Hospitals
- P--Hotel
- P--Individual private campsite
- P--Kennel and veterinary hospital
- A--Land management roads *(See Section 1.3B)*
- A--Mineral exploration⁴
- A--Mineral extraction⁴
- P--Minor earthmoving activities
- P--Mobile home park
- A--Motorized vehicular traffic on existing roads and trails
- A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking
- P--Nursing Home
- P--Parking facilities
- P--Parks
- P--Private club
- P--Places of worship
- LPI--Private sewage disposal systems for allowed uses
- Principal Structures and uses
 - C--One and two family residential
 - P--Multi-unit residential
 - P--Commercial, Low impact not otherwise listed
 - P--Industrial, Low impact not otherwise listed
 - P--Governmental and Institutional
 - P--Small non-residential facilities for educational, scientific, or nature interpretation purposes
- P--Public and private recreational areas involving minimal structural development
- P--Restaurants
- P--Recreational facility
- C--Road construction, not in subdivisions
- P--Road construction in Subdivisions
- A--Service drops, as defined, to allowed uses
- C--Signs
- C--Structures accessory to allowed uses
- A--Soil and water conservation practices
- P--Special and/or hazardous waste facility
- A--Surveying and resource analysis
- P--Timber harvesting *(See Section 1.3B)*
- A--Wildlife management practices
- P--Wireless Communication Facilities and Communications Towers
- C--Uses similar to allowed uses
- C--Uses similar to allowed uses requiring a CEO permit
- P--Uses similar to allowed uses requiring a PB permit

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RURAL DISTRICT

Land uses permitted in the Rural District, in conformance with the General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards in Section V, are as follows:

Key: “A” means the use is allowed without a permit but shall comply with all applicable land use standards.

“C” means the use requires a permit authorized by the Code Enforcement Officer.

“LPI” means the use requires a permit authorized by the Plumbing Inspector

“P” means the use requires a permit authorized by the Planning Board.

- P--Agriculture
- P--Animal husbandry
- P--Antique stores
- P--Aquaculture
- P--Assisted Living Facility
- P--Auto repair shops
- P--Automobile graveyard and junkyard
- P--Bed and breakfast
- P--Boarding house
- P--Cabinetry and woodworking shops
- P--Campground
- P--Carpentry and building contractors
- A--Clearing or removal of vegetation for activities other than timber harvesting
- P--Cluster development
- LPI--Conversions of seasonal residences to year-round residences
- P--Day care centers
- C--Driveway Access to Public or Private Street
- P--Educational Facility
- A--Emergency operations
- A--Essential services
 - a. Roadside distribution lines (34.5kV and lower)
 - b. Other essential services
- C--Farm produce stands
- C--Filling and earth moving of ≥ 10 cubic yards
- A--Fire prevention activities
- A--Filling and earth moving of < 10 cubic yards
- A--Forest management activities except for timber harvesting & land management
 - Roads (*See Section 1.3B*)
- A--Garage and yard sales
- P--Garden nurseries
- P--Governmental and Institutional
- P--Grain and feed stores
- P--Ground and spring water extraction
- P--Health Care Facility
- P--Home occupations
- P--Hospitals

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- C--Individual private campsite
- P--Kennel and veterinary hospital
- A--Land management roads (*See Section 1.3B*)
- A--Mineral exploration⁴
- A--Mineral extraction⁴
- C--Minor earthmoving activities
- A--Motorized vehicular traffic on existing roads and trails
- P--Neighborhood grocery and convenience stores
- A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking
- P--Nursing Home
- P--Parking facilities
- Principal Structures and uses
 - C--One and two family residential
 - P--Small non-residential facilities for educational, scientific, or nature interpretation purposes
- LPI--Private sewage disposal systems for allowed uses
- P--Public and private recreational areas involving minimal structural development
- P--Recreational facility
- C--Road construction, not in subdivisions
- P--Road construction, subdivisions
- P--Sawmills
- A--Service drops, as defined, to allowed uses
- C--Signs
- A--Soil and water conservation practices
- C--Structures accessory to allowed uses
- A--Surveying and resource analysis
- A--Timber harvesting (*See Section 1.3B*)
- A--Wildlife management practices
- P--Wireless Communication Facilities and Communications Towers
- C--Uses similar to allowed uses
- C--Uses similar to allowed uses requiring a CEO permit
- P--Uses similar to allowed uses requiring a PB permit

SHORELAND RESIDENTIAL DISTRICT:

Land uses permitted in the Shoreland Residential District adjacent to great ponds, in conformance with the General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards in Section V, are as follows:

Key: "A" means the use is allowed without a permit but shall comply with all applicable land use standards.

"C" means the use requires a permit authorized by the Code Enforcement Officer.

"LPI" means the use requires a permit authorized by the Plumbing Inspector

"P" means the use requires a permit authorized by the Planning Board.

P--Agriculture

P--Animal husbandry

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- P--Aquaculture
- C--Clearing or removal of vegetation for activities other than timber harvesting
- LPI--Conversions of seasonal residences to year-round residences
- P--Day care centers
- C--Driveway Access to Public or Private Street
- P--Educational Facility
- A--Emergency operations
- Essential services
 - A--Roadside distribution lines (34.5kV and lower) ⁹
 - C--Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone
 - P--Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone
 - P--Other essential services
- P--Farm produce stands
- A--Filling and earth moving of <10 cubic yards
- C--Filling and earth moving of ≥10 cubic yards
- A--Fire prevention activities
- A--Forest management activities except for timber harvesting & land management roads (*See Section 1.3B*)
- P--Governmental and Institutional
- P--Home occupations
- A--Land management roads (*See Section 1.3B*)
- P--Marinas
- A--Motorized vehicular traffic on existing roads and trails
- A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking
- P--Parking facilities
- Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland
 - C--Temporary ⁸
 - P--Permanent
- Principal Structures and uses
 - C--One and two family residential
 - P--Small non-residential facilities for educational, scientific, or nature interpretation purposes
- LPI--Private sewage disposal systems for allowed uses
- P--Public and private recreational areas involving minimal structural development
- C--Road construction, not in a subdivision
- P--Road construction, subdivision
- A--Service drops, as defined, to allowed uses
- C--Signs
- A--Soil and water conservation practices
- C--Structures accessory to allowed uses
- A--Surveying and resource analysis
- A--Timber harvesting (*See Section 1.3B*)
- A--Wildlife management practices

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- C--Uses similar to allowed uses
- C--Uses similar to allowed uses requiring a CEO permit
- P--Uses similar to allowed uses requiring a PB permit

In Shoreland Residential Districts adjacent to other water bodies and wetlands, land uses permitted, in conformance with the General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards of Section V, are as follows:

Key: "A" means the use is allowed without a permit but shall comply with all applicable land use standards

"C" means the use requires a permit authorized by the Code Enforcement Officer.

"LPI" means the use requires a permit authorized by the Plumbing Inspector

"P" means the use requires a permit authorized by the Planning Board.

- P--Antique stores
- P--Aquaculture
- P--Cabinetry and woodworking shops
- C--Clearing or removal of vegetation for activities other than timber harvesting
- P--Day care centers
- C--Driveway Access to Public or Private Street
- P--Educational Facility
- A--Emergency operations
- Essential services
 - A--Roadside distribution lines (34.5kV and lower) ⁹
 - C--Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone
 - P--Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone
 - P--Other essential services
- P--Farm produce stands
- P--Farming and farm related ventures
- A--Filling and earth moving of <10 cubic yards
- C--Filling and earth moving of ≥10 cubic yards
- A--Fire prevention activities
- A--Forest management activities except for timber harvesting & land management roads (*See Section 1.3B*)
- P--Governmental and Institutional
- P--Grain and feed stores
- P--Home occupations
- A--Land management roads (*See Section 1.3B*)
- P--Marinas
- P--Mineral extraction
- A--Motorized vehicular traffic on existing roads and trails
- P--Neighborhood grocery and convenience stores
- A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking
- P--Parking facilities
- Piers, docks, wharfs, bridges and other structures and uses extending over or

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below the normal high-water line or within a wetland

C--Temporary ⁸

P--Permanent

Principal Structures and uses

C--One and two family residential

P--Small non-residential facilities for educational, scientific, or nature interpretation purposes

LPI--Private sewage disposal systems for allowed uses

P--Public and private recreational areas involving minimal structural development

C--Road construction, not in a subdivision

P--Road construction, subdivision

A--Service drops, as defined, to allowed uses

C--Signs

A--Soil and water conservation practices

C--Structures accessory to allowed uses

A--Surveying and resource analysis

A--Timber harvesting (*See Section 1.3B*)

A--Wildlife management practices LPI--Conversions of seasonal residences to year-round residences

C--Uses similar to allowed uses

C--Uses similar to allowed uses requiring a CEO permit

P--Uses similar to allowed uses requiring a PB permit

STREAM PROTECTION DISTRICT:

The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, or river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated Shoreland area are located within two hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Land uses permitted in the Stream Protection District, in conformance with the General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards in Section V, are as follows:

Key: "A" means the use is allowed without a permit but shall comply with all applicable land use standards

"C" means the use requires a permit authorized by the Code Enforcement Officer.

"LPI" means the use requires a permit authorized by the Plumbing Inspector

"P" means the use requires a permit authorized by the Planning Board.

P--Agriculture

P--Aquaculture

C--Clearing or removal of vegetation for activities other than timber harvesting

LPI--Conversions of seasonal residences to year-round residences

A--Emergency operations

PORTER LAND USE ORDINANCE

Essential services ⁶

A--Roadside distribution lines (34.5kV and lower) ⁶

C--Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone ⁶

P--Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone ⁶

P--Other essential services ⁶

A--Filling and earth moving of <10 cubic yards

C--Filling and earth moving of ≥10 cubic yards

A--Fire prevention activities P--Home Occupations

A--Forest management activities except for timber harvesting & land management Roads (*See Section 1.3B*)

C--Individual, private campsites

A--Land management roads (*See Section 1.3B*)

P--Marinas

A--Motorized vehicular traffic on existing roads and trails

A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking

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

C--Temporary ⁸

P--Permanent

LPI--Private sewage disposal systems for allowed uses

P--Public and private recreational areas involving minimal structural development

C--Road construction, not in a subdivision

P--Road construction, subdivision

A--Service drops, as defined, to allowed uses

C--Signs

P--Small non-residential facilities for educational, scientific, or nature interpretation Purposes

A--Soil and water conservation practices

C--Structures accessory to allowed uses

A--Surveying and resource analysis

A--Timber harvesting (*See Section 1.3B*)

A--Wildlife management practices

C--Uses similar to allowed uses

C--Uses similar to allowed uses requiring a CEO permit

P--Uses similar to allowed uses requiring a PB permit

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RESOURCE PROTECTION DISTRICT:

Land use permitted in the Resource Protection District, in conformance with the General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards in Section V are as follows:

Key: “A” means the use is allowed without a permit but shall comply with all applicable land use standards

“C” means the use requires a permit authorized by the Code Enforcement Officer.

“LPI” means the use requires a permit authorized by the Plumbing Inspector

“P” means the use requires a permit authorized by the Planning Board.

P--Agriculture

P--Aquaculture

C--Clearing or removal of vegetation for activities other than timber harvesting ³

A--Emergency operations

C--Driveway Access to Public or Private Street ⁷

Essential services ⁶

A--Roadside distribution lines (34.5kV and lower) ⁶

C--Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone ⁶

P--Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone ⁶

P--Other essential services ⁶

A--Filling and earth moving of <10 cubic yards

C--Filling and earth moving of ≥10 cubic yards

A--Fire prevention activities

A--Forest management activities except for timber harvesting & land management roads (*See Section 1.3B*)

P--Individual private campsites

A--Land management roads (*See Section 1.3B*)

P—Mineral extraction ^{4 5}

A--Motorized vehicular traffic on existing roads and trails

A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking

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

C--Temporary ⁸

P--Permanent

P--Public and private recreational areas involving minimal structural development

A--Service drops, as defined, to allowed uses

C--Signs

P--Small non-residential facilities for educational, scientific, or nature interpretation Purposes

A--Soil and water conservation practices

C--Structures accessory to allowed uses

A--Surveying and resource analysis

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- C--Timber harvesting (*See Section 1.3B*)
- A--Wildlife management practices
- C--Uses similar to allowed uses
- C--Uses similar to allowed uses requiring a CEO permit
- P--Uses similar to allowed uses requiring a PB permit

Conversion of existing seasonal dwellings to year round use and the installation of subsurface sewage disposal systems are prohibited.

GENERAL DEVELOPMENT DISTRICT:

Land uses permitted in the General Development District, in conformance with the General Performance Standards in Section IV and, where appropriate, the Specific Performance Standards in Section V, are as follows:

- Key: “A” means the use is allowed without a permit but shall comply with all applicable land use standards.
“C” means the use requires a permit authorized by the Code Enforcement Officer.
“LPI” means the use requires a permit authorized by the Plumbing Inspector
“P” means the use requires a permit authorized by the Planning Board.

- P--Agriculture
- P--Aquaculture
- P--Campgrounds
- A--Clearing or removal of vegetation for activities other than timber harvesting
- LPI--Conversions of seasonal residences to year-round residences
- A--Emergency operations
- Essential services
 - A--Roadside distribution lines (34.5kV and lower) ⁹
 - C--Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland zone
 - C--Non-roadside or cross-country distribution lines involving eleven or more poles in the Shoreland zone
 - P--Other essential services
- A--Filling and earth moving of <10 cubic yards
- C--Filling and earth moving of ≥10 cubic yards
- A--Fire prevention activities
- A--Forest management activities except for timber harvesting & land management roads
- P--Home Occupations
- C--Individual, private campsites
- A--Land management roads
- A--Mineral Exploration ⁴
- A--Mineral Extraction ⁴
- P--Motorized Vehicle Racing Facility
- A--Motorized vehicular traffic on existing roads and trails
- A--Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking

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- P--Parking facilities
- Principal Structures and uses
 - C--One and two family residential
 - P--Multi-unit residential
 - P—Commercial, Low impact not otherwise listed
 - P—Commercial, High impact not otherwise listed
 - P—Industrial, Low impact not otherwise listed
 - P—Industrial, High impact not otherwise listed
 - P--Governmental and Institutional
 - P--Small non-residential facilities for educational, scientific, or nature interpretation purposes
- LPI--Private sewage disposal systems for allowed uses
- P--Public and private recreational areas involving minimal structural development
- C--Road construction, not in a subdivision
- P—Road construction, subdivisions
- A--Service drops, as defined, to allowed uses
- C--Signs
- A--Soil and water conservation practices
- C--Structures accessory to allowed uses
- A--Surveying and resource analysis
- A--Timber harvesting
- A--Wildlife management practices
- C--Uses similar to allowed uses
- C--Uses similar to allowed uses requiring a CEO permit
- P--Uses similar to allowed uses requiring a PB permit

Footnotes to Section 3.4:

1. In all Districts the following commercial or industrial uses are prohibited within 500 feet of the normal high water line of a great pond, and streams which flow to great ponds:

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

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2. In the Rural District, the following uses shall only be permitted on properties with frontage or direct driveway access to arterial streets:

- Hospitals
- Assisted Living Facility
- Nursing Home
- Health Care Facility

3. In Resource Protection not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
4. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
5. In Resource Protection not allowed in areas so designated because of wildlife value.
6. See further restrictions in Section 4.2.W.2.
7. In Resource Protection only as provided in Section 4.2.L.2(e).
8. Excluding bridges and other crossing not involving earthwork, in which case no permit is required.
9. Permit not required but shall file a written “notice of intent to construct” with CEO.

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

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

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ARTICLE IV PERFORMANCE STANDARDS - GENERAL REQUIREMENTS

4.1 Applicability and Purpose.

These standards apply to all use of land and buildings in the town of Porter, unless otherwise specified, whether or not specific approval or a permit is required. The purposes of these standards are to implement the Comprehensive Plan, to balance the rights of land owners to use their land with the rights of abutting land owners and the general public, and to protect the public health, safety, and welfare.

Mandatory Shoreland Zoning applies to all land areas within 250 feet, horizontal distance, of the

- normal high-water line of any great pond or river, or
- upland edge of a freshwater wetland,

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

This ordinance 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.

4.2 Standards.

A. Access Control and Traffic Impacts.

1. Shall provide safe access.

All land uses shall provide for safe access to and from public and private roads. Safe access shall be assured by providing access points which are appropriate as to number and location, with respect to sight-distances, intersections, schools, and other traffic generators. A separate Land Use Permit from the Code Enforcement Officer shall be required for any new access onto a public or private road, pursuant to Section 3.4 of this Ordinance. If the proposed new access serves a proposed new building or structure, the Land Use Permit for the new access shall be obtained prior to the issuance of the Land Use Permit for the new building or structure.

2. Any access on to a public and/or private road is limited to the minimum width necessary for safe entering and exiting. The proposed development may not have an unreasonable negative impact on the town road system, and shall assure safe interior circulation within its site, by separating pedestrian and vehicular traffic, and providing parking and loading areas as required by this Ordinance.

3. Access to major highways limited.

Any lot created after the adoption of this standard, whether or not part of a subdivision, may not have access to Routes 25 and 160, unless the Planning Board determines that conditions particular to the parcel justify the granting of a waiver to this standard. A waiver may be granted only if all of the following conditions are met:

- (a) There is too little road frontage to reasonably allow for the creation of a local road,
- (b) There will be no further division of the parcel,

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- (c) The shape and physical conditions of the parcel do not permit access to or the creation of a local road, and
- (d) Proper sight distance will be maintained.

Lots in existence at the time of adoption of this standard are allowed only one driveway onto Routes 25 and 160 unless the lot is located in the Village District. Lots in the Village District are allowed 2 driveways on Routes 25 and 160. Curb barriers are required to prevent entrance and exit of cars except at specified locations.

- 4. Lots which front on 2 or more roads.
If a lot has frontage on more than 1 road the driveway may be located only on the road which has the least potential for traffic congestion and for hazards to traffic and pedestrians.
- 5. Slope and intersection angle.
Driveways may not have an average slope in excess of 8% within 50 feet of the point of intersection of a public road. The angle of intersection between the driveway and the public road shall be as close to 90 degrees as possible.
- 6. Driveways through residential districts.
No driveway may be located in a residential district to provide access to uses other than those permitted in that residential district.
- 7. Roads shall have carrying capacity.
The road to which a driveway connects and the roads which are expected to carry traffic to the use served by the driveway shall have traffic carrying capacity and be suitably improved to accommodate the amounts and types of traffic generated by the proposed use. No development may reduce the road's Level of Service to "D" or below.
- 8. Public road improvements required.
Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provisions shall be made for turning lanes, traffic directional islands, frontage roads, and traffic controls within the public roads.
- 9. Prevent queuing.
Driveways shall be designed so as to prevent queuing of entering vehicles on any public road.
- 10. Circulation connections to adjoining lots.
Where topographic and other conditions allow, provisions shall be made for circulation connections to adjoining lots of similar existing or potential use when:
 - (a) Such connections will facilitate fire protection services as approved by the Fire Chief, and/or
 - (b) Such connections will enable the public to travel between 2 existing or potential uses, generally open to the public, without need to travel onto a public road.
- 11. Sight distance.
 - A. All driveways shall be designed in profile and grading, and located, so as to provide the 10 feet of sight distance for every mile per hour of posted speed. If the public road is not posted, the posted maximum speed is assumed to be 45. The measurements shall be from the driver's seat of a vehicle standing on that portion of the driveway 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 3.5 feet to the top of an object 4.25 feet above the pavement.

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- B. If the required sight distance cannot be met, the Planning Board may reduce the required sight distance if it can be determined safe access can be achieved. The criteria used may include, but not be limited to, road surface, topography, traffic volume, and distance to intersections.
12. Distance to intersection.
No driveways may be located less than 50 feet from the point of tangency of the public roads at an unsignalized intersection and less than 150 feet from the point of tangency of the public roads at a signalized intersection.
13. Distance to property lines.
Except for driveways shared by abutting lots, no driveway may be located less than 20 feet from a side lot line.
14. Construction materials.
- (a) A driveway entering onto a curbed road shall be curbed with materials matching the road curbing. Curbing is required around all raised channelization islands and medians.
 - (b) Driveways within the road right-of-way shall be constructed so as to prevent the roadway from being damaged by vehicles entering and exiting the site. This can best be accomplished by constructing the driveway which is within the right-of-way with bituminous concrete pavement over a gravel sub-base at least 6" in thickness. A driveway serving a commercial or industrial use, regardless of driveway volume, should be paved with bituminous concrete pavement over a gravel sub-base at least 6" in thickness within the road right-of-way and for a distance of 30 feet from the road right-of-way.
 - (c) A culvert shall be installed if needed to carry storm water from one side of the driveway to the other side. The size and location of the culvert shall be reviewed by the road commissioner.
 - (d) Driveways may either be paved or gravel. Gravel driveways shall contain at least a 12" combination of base gravel and crushed gravel. Driveways shall be a minimum of 12 feet wide for one or two dwelling units and two feet wider for each additional dwelling unit up to a maximum of 20 feet.

B. Clearing or Removal of Vegetation in a Shoreland Zone for Activities Other Than Timber Harvesting.

1. Within a Resource Protection District abutting a great pond, there may be no cutting of vegetation within the strip of land extending seventy-five (75 feet), horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District, the cutting or removal of vegetation is limited to that which is necessary for uses expressly authorized in that district.
2. Except in areas as described in Subsection 4.2..B.1 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 or a river, and seventy-five (75 feet), horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - (a) There may be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if the forested canopy is not

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present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

(b) **Distribution**

(1) Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 4.2.B.2.b, a “well-distributed stand of trees” adjacent to a great pond, river, or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system:

Diameter of Trees at 4-1/2 feet above Ground Level

Inches	Points
2 - <4 inches	1
4 - <8 inches	2
8-<12 inches	4
12 inches or greater	8

(2) Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of 8 16 per 25-foot by 50-foot rectangular area.

NOTE: As an example, adjacent to a great pond, if a 25-foot x 50 foot plot contains four (4) trees between 2 and 4 inches in diameter, two (2) trees between 4 and 8 inches in diameter, three (3) trees between 8 and 12 inches in diameter, and two (2) 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 shall be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot shall be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points shall have no vegetation removed except as otherwise allowed by this Ordinance;

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- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 4.2.B.2.b “other natural vegetation” is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

- (3) Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, measured at 4-1/2 feet above ground level may be removed in any ten (10) year period.
- (c) In order to protect water quality and wildlife habitat, existing vegetation under three(3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Subsection 4.2.B paragraphs 2 and 2a above.
 - (d) Pruning of tree branches on the bottom 1/3 of the tree is allowed.
 - (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing tree growth is present.
 - (f) Section 4.2.B.2 does not apply to those portions of public recreational facilities adjacent to public swimming areas; cleared areas are limited to the minimum area necessary.
3. At distances greater than 100 feet, horizontal distance, from a great pond or a river, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any 10 year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4-1/2 feet above ground level. Tree removal in conjunction with development of permitted uses shall be included in the 40% calculation. For the purposes of these standards, volume may be considered to be equivalent to basal area. In no event may 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.
4. Legally existing nonconforming cleared openings may be maintained, but may not be enlarged, except as allowed by this Ordinance.

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5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation are regulated under the provisions of Section 4.2.B.

C. Dust, Fumes, Vapors, and Gases.

Emission of dust, dirt, fly ash, fumes, vapors or gases which could damage human health, animals, vegetation or property, or which could soil or stain persons or property, at any point beyond the lot line of the commercial or industrial establishment creating that emission are prohibited.

D. Explosive Materials.

Bulk quantities of highly flammable or explosive liquids, solids, or gases, stored above ground, shall be at least 75 feet from any lot line, public road, or interior roadway; and shall be anchored tanks. Bulk quantities of highly flammable or explosive liquids, solids, or gases, stored below ground shall be at least 40 feet from any lot line, public road, or interior roadway. The storage of propane shall meet the current NFPA requirement. No LP gas bulk storage in excess of 5,000 gallons may be located within 1,000 feet of a lot line

E. Light and Glare.

1. Direct or indirect (glare or reflection) illumination shall not exceed 0.6 footcandle upon abutting residential properties or 1.0 footcandle upon any other abutting properties. For purposes of this subsection, abutting properties shall include properties that are separated from the illuminated lot by a street, road or right-of-way. Upon receipt of a written complaint, the Code Enforcement Officer may employ an engineer at the expense of an alleged violator to determine whether an illuminated property is in compliance with this subsection.
2. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by, or do not create or constitute a hazard or nuisance to, motorists, pedestrians or neighboring residents, and so that the maximum apex angle of the cone of illumination is restricted to 150 degrees.
3. The maximum height of freestanding lights shall be the same as the principal building located on the property, but in no event shall exceed 25 feet.

F. Land Uses and Activities in the Resource Protection District and All Shoreland Areas.

The Review Authority may only approve a Land Use Permit application for a land use or activity in the Resource Protection Area or Shoreland Area if it makes a positive finding based on the information presented that the proposed use or activity:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or wildlife habitat;
4. Will conserve shore cover and visual, as well as actual, points of access to water bodies;

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5. Will protect archaeological and historic resources as designated in the Comprehensive Plan;
6. Will avoid problems associated with flood plain development; and
7. Is in conformance with the applicable standards of this Ordinance including Articles IV and V.
8. The total area of all structures, parking lots, and other non-vegetated areas within the shoreland area shall not exceed 20 percent, including areas previously developed.

G. Noise.

1. Excessive noise at unreasonable hours is required to be muffled so as not to be objectionable due to intermittence, beat frequency, shrillness, or volume (please refer to table below). The maximum permissible sound pressure level of any continuous, regular or frequent source of sound produced by any commercial or industrial activity regulated by this Ordinance is listed below. Sound pressure levels shall be measured on a sound level meter at all major lot lines of the site, at a height of at least four feet above the ground surface.

Sound Pressure Level Limit	
7 a.m. - 9 p.m.	9 p.m. - 7 a.m.
55 dB (A)	35 dB (A)

2. Noise shall be measured with a sound level meter set on the A-weighted response scale, slow response. The meter shall meet the standards of the American National Institute (ANSI S1.4 - 1961) "American Standard Specification for General Purpose Sound Level Meters".
3. The following uses and activities are exempt from the sound pressure level regulations:
 - (a) Noises created by construction and temporary maintenance activities between 7 a.m. and 10 p.m.
 - (b) The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency activity.
 - (c) Traffic noises on public roads.
 - (d) Noises which exceed the above standard by 10dB or less for 15 minutes or less, in any one day.

H. Off-Street Parking and Loading Requirements.

1. **Basic Requirement.**

In any District where permitted, no use of premises may be authorized or extended, and no building or structure may be constructed or enlarged unless such extension, construction or enlargement is provided with off-street automobile parking space within 300 feet of the principal building, structure or use of the premises, in accordance with the following schedule of parking requirements. No required parking space may, for the purposes of this Ordinance, serve more than 1 use, unless authorized by the Planning Board.
2. No off-street parking facility may have more than 2 entrances and exits on the same street, and no entrance or exit may exceed 26 feet in width. Parking areas with more

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than 2 parking spaces shall be so arranged that vehicles can be turned around rather than being backed into the street.

3. Parking and loading areas shall be surfaced with 8 inches of bank run sand and gravel covered with 2 inches of crushed stone. To prevent this material from entering the public way, paving may be needed at entrances and exits.
4. Off-Street Parking Spaces.
Parking spaces and parking lot aisle layout shall conform to the following standards:

	Parking Angle	Curb Length	Width, Curb-to-curb
One/two way, double loaded aisles.....	90 degrees	9.00 feet	60.0 feet
One/two way, single loaded aisles.....	90 degrees	9.00 feet	42.0 feet
Two way, double loaded aisles.....	60 degrees	10.50 feet	59.0 feet
Two way, single loaded aisles.....	60 degrees	10.50 feet	40.0 feet
One way, double loaded aisles.....	60 degrees	10.50 feet	53.5 feet
One way, single loaded aisles.....	60 degrees	10.50 feet	34.5 feet
Two way, double loaded aisles.....	45 degrees	12.75 feet	56.5 feet
Two way, single loaded aisles.....	45 degrees	12.75 feet	38.5 feet
One way, double loaded aisles.....	45 degrees	12.75 feet	48.5 feet
One way, single loaded aisles.....	45 degrees	12.75 feet	30.0 feet
Two way, double loaded aisles.....	30 degrees	15.00 feet	51.0 feet
Two way, single loaded aisles.....	30 degrees	15.00 feet	35.5 feet
One way, double loaded aisles.....	30 degrees	15.00 feet	43.0 feet
One way, single loaded aisles.....	30 degrees	15.00 feet	27.5 feet

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LAND USE	REQUIRED NUMBER OF SPACES
Parks.....	1 per 200 sq.ft. of gross floor area in any buildings, plus 1 for every 3 persons the facility is designed to accommodate
Recreational facilities.....	1 per 200 sq.ft. of gross floor area in any buildings, plus 1 for every 3 persons the facility is designed to accommodate
Mobile home parks.....	1 ½ per dwelling unit
Agriculture.....	1 for every 2 employees
Timber harvesting.....	1 for every 2 employees
Sawmills.....	1 for every 2 employees
Garden nurseries.....	1 per 1,000 sq.ft. of lot area used for storage, display, or sales
Grain and feed stores.....	1 per 1,000 sq.ft. of display and sales gross floor area
Antique stores.....	1 per 400 sq.ft. of gross floor area
Neighborhood grocery and Convenience stores.....	1 per 150 sq.ft. of gross floor area
Farm produce stands.....	1 per 1,000 sq.ft. of lot area used for storage, display, or sales
Auto repair shops.....	1 per 200 sq.ft. of gross floor area
Cabinetry and woodworking shops.....	1 per 400 sq.ft. of gross floor area
Carpentry and building contractors.....	1 for every 2 employees
Day care centers.....	1 for every 4 children for which the facility is licensed
Small businesses which are similar in operational nature, traffic generation and potential off-site impacts to uses listed as permitted, as determined by the Planning Board.....	same as most similar use above, as determined by the Planning Board

6. Off-Street Loading

In any District where permitted or allowed, commercial or industrial uses shall provide, as necessary, off-street loading facilities located entirely on the same lot as the building or use to be served, so that trucks, trailers and containers shall not be located for loading or storage upon the traveled portion of any public way.

7. Additional Requirements in the Shoreland Zone:

- (a) Parking areas shall meet the shoreline and tributary stream set back requirements for structures. If the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream, the set back requirement for parking areas serving public boat launching facilities shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream.
- (b) Parking area shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

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(c) 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.

I. Preservation of Landscape.

The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree removal. Any grade changes shall be in keeping with the general appearance of the neighboring developed areas. Parking lots shall be landscaped with shrubbery along all lot lines. Boundaries with existing residential properties shall be screened according to the buffering standards in this Ordinance. Parking lots with 25 or more spaces shall be landscaped with at least 1 tree (of 2" caliper measured 3 ½ feet above the ground) for every 5 car spaces, to be located at representative points throughout or around the lots.

J. Refuse Disposal.

All land uses and activities shall provide for the disposal of all solid and liquid wastes on a timely basis and in an environmentally safe manner. The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the town's facilities (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere. The Board may require the applicant to specify the amount and exact nature of all industrial or chemical wastes to be generated by the proposed operation.

K. Relation of Proposed Building to Environment.

Proposed structure and changes in existing structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed buildings. The achievement of such relationship may include the enclosure of space in conjunction with other existing buildings or other proposed buildings and the creation of focal points with respect to avenues of approach, terrain features or other buildings. In areas with a high concentration of historic properties, the Planning Board may require new construction to utilize exterior building materials which harmonize with surrounding properties, and be designed so as not to be architecturally incompatible in terms of scale, height, window size, and roof pitch. Solar access shall also be considered.

L. Roads and Driveways

1. New lots as of March 18, 2006, whether or not they are created as part of a subdivision, shall have at least the minimum amount of frontage on a public or private street, as required by Section 3.2.

2. Roads and Driveways Constructed Within the Shoreland Zone.

- (a) Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond or a river, and 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

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- road and/or driveway set back requirement shall be no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.
- (b) On slopes of greater than 20% the roads and/or driveway set back shall be increased by 10 feet, horizontal distance, for each 5% increase in slope above 20%.
 - (c) Subsections 4.2.L.2.a and b do not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline 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 Subsection 4.2.L.2.a and b except for that portion of the road or driveway necessary for direct access to the structure.
 - (d) 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.
 - (e) 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.
 - (f) No road and driveway banks may be steeper than a slope of 2 horizontal to 1 vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Subsection 4.2.Q.
 - (g) No road and driveway grades may be greater than 10% except for segments of less than 200 feet.
 - (h) 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 2 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.
 - (i) 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 applies:
 - (1) Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

- (2) Drainage dips may be used in place of ditch relief culverts only where the grade is 10% or less.
 - (3) On sections having slopes greater than 10%, ditch relief culverts shall be placed at approximately a 30% angle down slope from a line perpendicular to the centerline of the road or driveway.
 - (4) Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (j) 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.

M. Sanitary Standards

1. All subsurface sewage disposal facilities shall be installed in conformance with the *Maine Subsurface Waste Water Disposal Rules*, and if located within 250 feet of any water body, with the following:
 - a. All subsurface sewage disposal systems shall be located in areas of suitable soil at least 1,000 square feet in size.
 - b. The approval of building permit applications are subject to presentation of a completed site evaluation form (HHE-200) which evidences adequate soil conditions for wastewater disposal
 - c. When 2 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.
 - d. The disposal of industrial or commercial wastewaters by means of subsurface wastewater treatment systems shall comply with the laws of the State of Maine concerning water pollution.
 - e. 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.
 - f. A holding tank is not allowed for a first-time residential use in the Shoreland zone.

NOTE: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet

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from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system may not be reduced by variance.

2. Holding tanks designed to receive and retain wastewater from residential or commercial uses are allowed for replacement systems when no other practical alternative exists or for temporary use.
 - a. Replacement system. The Licensed Plumbing Inspector may approve the permanent use of a holding tank to replace a malfunctioning system or an alternative toilet only when all the following facts have been established:
 - (1) present system poses a threat to water quality, public health, or the environment;
 - (2) repair or alteration of the system is not feasible due to site condition or lot configuration;
 - (3) public sewers or multi-user systems are not available;
 - (4) gray water is discharged to a full size disposal field or the holding tank;
 - (5) water conservation plumbing fixtures are installed; and
 - (6) a deed covenant is required to warn potential buyers that a holding tank is present.
 - b. Temporary system. Temporary use is authorized during construction of replacement systems, but may not exceed 60 days.
 - c. Owners of replacement system holding tanks shall be able to show the Licensed Plumbing Inspector that the tanks are being pumped.
3. Holding tanks may not be used for seasonal conversions or for new systems in the Shoreland zone.
4. The Licensed Plumbing Inspector may allow a first time system hold tank when:
 - a. site conditions, or lot configuration does not allow installation of a disposal area;
 - b. public sewers or multi-use systems are not available;
 - c. gray water is discharged to a full size disposal field or the holding tank;
 - d. water conservation plumbing fixtures are installed.
5. The duties of the owner of the holding tank are:
 - a. maintain the holding tank in conformance with this or any other Ordinance of Porter, the provisions of any applicable law, and any administrative agency of the State of Maine.
 - b. Retain copies of pumping records for three years.

N. Setbacks and Screening.

Exposed storage areas, exposed machinery installation, sand and gravel extraction operations, and areas used for the storage or collection of discarded automobiles, auto parts, metal or any other articles of salvage or refuse, shall have setbacks and screening to provide a visual buffer sufficient to minimize their adverse impact on other land uses within the development area and surrounding properties (such as a stockade fence or a dense evergreen hedge 6 feet or more in height). Where a potential safety hazard to children would likely arise, physical screening to deter small children from entering the premises shall be provided and maintained in good condition.

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O. Signs.

The standards and requirements for signs as stated in this section take precedence over all other references to signs in this Ordinance. This section governs all signs in the Town of Porter.

1. General

- (a) All signs shall comply with these requirements unless there is a specific exception.
- (b) No sign may be positioned so as to prevent or block the free ingress to, or egress from, any door, window, or fire escape, or in a manner which confuses, impedes or impairs traffic movement or visibility.
- (c) No sign may be erected adjacent to any public way in such a manner as to obstruct clear and free vision of roadways or where, by reason of its position, shape, color, illumination or wording, it interferes with, obstructs the view of, or is confused with any authorized traffic sign, signal, or device or where it otherwise constitutes a hazard to pedestrian or vehicular traffic.
- (d) The owner of the land upon which a sign is located is responsible for its safe construction, installation, and maintenance.
- (e) Except for State Business Directional, all signs shall relate to goods and services available on the premises where the sign is located, or to the availability of the premises themselves for sale, rent, or lease.
- (f) The design of all signs requiring permits is subject to the approval of the Planning Board.
- (g) No roof-mounted signs are permitted.

2. Signs allowed without a permit include:

- (a) State or local traffic, parking, or directional signs.
- (b) Real estate "For Sale" signs provided they are no larger than 6 square feet in surface area. One sign per agent, per property is permitted. Signs shall be removed when the property is sold.
- (c) Rental vacancy signs which are no larger than 3 square feet in total surface area.
- (d) Temporary political signs for periods not to exceed 30 days. Such signs shall be removed within 48 hours after the election.
- (e) Temporary signs for public or private special events. Signs for events sponsored by the Town of Porter may be erected for no longer than 30 days. Signs for private events may not be erected earlier than 3 days prior to the commencement of the event and shall be removed within 24 hours of the closure of the event. Temporary special event signs may be no larger than 16 square feet in the aggregate.
- (f) Signs which post land for no trespassing or no hunting without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (g) Signs erected for public safety and welfare.
- (h) Private residential signs which are used to convey the inhabitants' names, property name, and safety or caution messages. Signs may be surface mounted or freestanding, but may not exceed 3 square feet in surface area.
- (i) 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.
- (j) Temporary signs for special commercial sales are limited to 6 per year and may be displayed for only 7 consecutive days. Such signs may not be larger than 16

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square feet in surface area. Written application to the Code Enforcement Officer is required.

3. Signs which may be authorized by the Planning Board.
 - (a) Educational and religious uses may display 1 sign for each building not exceeding 32 square feet in total surface area per sign.
 - (b) Home occupations signs relating only to goods or services available on premises, which may be surface mounted or free-standing but may not exceed 3 square feet in surface area and the top edge 6 feet in height. Only 1 home occupation sign is permitted per premises.
 - (c) Commercial signs related to goods or services available on the premise.
 - (1) Commercial signs may not exceed 32 square feet in area when mounted flat against the building surface. Such signs, individually and collectively, may at no time cover more than 10% of the gross surface area of the building face on which they are mounted. On each premise only 1 sign per occupancy may be affixed to the building exterior, except occupancies which face more than 1 public way, with no other property between the lot occupied by the building which the commercial use occupies and the public way, may have one attached sign on each side of the building which faces a public way.
 - (2) Commercial signs that are mounted perpendicular to a building face, or that are freestanding may not exceed 32 square feet in sign area. Both surfaces of such signs are counted in calculating the sign area. Brackets, posts, or other means of support for them shall be designed to be as inconspicuous as possible. In reviewing sign designs, the Board may include oversize support systems as part of the sign area. Free-standing signs are limited in number to 1 per building, except that:
 - (a) Where 1 occupant occupies more than 1 building per lot or combination of lots mutually adjoining and in common ownership, only 1 freestanding sign is permitted.
 - (b) 2 freestanding signs are permitted on a corner lot provided that both signs are no less than 40 feet from the right-of-way corner.
 - (c) The top edge of any freestanding sign may not be higher than 15 feet above the street grade nearest the sign supports. Freestanding signs may not be closer than 10 feet to the street right-of-way nor closer than 12 feet to either side lot line.
 - (3) Notwithstanding the size requirements above, no sign within the shoreland zone may have sign area exceeding 6 square feet.
4. Illumination of signs.
 - (a) No sign may be illuminated with flashing, moving or animated-type lights.
 - (b) Illuminated signs may be illuminated with shielded white lights only.
5. Exceptions.

The above regulations do not apply to the following:

 - (a) Flags and insignia of any government.
 - (b) Legal notice, identification, information, or directional signs erected or required by government bodies.

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6. Restoration or replacement.
 - (a) This Ordinance allows the normal upkeep and maintenance of existing non-conforming signs; repairs, renovations and maintenance which does not involve enlargement of the existing non-conforming signs.
 - (b) Any existing non-conforming sign which is hereafter damaged or destroyed by a cause other than the willful act of the owner or his agent, may be restored or reconstructed within 1 year of the date of said damage or destruction.

P. Solar Consideration.

1. When solar energy systems are proposed which are not attached to a house, they shall be set back at least 10 feet from side and rear lot lines, and 25 feet from the right-of-way line or 50 feet from the center line of a road, whichever distance is greater.
2. Solar energy systems shall be set back 75 feet from the normal high water line and shall meet the standards in Article V for “Timber Harvesting in the Shoreland Zone” and “Clearing of Vegetation for Development”. Approval for solar energy systems closer than 75 feet from the normal high water line may be approved by the Planning Board if the following conditions can be met:
 - a. the area within the setback in which the solar structure is proposed must be a legally existing clearing (e.g. existing lawn);
 - b. any additional vegetation removal necessary must conform to the vegetation removal provisions within the ordinance; and
 - c. the extent of a proposed solar energy project must be limited by design to the energy needs of the existing use on the property. Sale of energy to the power grid must be limited to incidental excess power generation.Projects designed for commercial generation of power must comply with structure setback requirements. In no case may the system be located less than 30 feet from the normal high water line.
3. Solar energy systems in the Shoreland District are subject to design approval by the Planning Board to ensure the systems are visually compatible with adjacent land uses.
4. Lot coverage requirements of this Ordinance do not apply to solar energy systems.

Q. Soils and Soil Erosion Control.

1. Soils.

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste water disposal, and commercial or industrial development and other similar intensive land uses, require a soils report based on an on-site investigation and prepared by a state certified professionals. A certified professional includes a Maine Certified Soil Scientist, Maine Registered Professional Engineer, Maine Certified Geologist or other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground-water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed method to counteract soil limitations where they exist.
2. Soil Erosion and Sedimentation Control.

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Erosion of soil and sedimentation of watercourses and water bodies shall be minimized by the following erosion control management practices.

- (a) 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.
- (b) 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.
- (c) The stripping of vegetation, removal of soil, re-grading or other development of the site shall be accomplished by limiting the duration of exposure and area of the site to be disturbed. Dust control methods shall be employed during dry conditions.
- (d) Temporary vegetation, mulching, and/or siltation fabrics shall be used to protect critical areas during the development. Sedimentation of run-off waters shall be trapped by debris basins, silt traps, sediment basins or other methods determined acceptable by the review authority. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In addition:
 - (1) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (2) Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.
 - (3) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (e) In all cases permanent stabilization should be installed prior to completion of the construction, but shall occur within nine (9) months of the initial date of exposure.
- (f) The top or bottom of a cut or fill may not be closer than ten (10) feet to a property line unless otherwise mutually agreed to by the affected landowner and town but in no instance may said cut or fill exceed a 3:1 slope.
- (g) Within a Shoreland Zone all activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (1) Mulching and revegetation of disturbed soil.
 - (2) Temporary runoff control features such as hay bales, silt fencing, or diversion ditches.
 - (3) Permanent stabilization structures such as retaining walls or riprap.

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- (h) 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 riprap.

R. Storm Water Run-Off.

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters. Design period is 50-year storm.
2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

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

S. Water Quality Protection.

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
2. No person, land use, or activity may locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that run-off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, a taste or unsightliness or be harmful to human, animal, plant or aquatic life.
3. All outdoor storage facilities for fuel, chemicals, chemical or industrial wastes, and potentially harmful raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which is high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 50-year storm, so that such liquid is not able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding 275 gallons in size, are exempted from this requirement, if they are not located over a high seasonal water table (within 15" of the surface) or over rapidly permeable sandy soils.
4. Phosphorus Control.

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- (a) New development shall be designed and constructed to limit the phosphorus export to the values contained in the table below:

Per Acre Phosphorus Allocation, by Great Pond Watershed	
Great Pond Watershed	Per Acre Allocation (lbs. Phosphorus/Acre/year)
Bickford	.092
Black Bog	.048
Chapman	.060
Colcord	.087
Mine	.110
Plain	.061
Spectacle 1	.070
Spectacle 2	.062
Stanley	.100
Trafton	.057

- (b) The following types of development qualify for a simplified method of determining the phosphorus export.
- (1) A new single family or two-family dwelling with a cumulative driveway width not exceeding 450 feet, not located in a subdivision approved by the Porter Planning Board after the effective date of this Ordinance.
 - (2) Non-residential development and multifamily housing with less than 20,000 square feet of disturbed area including parking, lawn, septic system, infiltration area, building and a road not exceeding 200 linear feet.

The above uses are deemed to comply with the phosphorus export standards of 3.(a) above if a permanent, vegetated buffer strip is located downhill from the developed portion of the lot according to the requirements of the tables in appendix A of this Ordinance, whichever applies according to great pond watershed. On an existing lot of record that is smaller in size than what is required in the table, the applicant shall meet the buffer width requirement of the maximum extent possible. The "Clearing Restricted" buffer widths apply on lots on which clearing of wooded vegetation is restricted, by deed covenants and permit conditions, to no more than 12,500 square feet in area.

- (c) Developments which do not meet the criteria for the simplified review shall prepare a phosphorus export analysis in accordance with the methodology contained in *Phosphorus Control in Lake Watershed: A Technical Guide to Evaluating New Development*, published by the Maine Department of Environmental Protection, September 1992 Revision. An applicant for a land use permit whose development qualifies for the simplified review, but who chooses to not meet the buffer strip requirements contained in Tables 1 through 7 above may, instead, use the methodology in the *Technical Guide* to show that the proposed development will meet the phosphorus export standards of 3(a) above.

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- (d) Occupants and property owners shall maintain vegetated buffer strips and, if applicable, other phosphorus control measures in accordance with the buffer maintenance requirements contained in Section 5.3 of the *Technical Guide*.

T. Water Supply.

Prior to the issuance of any occupancy permit for any structure with a potable water supply system, a water quality analysis demonstrating that the State of Maine Safe Drinking Guidelines are met shall be submitted to the Code Enforcement Officer.

U. Other Regulations Apply.

The applicant is responsible for complying with all applicable local, county, state, and federal laws and regulations.

V. Preservation of Historic and Archaeological Resources.

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, or as designated in the Comprehensive Plan, 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.

W. Essential Services in the Shoreland Zone.

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

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ARTICLE V. PERFORMANCE STANDARDS

- SPECIFIC ACTIVITIES AND LAND USES

The following performance standards apply to specific activities and land uses.

5.1 Accessory Buildings.

Accessory buildings shall be set back at least 10 feet from the side and rear lot lines in the Village District, and at least 25 feet in all other districts.

5.2 Adult Businesses.

A. Location of adult businesses restricted.

An adult business may be located only:

1. In the Village District, and
2. In a location where the customer entrance to the adult business would be 1,000 feet or more, measured in a straight line without regard to intervening structures or objects, to the nearest point of the boundary of any property which is:

- (a) occupied by a residence, school, park, playground, church, or public building; or
- (b) occupied by another adult business.

B. Outside displays prohibited.

No material or devices displaying or exhibiting specified sexual activities may be visible from the exterior of the building in which the adult business is located.

C. Municipal review limited.

In a review of a proposed adult business under Section VI, Land Use Permits, the Planning Board's scope of review is limited to the impacts and effects of a proposed use as determined by applying the criteria which apply to any business use. The Planning Board may not consider the type or content of the material sold, rented, exhibited, or displayed in the business and may not restrict or limit the content of such materials.

5.3 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 (7 M.R.S.A. sections 4201-4209). Manure may not be stored or stockpiled within 100 feet, horizontal distance, of a great pond or river, or within 75 feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone shall be constructed or modified such that the facility produces no discharge or effluent or contaminated storm water.

B. There may be no tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance, from other water bodies; nor within 50 feet, horizontal distance, of tributary streams, streams, and wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

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- C. Agricultural practices shall be conducted to minimize soil erosion, sedimentation, contamination, and nutrient enrichments of ground and/or surface waters. In the shoreland zone, the tilling of soil greater than 40,000 square feet in surface area may be done only in accordance with a Conservation Plan which shall be filed with the Planning Board. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

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

- D. No new livestock grazing areas may be established within 100 feet, horizontal distance, of the normal high-water line of a great pond; within 75 feet, horizontal distance of other water bodies; or within 25 feet, horizontal distance of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities, and which is not in conformance with the above setback provisions, may continue, provided that such grazing is conducted in accordance with a Conservation Plan.

5.4 Animal Husbandry.

- A. Without Planning Board approval, as allowed in Subsection C, below, animal husbandry may only be conducted on a lot of at least 2 acres and all pens, stables, barns, or other shelters for animals shall be set back at least 100 feet from any lot line.
- B. Without Planning Board approval, as allowed in Subsection C, below, no manure may be stored within 300 feet of the normal high water mark of any water body, watercourse, wetland, or well.
- C. If the property on which the animals are kept is less than 2 acres and/or the applicant cannot meet the setbacks in Subsections A and B, a permit for keeping animals may be granted by the Planning Board, if the following standards are met:
 - 1. All pens, stables, barns, or other shelters for animals are set back at least 100 feet from the nearest dwelling other than the applicant's.
 - 2. All manure is stored in a covered structure and at least 100 feet from the nearest dwelling (other than the applicant's) and at least 100 feet from the nearest well, and at least 300 feet from the normal high water mark of any water body, watercourse, or wetland.
 - 3. All structures are set back the required number of feet as defined in Article III, 3.2.
 - 4. Manure storage structures are constructed according to plans approved by the Oxford County Soil Conservation District.
 - 5. All feed and grain is stored in rodent proof containers.
 - 6. All paddocks, pastures, barnyards, or other enclosures are adequately fenced to contain livestock, animals, or fowl.
 - 7. The Planning Board shall set a limit on the number and species of animals permitted. In determining these limits the Board shall consider the size and layout of the lot; the size of adjacent lots; the presences of vegetative screening and buffer strips; and the potential for noise, odor, and vermin problems.

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5.5 Automobile Graveyards and Junkyards.

- A. Prior to issuance of the municipal permit, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
- B. Site Considerations:
 - 1. No motor vehicles or materials may be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.
 - 2. No motor vehicles or material may be located within the 100-year flood plain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.
 - 3. A visual buffer capable of completely screening from view all portions of the automobile graveyard or junkyard shall be established and maintained along all property lines.
 - 4. No motor vehicles or material may be stored within 500 feet of any school, or any dwelling other than that of the owner or operator of the Automobile Graveyard or Junkyard.
 - 5. No motor vehicles or material may be stored within 300 feet of any water body.
- C. Operational Considerations;
Upon receiving a motor vehicle, the battery shall be removed and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle may be permitted into or onto the ground.

5.6 Bed & Breakfast.

- A. The application for approval shall include a scale drawing of the lot showing the location of existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
- B. There shall be at least 1 parking space for each rental room in addition to the spaces required for the dwelling unit.
- C. There shall be 1 bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
- D. Each rental room shall have at least 10 feet by 12 feet horizontal dimensions.
- E. Each rental room shall be equipped with an approved smoke detector.
- F. The building shall meet applicable State and local fire regulations, and be inspected by appropriate fire inspection personnel.

5.7 Boarding Houses.

- A. The application for approval shall include a scale drawing of the lot showing the location of existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.
- B. There shall be at least 1 parking space for each rental room in addition to the spaces required for the dwelling unit.
- C. There shall be 1 bathroom provided per 4 rental rooms, in addition to the bathroom for the dwelling unit.

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- D. Each rental room shall have at least 10 feet by 12 feet horizontal dimensions.
- E. Each rental room shall be equipped with an approved smoke detector.
- F. The minimum lot size for Boardinghouses is as follows:
 - 1. Village District: 30,000 square feet
 - 2. Rural District: 88,000 square feet

5.8 Campgrounds.

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

- A. Density

Campgrounds shall contain at least 5,000 square feet of suitable land, not including road and driveways, per recreational vehicle site, tent site, and shelter area site. Land supporting wetland vegetation, and land below the normal high-water line of a water body, may not be included in calculating land area per site.
- B. The area intended for placement of the recreational vehicle, tent, or shelter and utility and service buildings, shall be set back at least 100 feet, horizontal distance, from the normal high-water line of any great pond or a river; 75 feet, horizontal distance, from the normal high-water line of other water body, tributary streams, or the upland edge of a wetland; and shall be set back at least 100 feet from the exterior lot lines of the campground. Every water front site shall have at least 20 feet of frontage on the water.
- C. At least 200 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.
- D. Each recreational vehicle, tent, or shelter site shall be provided with a picnic table, trash receptacle, and fireplace.
- E. All campgrounds shall be screened from adjacent land areas by continuous landscaped area not less than 25 feet in width containing evergreen shrubs, trees, fences, walls or any combination which forms an effective visual barrier of not less than 6 feet in height.

5.9 Cluster Developments.

- A. Purpose

The purpose of these provisions is to encourage the preservation of the rural character of Porter by preserving undeveloped land, including farm land and forest land, and other undeveloped areas.
- B. Application Procedure

In order for the applicant and the Planning Board to determine that the proposed cluster development will not allow more dwelling units than a conventional development the applicant shall either:

 - 1. Submit 2 plans for the proposed development, one layout as a conventional development and the second as a cluster development. Each lot in the conventional development shall meet the minimum lot size and lot width requirements of this Ordinance, have an area suitable for subsurface wastewater disposal according to the *State of Maine Subsurface Wastewater Disposal Rules*, and shall exclude land which is undevelopable according to this Ordinance or the Subdivision Regulations. The number of lots in the cluster development may in no case exceed the number of lots in the standard development, or

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2. Calculate the allowable number of lots by dividing the net residential acreage of the parcel of land by the minimum lot size of the district in which the development is located. The net residential acreage is calculated by taking the total area of the lot and subtracting, in order, the following:
 - (a) 15% of the area of the parcel to account for roads and parking.
 - (b) Portions of the lot which, because of existing land uses or lack of access, are isolated and undevelopable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.
 - (c) Portions of the lot shown to be in the floodway as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency.
 - (d) Portions of the lot which 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.
 - (e) Portions of the parcel subject to a right-of-way.
 - (f) Portions of the parcel located in the Resource Protection District.
 - (g) Portions of the parcel covered by surface waters.
 - (h) Portions of the parcel utilized for storm water management facilities.

C. Basic Requirements for Cluster Developments.

1. Cluster developments shall meet all requirements for a subdivision, the street acceptance requirements, and all other applicable town ordinances, including the applicable Performance Standards of this Ordinance.
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 developer shall illustrate the placement of buildings and the treatment of spaces, paths, roads, utility service, and parking and in so doing shall take into consideration all requirements of this section and of other relevant sections of this Ordinance.
3. A high-intensity soil survey shall be submitted. No building may be constructed on soil classified as being very poorly drained.
4. Except for in-ground homes, no building may be located or constructed on slopes steeper than 25%.
5. No building may be located or constructed within 100 feet of any water body or wetland.
6. No lot may be smaller in area than 20,000 square feet.
7. The total area of common land within the development shall equal or exceed the sum of the areas by which any building lots are reduced below the minimum lot area normally required in the District.
8. The set back standards of the district in which the buildings are located apply.
9. No individual lot or dwelling unit may have direct vehicular access onto a public road existing at the time of development.

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10. Shore frontage may not be reduced below the minimum normally required in the Shoreland District.
 11. Where a cluster development abuts a body of water, a usable portion of the shoreline, as well as access to it, shall be a part of the common land.
 12. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, solar energy, and natural drainage areas, in accordance with an overall plan for site development.
 13. The applicant shall demonstrate the availability of water adequate for domestic purposes as well as for fire safety. The Planning Board may require the construction of storage ponds and dry hydrants. The location of all wells shall be shown on the plan.
 14. The location of subsurface wastewater disposal systems and an equivalent reserve area for replacement systems shall be shown on the plan. The reserve areas shall be restricted so as not to be built upon. The report of a licensed Site Evaluator shall accompany the plan. If the subsurface disposal system is an engineered system, approval from the Department of Human Services, Division of Health Engineering shall be obtained prior to Planning Board approval.
 15. Utilities shall be installed underground wherever possible. Transformer boxes, pumping stations, and meters shall be located so as not to be unsightly or hazardous to the public.
- D. Dedication and Maintenance of Undeveloped Area and any Common Facilities.
1. There may be no further subdivision of this land, which may be used only for agriculture, forestry, conservation, or non-commercial recreation. However, easements for public utilities or structures accessory to non-commercial recreation, agriculture, or conservation may be approved by the Planning Board.
 2. The undeveloped area shall be shown on the development plan and with appropriate notation on the face thereof to indicate that:
 - (a) the undeveloped area may not be used for future building lots; and
 - (b) the final disposition of the undeveloped area, which may be:
 - [1] Dedicated to the town for acceptance,
 - [2] Deeded to a land trust,
 - [3] Retained by the applicant, or
 - [4] Reserved for ownership by a homeowners' association made up of the owners of the lots in the cluster development.
 3. If any or all of the undeveloped area is to be reserved for use by the residents as in [4] above,
 - (a) A homeowners' association shall be formed and the by-laws of the homeowners' association shall specify maintenance responsibilities. The by-laws shall be submitted to the Planning Board for their approval prior to approval of the development plan.
 - (b) Covenants for mandatory membership in the association, setting forth the owners' rights and interest and privileges in the association and the common land, shall be reviewed by the Planning Board and included in the deed for each lot.
 - (c) This homeowners' association has the responsibility of maintaining the undeveloped area and any common facilities until accepted by the town.

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(d) The association shall levy annual charges against all property owners to defray the expenses connected with the maintenance of open space, other common and recreational facilities and town assessments.

The developer shall maintain control of the open space and be responsible for its maintenance until development sufficient to support the association has taken place. Such determination is made by the Planning Board upon request of the homeowners' association or the developer.

4. If the undeveloped area is retained by the applicant, as in (2)(b)[3] above:
 - (a) The land may only be used for active agriculture or active forestry. The conditions of this use shall be approved by the Planning Board and indicated on the development plan.
 - (b) The development rights of the undeveloped area shall be deeded to either the town or other entity approved by the Planning Board and may not be deeded back to the owner of the undeveloped land.
 - (c) An area suitable for the noncommercial recreational use of the owners of the lots in the cluster development shall be reserved. This area shall be either dedicated to the town or reserved for a homeowners' association as in (3) above. This area shall be equal in size to 2,500 square feet per lot in the cluster development.
5. If the undeveloped area is deeded to a land trust as in (2) (b) [2] above, the Planning Board shall approve the land trust and the conditions of the deed.
6. If the undeveloped area is dedicated to the town as in (2) (b) [1] above, the Planning Board shall approve the language of the dedication and the use allowed in the undeveloped area.

E. Buffering.

The area of the lots in the cluster development shall be designed as a continuous landscaped buffer area not less than 50 feet in width which may contain no structures or streets. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the development, shall contain evergreen shrubs, trees, fences, walls, landscaped earth berms, or any combination which forms an effective visual barrier to be located on all exterior lot lines of the development, except that driveways shall be kept open to provide for vehicles entering and leaving the development.

5.10 Garage and Yard Sales.

- A. Garage and Yard Sales are permitted in all districts. Such sales may only be held by the property owner on whose property the sale is located.
- B. Garage and Yard Sales are permitted for no more than 12 days in any calendar year. Sales conducted more frequently are classified as "Low Impact Commercial" or "High Impact Commercial" Land Uses. These uses require additional permits, shall be located in appropriate zoning districts, and shall meet appropriate performance standards.
- C. If located along Route 25 or 160 the operator of a Garage and Yard Sale shall provide adequate off-street parking so that parking does not take place along the roadway.
- D. Signs for such sales shall meet the requirements for signs in this Ordinance.

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5.11 Ground Water and/or Spring Water Extraction and/or Storage.

A. Permit Required.

The removal of more than 1000 gallons per day of ground water or spring water as part of a residential, commercial, industrial, or land excavation operation, where allowed under this ordinance, requires approval by the Planning Board. The Planning Board shall grant approval if it finds that the proposal, with conditions, if any, will conform with the requirements of this section, all other requirements of this Ordinance, and all applicable codes and ordinances.

B. Submission Requirements.

The application together with site plan shall include the following information:

1. Statement of the quantity of ground water to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
2. A letter from the Maine Department of Human Services approving the facility as proposed where the Department has jurisdiction over the proposal;
3. Where appropriate, letters from the Department of Environmental Protection when the Site Location Law is applicable or a discharge permit is required;
4. Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist or registered professional engineer, except for spring water extraction facilities which meet the following conditions: the spring enhancement may not increase the combined spring's catchment capacity by removing more than 4 cubic yards of earth and not increase the spring's depth by more than 4 feet, where the discharge drain is no lower than the existing spring water level, where gravity alone (without the aid of a siphon) is used to withdraw the spring water to other facilities on site, and where other improvements do not threaten ground water levels. This report shall include the following information:
 - (a) A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of 1 in 10 years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.
 - (b) The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month), and daily extraction rates, and the cone of depression which may develop about the proposed facility. Other impacts on the water table in the tributary aquifer and such other private or public wells within 1,000 feet of the proposed extraction facilities shall also be assessed.

C. Performance Standards

The following standards shall be met and the applicant shall clearly demonstrate that they will be met.

1. The quantity of water to be taken from ground water sources may not lower the ground water table at the property lines by more than two feet, cause salt water intrusion, cause undesirable changes in ground water flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a

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- probability of occurrence of once in 10 years. Test wells shall be installed at the property line and monitored monthly by the applicant to ensure compliance with these standards and submitted monthly to the Code Enforcement Officer or a designee.
2. The proposed facility may not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.
 3. Safe and healthful conditions shall be maintained at all times within and about the proposed use.
 4. The proposed use may not cause sedimentation or erosion.
 5. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.
 6. The operator shall make operating records of the quantity of water extracted, stored and removed from the site and submit them monthly to the Code Enforcement Officer or a designee. To ensure compliance with these performance standards, the Planning Board shall require, as condition of approval, for the operator to reimburse the Town for the cost of the Town's consulting engineer to review the results of these reports annually, or whenever a written complaint is submitted to the Code Enforcement Officer. Nothing in this procedure, and no decision by the Planning Board is deemed to create groundwater rights other than those rights which the applicant may have under Maine law.
 7. As a condition of approval, the applicant shall be required to make offsite road improvements to private or public ways or streets, to accommodate any truck traffic generated by the extraction operation. Such improvements may include, but not be limited to, grading, rolling, ditching, and filling, and the provision of turnouts.

5.12 Special and/or Hazardous Waste Facilities.

Hazardous waste facilities shall comply with the following site and performance standards:

A. Site Standards.

In addition to being in compliance with the most current Regulations of the Department of Environmental Protection that address the disposal of waste, the applicant shall conduct a hydrogeologic investigation of the site and prepare detailed construction and site development plans, and operating procedures. The site shall include the following characteristics:

1. It shall consist of at least 500 acres.
2. The disposal areas within the overall site shall be at least 5,000 feet from the nearest inhabited residence or potable water supply existing at the time at which the application is filed.
3. There shall be a buffer zone of at least 1,000 feet between disposal areas and all public roads.

B. Performance Standards.

If the Town does not operate the site, the site may not be operated unless the Planning Board is furnished by the owner and/or operator with:

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1. A performance bond, which shall be in effect at all times the facility is in operation, and for a period of 20 years after closure or termination or default of the facility or site, conditioned on faithful performance of the requirements of this Ordinance. All such bonds shall be written by an insurance company licensed to transact business in the State of Maine, and shall be for a sum of at least \$500,000.00.
2. A certificate evidencing proof of liability insurance covering all aspects of the solid waste disposal facility operations under this Ordinance. Such policy of liability insurance shall insure against personal injury in an amount at least \$1,000,000.00 per person or \$2,000,000.00 per occurrence, and insure against property damage in an amount at least \$2,000,000.00 per occurrence. Such insurance shall be in effect at all times the facility is in operation and for a period of 20 years after closure of the facility or site.

C. Transfer of Ownership.

1. In the event that any person or corporation to whom a permit has been issued, and prior to transfer of ownership or operational responsibility for the facility to another, the new owner and/or operator is required to obtain a new permit in the manner required herein. A performance bond established under the provisions of this Ordinance for the facility may only be released by the vote of the legislative body.
2. In the event of a change of ownership, the performance bond established for a facility shall remain in effect until the new performance bond for the facility is in effect and presented to the Town.

5.13 Home Occupations.

A. Purpose

To allow the residents of Porter to engage in a Home Occupation, provided it does not adversely affect abutting or neighboring owners, thereby creating a nuisance or lowering of property values.

B. Home Occupation

A home occupation is any use engaged in for monetary gains and which conforms to the following standards:

1. Is carried on within a dwelling unit or structure accessory to a dwelling unit with only one such use per premises;
2. Is secondary to the use of the dwelling unit for residential purposes;
3. Does not employ more than one person who is unrelated, by blood or marriage, to the business owner, or who does not reside on the premises;
4. Screens and locates materials stored, so that there is no exterior evidence of the use, except one resident name sign and one home occupation sign. (see Section 4.2.O)
5. Is not likely to generate traffic from more than 10 vehicles during the course of any average day when the premises are open for business.
6. Has sufficient off-street parking available within 100 feet of the premises for customers' use without creating any traffic or safety hazards;
7. Does not utilize equipment or processes which create noise, vibration, glare, dust, fumes, odors, or electrical interference detectable to the normal senses or which interfere with normal radio or television reception off the premises;
8. Keeps all driveway entrances and exits free from visual distraction higher than 3 feet above street level for a distance of 25 feet, measured along the intersecting driveway

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and street lines, in order to provide visibility for vehicles entering and leaving the premises;

9. Does not adversely affect any natural resource or environmentally sensitive area, such as a wetland, aquifer, watercourse, water body, etc.

5.14 Hotels.

- A. No part of any building on a hotel lot may be closer than 60 feet to the front lot line, rear lot line or either side line of such lot. An undeveloped buffer strip not less than 20 feet wide, shall be maintained with grass, bushes, flowers, and/or trees all along each side lot line, the rear lot line, the front line, except for entrance and exit driveways. The buffer strip may not be used for parking.
- B. If cooking or eating facilities are provided in hotel rental units, each rental unit is considered a dwelling unit and the hotel is required to meet all the standards for multifamily developments in this Ordinance including the residential density requirements of the appropriate district.
- C. Each hotel rental unit shall contain at least 200 square feet habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each hotel rental sleeping room shall be at least 12 by 15 feet horizontal dimensions, exclusive of bathrooms. Each rental unit shall include private bathroom facilities.
- D. On each hotel lot, 1 apartment may be provided for a resident owner, manager, or other responsible staff person.
- E. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

5.15 Individual Private Campsites.

- A. No more than 1 campsite per lot existing on the effective date of this Ordinance, or per 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted upon issuance of a Land Use Permit from the Code Enforcement Officer.
- B. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high-waterline of a great pond or river, and 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 shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- D. The clearing of vegetation for the siting of the recreational vehicle, tent, or similar shelter in a Resource Protection District may only be 1,000 square feet.
- E. A written sewage disposal plan describing the proposed method and location of sewage disposal is required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- F. When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the *State of Maine Subsurface Wastewater Disposal Rules*.

5.16 Kennels and Veterinary Hospitals.

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- A. Structures and pens for housing or containing the animals shall be located at least 100 feet from the nearest residence other than the owner's existing at the time of permit.
- B. All pens, runs, or kennels, and other facilities shall be designed, constructed and located on the site in a manner that minimizes the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.
- C. The owner or operator of a kennel shall maintain the premises in a clean, orderly, and sanitary condition at all times. No garbage, offal, feces, or other waste material may be allowed to accumulate on the premises. The premises shall be maintained in a manner so as to not provide a breeding place for insects, vermin or rodents.
- D. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times, and emptied at least once every 4 days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.
- E. If outdoor runs are provided, they shall be completely fenced in, and shall be paved with cement, asphalt, or a similar material to provide for cleanliness and ease of maintenance.
- F. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located at least 400 feet from nearest residence other than the applicant's and shall have a chimney vent at least 35 feet above the average ground elevation. The applicant shall also provide evidence that approval from the Maine Department of Environmental Protection has been obtained for the proposed incinerator, and that it meets state standards for particulate emissions, flue gas temperature, and duration of required flue temperatures.

5.17 Modular Housing and Mobile Homes.

- A. Modular homes and mobile homes, whether single- or double-wide, not in a mobile home park shall meet all of the following requirements:
 - 1. Dimensional and density requirements of the Zoning District for single family dwellings;
 - 2. A permanent foundation, frost wall, grade beam or floating slab with skirting of permanent material;
 - 3. A 3:12 pitched roof of suitable waterproof material;
 - 4. Exterior walls of traditional site-built appearance, including vinyl or metal siding manufactured to closely resemble clapboards, shingles, or shakes;
 - 5. No permanent additions other than units similar in construction to the original unit.
- B. These design requirements in (a), above, cannot be used to prevent the relocation of existing mobile homes from one lot to another in town.
- C. All used relocated mobile homes being moved from lot to lot within the town or moved into town from another locale shall:
 - 1. be inspected and certified by the local Fire Chief, or the Chief's designee, that it meets the current Life Safety Code;

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2. be inspected and certified by a person holding a Masters License issued by the State of Maine Electricians' Examining Board that the electrical system is safe and meets the current National Electrical Code;
 3. be inspected and certified by a person holding a Masters License issued by the State of Maine Oil and Solid Fuel Examining Board that the heating and fuel system meets the requirements of NFPA-31-Installation of Oil Burning Equipment as adopted by the Board;
 4. be inspected by Local Plumbing Inspector after necessary plumbing permits have been obtained.
- D. Multi-unit modular housing shall meet the same standards and requirements as site-built homes.

5.18 Mineral Exploration and Extraction.

A. 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 is 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.

B. Mineral Extraction.

Unless specifically allowed in Article V, 5.18, A, above, or in Article V, 5.19, "Minor Earthmoving Activities", topsoil, loam, rock, peat, sand, gravel, and similar earth materials may be removed from locations where permitted under the terms of this ordinance only after a reclamation plan has been filed with, and approved, by the Planning Board and a permit for such operations has been issued by the Code Enforcement Officer. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 5.18.D.13 below.

C. Submission Requirements for Mineral Extraction.

1. Applications to the Planning Board for a permit for the excavation, screening, or storage of top soil, loam, peat, sand, gravel, rock, or other mineral deposits shall be accompanied by a plan prepared according to the performance standards herein.
2. Plans for the proposed extraction site shall include:
 - (a) A standard boundary survey of the property lines;
 - (b) Names and addresses of owners of abutting property;
 - (c) Existing elevations, at not greater than 5 foot contour intervals as well as the location and slope of the grades proposed upon completion of the extraction operation. Additionally, the plan shall indicate the normal high water lines of great ponds within 100, horizontal distance, feet of the extraction activities, the normal high water lines of other water bodies within 75, horizontal distance, feet of the extraction activities, and the upland edge of wetlands within 75, horizontal distance, feet of the extraction activities;
 - (d) Proposed fencing, buffer strips, signs, lighting;
 - (e) Parking and loading areas, entrances and exits;
 - (f) A written statement of the proposed method, regularity, working hours;

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- (g) Proposed plans and specifications for the rehabilitation and restoration of the site upon completion of the operation;
- (h) An estimate of the elevation of the seasonal high water table within the excavation site shall be submitted. The Board may require the additional submissions of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

D. Performance Standards.

1. No part of any extraction operation may be permitted within 150 feet of any property or street line, except that drainage ways to reduce run-off into or from the extraction area may be allowed up to 100 feet of such line. Natural vegetation shall be left and maintained on the undisturbed land.
2. If any standing water accumulates, the site shall be fenced in a manner adequate to keep out children. Measures shall be taken to prevent or stop the breeding of insects.
3. No slopes steeper than 3 feet horizontal to 1 foot vertical are permitted at any extraction site unless a fence at least 6 feet high is erected to limit access to such locations.
4. Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation.
5. Any topsoil and subsoil suitable for purposes of revegetation shall, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles shall be protected from erosion, according to the erosion prevention performance standards of this section.
6. Sediment shall be trapped by diversions, silting basins, terraces and other measures designed by a professional engineer.
7. The sides and bottom of cuts, fills, channels, and artificial water courses shall be constructed and stabilized to prevent erosion or failure.
8. The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.
9. Excavation may not extend below 5 feet above the seasonable high water table without the submission of detailed findings of the depth of the water table. The Board may, upon verified determination of the depth of the seasonal high water table, permit excavation within 2 feet above the water table.
10. Loaded vehicles shall be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods are subject to approval by the Road Commissioner and the Planning Board. No mud, soil, sand, or other materials may be allowed to accumulate on a public road from loading or hauling vehicles.
11. All access and/or egress roads leading to or from the extraction site to public roads shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public roads.
12. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or building erected for such operations and equipment used in connection therewith shall be removed within 30 days following completion of active extraction operations.

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13. Within twelve (12) months following the completion of extraction operations at any extraction site or any one or more locations within 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 approved plans filed with the Planning Board. These plans shall provide for the following:
 - (a) All debris, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil. Only materials generated on-site may be buried or covered on-site.

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

- (b) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type and amount of fill to be used.
 - (c) Storm drainage and water courses shall leave the location at the original natural drainage points and in manner such that the amount of drainage at any point is not significantly increased.
 - (d) At least 4 inches of topsoil or loam shall be retained to cover all disturbed areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project. The final graded slope shall be two and one-half to one (2 ½: 1) slope or flatter.
14. 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 ponds, and within seventy-five (75), feet, horizontal distance, of the normal high water line of any other water body, tributary stream, or the upland edge of wetlands. Within the setback area, a vegetated buffer shall be maintained consistent with the Clearing of Vegetation for Development Standards of the Porter Land Use Ordinance.
15. 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.

5.19 Minor Earthmoving Activities.

- A. The following minor earth moving activities do not require a permit from the Planning Board:
 1. The Code Enforcement Officer may authorize the following earth-moving activity in any District, except the Resource Protection District, provided that such earth-moving activity does not alter any water course, wetland,, or natural drainage way:
 - (a) The filling, removal of material, and grading of a site which does not change the topography of the land, as it exists on the effective date of this subsection, by more than 1 foot.

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- (b) The filling, removal of material, and grading of an area which is not in excess of 10,000 square feet.
 - (c) The removal or filling of material incidental to construction, alteration, or repair of a building or in the grading and landscaping incidental thereto.
 - (d) The removal, filling, or transfer of material incidental to construction, alteration, or repair of a public or private way or essential services, such as a fire pond, unless located within 250 feet of the shoreline.
2. All other earth-moving, processing, and storage in any District requires a permit authorized by the Planning Board.

5.20 Mobile Home Parks.

- A. Except as stipulated below, mobile home parks shall meet all the requirements for a residential subdivision, and shall conform to all applicable State laws and local ordinances or regulations. Where the provisions of this section conflict with specific provisions of the Porter Subdivision Regulations, the provisions of this section prevail.
- B. Lot Area and Lot Width Requirements.
Notwithstanding the dimensional requirements table located in Article III, 3.2, of this Ordinance, lots in a mobile home park shall meet the following lot area and lot width requirements.
 1. Lots served by individual subsurface wastewater disposal systems, as follows:
 - (a) Minimum lot area: 20,000 square feet
 - (b) Minimum lot width: 100 feet
 2. Lots served by a central subsurface wastewater disposal system approved by the Maine Department of Human Services, as follows:
 - (a) Minimum lot area: 12,000 square feet
 - (b) Minimum lot width: 75 feet
 3. The overall density of any park served by any subsurface wastewater disposal system may not exceed one dwelling unit per 20,000 square feet of total park area.
 4. Lots located within any shoreland zoning district shall meet the lot area, lot width, and shore frontage requirement for that district.
- C. Unit Setback Requirements
 1. Structures may not be located less than 15 feet from any boundary lines of an individual lot.
 2. On lots which abut a public way either within the park or adjacent to the park, or on lots which are located within the shoreland zoning district, structures shall meet the front setback requirements found in the dimensional requirements of Article III, 3.2, of this Ordinance.
- D. Buffering.
If a park is proposed with a residential density at least twice the density of adjacent development in existence, or at least twice the density permitted in the zoning district in which the park is located, and if the neighboring land is undeveloped, the park shall be designed with a continuous landscaped area not less than 50 feet in width which may contain no structures or streets. The first 25 feet of the buffer strip, as measured from the exterior boundaries of the park, shall contain evergreen shrubs, trees, fences, walls, or any

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combination which forms an effective visual barrier to be located on all exterior lot lines of the park, except that driveways shall be kept open to provide for vehicles entering and leaving the park.

E. Road Design, Circulation and Traffic Impacts.

1. Streets within a park shall be designed by a professional engineer, registered in the State of Maine.
2. Streets which the applicant proposes to be dedicated as public ways shall be designed and constructed in accordance with the standards for streets in the Porter Subdivision Regulations.
3. Streets which the applicant proposes to remain as private ways shall meet the following minimum geometric design standards:
 - (a) minimum width of right of way: 23 feet
 - (b) minimum width of traveled way: 20 feet
4. Any mobile home park expected to generate average daily traffic of 200 trips per day or more shall have at least 2 street connections with existing public streets. Any street within a park with an average daily traffic of 200 trips per day or more shall have at least two street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.
5. No individual lot within a park may have direct vehicular access onto an existing public street.
6. The intersection of any street within a park and an existing public street shall meet the following standards:
 - (a) Angle of Intersection;
The minimum angle of intersection is 75 degrees.
 - (b) Maximum Grade Within 75 feet of Intersection.
The maximum permissible grade within 75 feet of the intersection is 2%.
 - (c) Minimum Sight Distance.
A minimum sight distance of 10 feet for every mile per hour of legal speed limit on the existing road shall be provided. Sight distance is measured from the driver's seat of a vehicle that is 10 feet behind the curb or edge of shoulder line with the height of the eye 3-1/2 feet above the pavement and the height of the object 4-1/4 feet.
 - (d) Distance From Other Intersections.
The center line of any street within a park intersecting an existing public street may be no less than 125 feet from the centerline of any other street intersecting that public street.
7. The application shall contain an estimate of the average daily traffic projected to be generated by the park. Estimates of traffic generation shall be based on the *Trip Generation Manual, 1991 Edition*, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the applicant shall also include a traffic impact analysis by a registered professional engineer with experience in transportation engineering.

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F. Ground Water Impacts.

1. Assessment Submitted.

Accompanying the application for approval of any mobile home park which is not served by public sewer shall be an analysis of the impact of the proposed mobile home park on ground water quality. The hydrogeologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer experienced in hydrogeology and shall contain at least the following information:

- (a) A map showing the basic soil types.
- (b) The depth to the water table at representative points throughout the mobile home park.
- (c) Drainage conditions throughout the mobile home park.
- (d) Data on the existing ground water quality, either from test wells in the mobile home park or from existing wells on neighboring properties.
- (e) An analysis and evaluation of the effect of the mobile home park on ground water resources. The evaluation shall, at a minimum, include a projection of post-development nitrate-nitrogen concentrations at any wells within the mobile home park boundaries and at a distance of 1,000 feet from potential contamination sources, whichever is a shorter distance. For mobile home parks within the watershed of a lake, projections of the development's impact on groundwater phosphate concentrations shall also be provided.
- (f) A map showing any subsurface wastewater disposal systems and drinking water wells within the mobile home park and within 200 feet of the mobile home park boundaries.

2. Standards for Acceptable Ground Water Impact.

- (a) Projections of ground water quality shall be based on the assumption of drought conditions (assuming 60% of annual average precipitation).
- (b) No mobile home park may increase any contaminant concentration in the ground water to more than one half of the Primary Drinking Water Standards. No mobile home park may increase any contaminant concentration in the ground water to more than the Secondary Drinking Water Standards.
- (c) If the ground water contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
- (d) If the ground water contains contaminants in excess of the secondary standards, the mobile home park may not cause the concentration of the parameters in questions to exceed 150% of the ambient concentration.

3. Subsurface wastewater disposal systems and drinking wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the plan.

G. No development or subdivision 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 without meeting the appropriate lot size, lot width, setback, and other requirements of

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this Ordinance. The mobile home park plan shall be recorded at the Registry of Deeds and filed with the town and shall include the following restrictions as well as any other notes or conditions of approval:

1. The land within the park shall remain in a unified ownership and the fee simple title to lots or portions of lots may not be transferred.
2. No dwelling unit other than a manufactured housing unit may be located within the park.

5.21 Multifamily Dwelling Units.

Multifamily (3 or more) dwelling units shall meet all of the requirements for a Planning Board authorized permit, detailed in Article VI and the following criteria:

A. Density.

1. The net residential acreage is 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 Planning 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 which 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 33%.
 - [2] organic soils.
 - [3] wetland soils.
 - [4] 50% of the poorly drained soils unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.
 - (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.
2. In order to determine the maximum number of dwelling units permitted on a tract of land, the net residential acreage is divided by the minimum lot size required in the District. A high-intensity soil survey map, certified by a Registered Soil Scientist licensed in the State of Maine, shall be submitted. No building may be constructed on soil classified as being very poorly drained.

B. Water Supply.

1. When a multifamily development is proposed within the service area of public water supply system, all dwellings shall be connected to the system, at no expense to the town. The applicant shall demonstrate by a signed letter from an authorized representative of the water district that an adequate water supply can be provided to

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- the development at an adequate pressure for fire fighting purposes. Fire hydrants shall be located so that they are not more than 500 feet from any building, as hose is laid on the street.
2. When a multifamily development is proposed outside of the service area of public water supply system, the applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants.
 - C. It is the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooded or masonry screen at least 6 feet in height.
 - D. A 50 foot landscaped buffer shall be provided along all property boundaries.
 - E. All developments containing 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 2 accesses shall be allowed on any single street or roadway.
 - F. Recreation and Open Space. All multifamily developments or 25 dwelling units or more shall provide a developed play area no smaller than 5,000 square feet. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.
 - G. There shall be at least 50 feet between principal buildings.
 - H. Each principal building shall be set back at least 50 feet from any exterior lot line, and from any existing or proposed public road.

5.22 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. In addition to Federal or State permits which may be required for such structures and uses, they shall conform to the following:
 1. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 2. The location shall not interfere with existing developed or natural beach areas.
 3. The facility shall be located so as to minimize adverse effects on fisheries.
 4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
 5. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
 6. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

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7. No existing structures built on, over, or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units.

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

B. Application for Planning Board Review.

For any proposed shoreland construction or alteration requiring a permit from the Board of Environmental Protection, a copy of said Permit and all attachments thereto constitute the application to the Planning Board. For all other proposed shoreland construction or alteration, application to the Planning Board shall be made on forms provided for the purpose.

C. Conditions of Permit.

The Planning Board may authorize the issuance of a permit provided that the criteria applicable to Planning Board Authorized Land Use Permits have been met, and the applicant has clearly demonstrated that the following will be met:

1. The use will not unreasonably interfere with existing recreational and navigational uses, nor unreasonably alter scenic and aesthetic qualities;
2. The use will not unreasonably interfere with or harm the natural environs of any lake, pond, tributary, stream, or river, nor harm any fish or wildlife habitat;
3. The use will not cause unreasonable soil erosion nor lower the quality of any waters;
4. The use will not unreasonably alter the natural flow or storage capacity of any water body; and
5. The use will not create or cause to be created unreasonable noise or traffic of any nature.

D. Assistance.

The Planning Board may seek assistance from the Department of Inland Fisheries and Wildlife and the Department of Environmental Protection in evaluating these proposals.

5.23 Recreational Facility.

All recreation facilities shall meet the standards below:

- A. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.
- B. Containers and facilities for rubbish collection, recycling, and removal shall be provided.
- C. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke, and visual impact.
- D. The proposed use may not create a traffic hazard.

5.24 Renting Rooms and Apartments.

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- A. As an accessory use in a single family dwelling in the Village District, the renting of rooms or a single apartment in a dwelling existing prior to 1940 is permitted provided the following conditions are all satisfied.
- B. There may be no new external construction to increase the size of the structure to accommodate the accessory use, except as may be required by safety codes; however, there may be construction within the home to accommodate the accessory apartment.
- C. The water and sewage facilities meet all existing laws and codes.
- D. The building is owner-occupied.
- E. The building meets the lot size and dimensional requirements for a single family home in the district in which it is located.
- F. Off-street parking is provided to meet the requirements of this Ordinance.
- G. All required permits are obtained for construction of the apartment and a certificate of occupancy is obtained prior to the apartment being rented.
- H. The accessory apartment is no larger than 40% of the total area of the building.
- I. One non-illuminated sign, no larger than two square feet in area may be erected on the premises, only during times when a vacancy exists.
- J. Any apartment created under this section need not meet the requirements for multifamily housing contained elsewhere in this ordinance.

5.25 Restaurants.

- A. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity requires a new permit.
- B. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the *State of Maine State Subsurface Wastewater Disposal Rules*.
- C. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than 8 feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof, forming a visual barrier not less than 6 feet in height.
- D. Restroom facilities for the patrons shall be provided on the premises.

5.26 Civic, Social Service Uses, Churches, and Not-for-Profit Clubs.

- A. A suitably landscaped area, at least 20 feet wide, shall be provided along all property lines, except where driveways enter and exit.
- B. Building shall be at least 50 feet from a property line.
- C. Parking areas and outdoor activity areas shall be effectively screened from view from any residential uses within 200 feet, by a continuous vegetative barrier or stockade fence not less than 6 feet in height.

5.27 Timber Harvesting within the Shoreland Zone. (See Section 1.3B)

Effective January 1, 2013, statewide standards are effective for timber harvesting and related activities in shoreland areas. Contact the Maine Forest Service: 1-800-367-0223

5.28 Tire Storage and Disposal.

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This section establishes policies and procedures in the Town of Porter for the storage and disposal of used, scrap or otherwise discarded tires. Storage or disposal of tires at any site in the Town of Porter is prohibited unless specifically approved by the Porter Planning except as exempted in paragraph C.

- A. Prior to the issuance of any municipal permit for tire storage or disposal, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a DEP permit is not required.
- B. Site Consideration:
 - 1. Water Quality
 - (a) No storage/disposal site may be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.
 - (b) No storage/disposal site may be located within the 100 year floodplain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.
 - (c) A site shall be located, constructed and operated so that ground water will not be contaminated either within or outside of the boundaries of the site.
 - (d) No site boundary shall lie closer than 300 feet from any water body, to include intermittent streams.
 - 2. Community Protection
 - (a) A visual buffer capable of completely screening from view all portions of the site shall be established and maintained along all property lines.
 - (b) The owner or operator shall control access to the site and prevent storage or disposal of unapproved wastes.
 - (c) There shall be a minimum 150 foot buffer strip between the site boundaries and other property boundaries, wells and springs.
 - (d) A strip 50 feet wide cleared to mineral soil shall be constructed and maintained on all sides of the tire pile. All grass, weeds, slash, brush and debris shall be removed for a distance of 100 feet in all directions outside the cleared mineral soil strip; trees need not be removed, except that green branches of conifers and dead branches of all trees shall be pruned to a height of 10 feet above the ground; dead snags of all trees shall be removed.
 - (e) The owner/operator shall make such arrangements with the Kezar Falls Fire Department or otherwise have available equipment capable of containing a fire at the site as deemed appropriate by the Chief of the Department.
- C. Exemptions
 - 1. Nothing in this ordinance shall prohibit a resident storing 2 sets of tires per vehicle registered to the resident or family members.
 - 2. Further, owners or operators of commercial vehicles or race cars may store such new or usable tires or retreadable carcasses as necessary but no more than two complete sets of tires per vehicle registered or in use each season.
 - 3. Accumulations of tires at retail tire dealers, service stations or automobile, truck or heavy equipment repair facilities shall be exempted provided they meet the following requirements:
 - (a) There shall be no more than one stockpile of discarded tires.
 - (b) No stockpile of tires shall exceed 1,000 square feet and/or 4 feet in height.
 - (c) Tires are periodically removed from the site

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4. Tires used in agricultural activities shall be exempted provided the tires are kept on the site of use or stored out of sight when not in use.

5.29 Motorized Vehicle Racing Facilities.

This section establishes policies and procedures in the Town of Porter for the siting and operation of Motorized Vehicle Racing Facilities.

A. Compliance with State Regulations.

1. Prior to issuance of the municipal permit, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from the DEP stating that a permit is not required.
2. Prior to issuance of the municipal permit, the applicant shall present either a motor vehicle racing license from the Maine Commissioner of Public Safety pursuant to 8 M.R.S.A. Section 562 as amended, or a letter from the Commissioner of Public Safety stating that a motor vehicle racing license is not required.
3. Notwithstanding 8 M.R.S.A. Section 567, all motorized vehicle racing facilities, including those devoted to motorcycle racing, shall comply with the "Rules and Regulations Relating to Structures Used By the Public As Spectators During Motor Vehicle Racing" contained in Chapter 38 of the Rules and Regulations of the Maine Department of Public Safety, as amended; which Regulations are incorporated in this Ordinance by reference.
4. Notwithstanding 29 M.R.S.A. Section 1912 (5), all motor vehicles shall comply with Sec. 4.2.G (Noise) of the Porter Land Use Ordinance.

B. Site Considerations

1. No motorized vehicle racing facility may be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey, or a licensed geologist.
2. No motorized vehicle racing facility may be located within the 100 year flood plain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.
3. A visual buffer capable of completely screening from view all portions of the motorized vehicle racing facility shall be established and maintained along all property lines.
4. No portion of any motorized vehicle racing facility may be located within 500 yards of any school, or any dwelling other than that of the owner or operator of the motorized vehicle racing facility.
5. No portion of any motorized vehicle racing facility may be located within 500 yards of any water body, including wetlands and intermittent streams.
6. No discharge of any fluids from any motor vehicle located within a motorized vehicle racing facility may be permitted into or onto the ground.
7. All motorized vehicle racing facilities shall be located, constructed, and operated so that ground water will not be contaminated either within or outside of the boundaries of the site.
8. There shall be a minimum 300 foot buffer strip between the boundaries of the motorized vehicle racing facility and other property boundaries, wells, and springs.
9. The owner/operator shall make such arrangements with the Kezar Falls Fire Department or otherwise have available equipment capable of containing a fire at the site as deemed appropriate by the Chief of the Department.

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10. In addition to the above standards, all motorized vehicle racing facilities shall comply with all other requirements of the Porter Maine Land Use Ordinance, including, but not limited to, the performance standards set forth in Article IV of the Porter Land Use Ordinance.

C. Submission requirements:

All applications for approval of a motorized vehicle racing facility shall include a detailed site plan including, at a minimum:

1. A standard boundary survey of the property on which the motorized vehicle racing facility is proposed, prepared by a Maine-licensed surveyor;
2. Names and addresses of owners of abutting property;
3. Existing elevations, at no greater than 5-foot contour intervals, as well as the location and slope of the grades proposed upon completion of the project. Additionally, the plan shall indicate the location of all water bodies, wetlands, and intermittent streams located on or within 300 yards of the project site;
4. Proposed fencing, buffer strips, signs, and lighting;
5. Parking and loading areas, entrances, and exits;
6. All proposed racecourses or tracks, including any areas of "crew pits" and other vehicle maintenance and repair;
7. All proposed spectator areas and/or seating;
8. Proposed hours of operation on a daily, weekly, and annual basis;
9. Studies by such qualified engineers, environmental consultants, or other suitable professionals as shall be satisfactory to the Planning Board, demonstrating compliance with the following sections of the Porter Maine Land Use Code: Sections 4.2(A) (Access Control and Traffic Impacts), 4.2(C) (Dust, Fumes, Vapors, and Gasses), 4.2(G)(Noise), 4.2(Q)(Soils and Erosion Control), 4.2(R) (Storm Water Run-Off), and 4.2(S)(Water Quality Protection.) The applicant shall be solely responsible for the cost of such professional studies. The Planning Board shall have discretion to order peer review of any such professional studies, at the applicant's expense.

5.30 Wireless Communication Facilities and Communications Towers

- A. Communication towers and antennas require a permit authorized by the Planning Board. The Planning Board may authorize the placement of antennas and associated equipment onto an existing structure when they are designed to be incorporated into the architecture of new or existing buildings or into the fabric of other manmade or natural structures or features so as to be inconspicuous when viewed at any point beyond the limits of the host property.
- B. From the finished grade, the maximum height of a communications tower shall be 199 feet including antenna. The height of an antenna shall be included in the total height limitation as allowed for a communications tower.
- C. The tower shall be placed a minimum distance of 125 percent of the height of the tower from any boundary line to establish a safety zone. The Board of Appeals shall not be authorized to grant a variance from this requirement.
- D. The tower shall not be lit unless mandated by the Federal Aviation Administration or other applicable state and federal requirements.
- E. A new communications tower shall be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent

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practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

- F. A new wireless communication facility and tower shall comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standards entitled “Structural Standards for Steel Antenna Towers and Antenna Supporting Structures” or its lawful successor.
- G. The applicant shall present evidence to the Planning Board that there are no existing structures which may be used to support the antenna and associated equipment. The owner/operator of the tower is required to allow co-location until said tower has reached full antenna capacity. Space for any possible future accessory structures shall be shown on the plan.
- H. The applicant shall submit a scenic assessment consisting of
 - a. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.
 - b. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.
 - c. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application process. Each photo shall be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos shall show the color of the facility and method of screening.
 - d. A narrative discussing the
 - i. duration of time for which the proposed facility would be visible to a passing motorist, or boater, within a designated scenic resource, or from a public recreation facility as identified in the comprehensive plan;
 - ii. the tree line elevation of vegetation within 100 feet of the facility; and
 - iii. the distance to the proposed facility from the designated scenic resources’ noted vantage points.
- I. A security fence to be approved by the Planning Board of not less than eight feet in height from the finished grade shall be provided around the Tower and any accessory structures.
- J. Prior to approval the applicant shall submit a guarantee acceptable to the town in an amount and form acceptable to the Board of Selectmen, taking into account the effects of inflation upon costs, sufficient to pay for the cost of removal of the facility. A wireless telecommunications facility that is not operated for a continuous period of 12 months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within 90 days of receipt of the written notice. The owner of the facility shall have 30 days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned. The Planning Board shall require the submission of proof of adequate insurance covering accident or damage.

If the owner fails to show that the facility is in active operation, the owner shall have 60 days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner’s expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to

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its preconstruction condition, including the removal of roads, and reestablishment of vegetation.

The owner of the facility may apply to the Planning Board for release of the surety when the facility and related equipment are removed to the satisfaction of the Planning Board.

- K. The applicant shall meet all other pertinent sections of the Porter Land Use Ordinance.

5.31 High Impact Commercial and High Impact Industrial

- A. The applicant shall submit a detailed site plan of the property subject to the application, prepared by a licensed Maine surveyor or engineer, indicated existing and proposed contours, wetlands regardless of size, water bodies, proposed buildings and parking. Calculation of proposed building coverage and proposed impervious surface shall be submitted. In no event shall building coverage exceed 30% of the property area, nor shall impervious coverage exceed 60% of the property area.
- B. When subsurface wastewater disposal is proposed, completed wastewater system designs on form (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the *State of Maine State Subsurface Wastewater Disposal Rules*.
- C. All parking and loading facilities shall be located to the side or rear of the building, and shall be screened from abutting residences within 200 feet. Screening shall be comprised of a continuous landscaped area not less than 8 feet in width, containing evergreen shrubs, trees, fences, walls, berms, or any combination thereof, forming a visual barrier not less than 6 feet in height.
- D. The applicant shall submit a stormwater management plan prepared by a licensed Maine profession engineer indicating compliance with the standards of Section 4.2.R.
- E. The applicant shall submit copies of any approvals required from the Maine Department of Environmental Protection and Maine Department of Transportation prior to final approval of the Porter Planning Board.

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ARTICLE VI: ADMINISTRATION, ENFORCEMENT AND PENALTIES

6.1 Administering Bodies and Agents

- A. Code Enforcement Officer. The Board of Selectmen shall appoint a Code Enforcement Officer (CEO) annually by July 1st.
- B. Board of Appeals. A Board of Appeals shall be created in accordance with the provisions with the provisions of 30-A M.R.S.A. section 2691.
- C. Planning Board. A Planning Board shall be created in accordance with the provisions of State Law.

6.2 Enforcement

- A. It is the duty of the CEO to enforce the provisions of this Ordinance, the applicable sections and provisions of the current Porter Subdivision Regulation, the Building Code, any other local land use ordinances, and state statutes over which the town has enforcement responsibility. If the CEO finds that any provision which is the duty of the CEO to enforce is being violated, the CEO shall notify, in writing, the person responsible for such violations, indicating the nature of the violations and ordering the action necessary to correct it. The CEO shall order the removal of illegal buildings, structures, additions, or work being done, or shall take any other action authorized by this Ordinance to insure compliance with, or to prevent violation of, its provisions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.
- B. The CEO shall also investigate all complaints of alleged violations of this Ordinance.
- C. The CEO may conduct on-site inspections to insure compliance with all applicable laws and conditions attached to approval. The CEO may enter any property at reasonable hours and enter any structure with the consent of the property owner, occupant, or agent, to inspect the property or structure for compliance with all the regulations the CEO is authorized to enforce. If consent is denied the CEO shall obtain an administrative warrant before entering the property. The CEO may revoke a permit after proper notification if it was issued in error or if based on erroneous information.
- D. The CEO shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variance granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of all records involving property in a Shoreland zone shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

6.3 Permit Requirements.

- A. No person may, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit according to Article III, 3.4,; 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.
- B. A permit is required for the replacement of an existing road culvert subject to approval of the Road Commissioner. Adequate erosion control measures shall be taken to prevent

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sedimentation of the water, and the crossing shall not block fish passage in the water-course.

- C. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

6.4 Land Use Permits.

Land Use Permits may be authorized by the CEO or the Planning Board, in accordance with Article III, 3.4.

6.5 Land Uses and Activities Not Requiring a Land Use Permit.

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.

6.6 Permit Application.

A. Every applicant for a Land Use Permit shall submit to the CEO a written application, including a scale site plan, on forms available from the Town Office. Supplemental information in narrative, report, and/or development plan form, as appropriate, shall also be submitted to the CEO, and shall include the following information:

1. The name, address, and telephone number of the property owner.
2. A copy of the deed to the property and, if the applicant is not the owner of the property, other proof of right, title, or interest.
3. The name, address, and telephone number of the person or firm involved in the construction or land use on the property.
4. A statement of the proposed use for any new or moved structure or altered portion of an existing structure.
5. Any other information, in narrative, report, or development plan form, as appropriate, necessary to clearly indicate that the proposed land use or activity will conform to all applicable provisions of this Ordinance.
6. (a) A valid sub-surface waste water permit application, including site evaluation approved by the Plumbing Inspector whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
(b) Use of an existing sub-surface waste water system requires the submission of written notification from the Plumbing Inspector that the existing system is adequate for the proposed use.
7. For structures proposed to be erected, structures to be moved, structural modifications to the interior of existing structures, and exterior additions to existing structures:
 - (a) The shape, size, and location of the lot on which the structure is, or is proposed to be, located.
 - (b) The shape, size, and location on the lot of the structure or additions, precisely located and noted as to distances and dimensions.
 - (c) The shape, size, and location of any other existing structures on the lot.
8. A certification that the information in the application is complete and correct to the best of the applicant's knowledge and belief.
9. The signature of an owner of the property or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or

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contractor of the owner with authorization from the owner to apply for a permit hereunder and the date of the application.

10. The application fee.

- B. Upon receipt of an application for a Land Use Permit the CEO shall note on the application the date which it was received and shall:
 - 1. Determine whether the land use or activity is allowed by this Ordinance in the District where it is proposed. If the use or activity applied for is not allowed, the CEO shall deny the application.
 - 2. Determine whether the CEO or the Planning Board is the Reviewing Authority of the land use or activity contained in the application. If the land use or activity contained in the application is one over which the Planning Board has review authority, the application shall be forwarded to the Planning Board (in care of the Town Office) and the applicant so notified, within 10 days of receipt of the application.

6.7 Land Use Permit Review Procedure by the CEO.

- A. Within 14 days of receipt of the written application the CEO shall determine whether the application is complete. If the application is not complete the CEO shall notify the applicant in writing that it is not complete and shall indicate what information is missing.
- B. Once the CEO has determined that the application is complete, the CEO shall determine whether the application is satisfactory.
- C. An application is satisfactory if it clearly indicates that the proposed land use or activity will conform to all applicable provisions of this Ordinance, and other applicable codes or ordinances of the town, and is accompanied by the required fee.
- D. If the application is satisfactory, the CEO shall, within 21 days of its receipt, issue the Land Use Permit, notify in writing the Planning Board and the Board of Selectmen, and file the application, including all narrative reports, and development plan filed with application, and a copy of the permit, in a permanent file in the town office.
- E. If the application is not satisfactory, the CEO shall, within 21 days of determining that it is a complete application, deny the permit and state in writing the reasons for the denial.
- F. The CEO shall deny any Land Use Permit if the CEO has knowledge that the proposed land use or activity would be located in an unapproved subdivision and/or if the proposed land use or activity would be in violation of this Ordinance, any other local ordinance or code, or if any other Ordinance violation exists on the property.
- G. If the CEO can not judge that the proposed land use or activity will conform to all applicable provisions of this Ordinance, or other applicable codes or ordinances of the town, the CEO may, after notification to, and at the expense of, the applicant, employ one or more independent consultants to ensure compliance with all requirements of this Ordinance. The estimated costs of such studies shall be deposited with the Town Treasurer prior to their undertaking. Any money not spent shall be reimbursed to the applicant.

6.8 Land Use Permit Review Procedure by the Planning Board.

- A. Once the Planning Board has received the application they shall schedule review of the application on the next available Planning Board meeting. The next available meeting could be the next meeting or it could be a later meeting depending on the length of the Planning Board review waiting list. The Planning Board shall notify the applicant that the application has been received.

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- B. No application may be considered at a Planning Board meeting unless it has been filed through the CEO with the Planning Board (in care of the Town Office) by the first day of the month of that regularly scheduled Planning Board meeting.
- C. Ten days prior to the Planning Board meeting at which the application will be reviewed for completeness, the Planning Board shall notify in writing the CEO and in writing by first class mail:
 - 1. The applicant.
 - 2. All other persons owning land within 200 feet in the lot on which the land use or activity is proposed if located in the Village District and 500 feet of the lot on which the land use or activity is proposed if located in any other district.
 - 3. The Board shall inform the above that the application may be reviewed for approval or any other action as stated in Section 6.7.H, 6.7.I. 4 & 5; or 6.7.J., at the same meeting, time permitting.
- D. The Planning Board shall also, 10 days prior to the Planning Board meeting, post a notice at the Town Hall. The notice posted and the notice specified in Subsection C above shall state the name of the applicant, the land use or activity proposed, the location of the proposed land use or activity, and the date, time, and location of the Planning Board meeting.
- E. Within 35 days of the date of receiving a written application the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. If the application is not complete, the Planning Board may not review the application to determine if it is satisfactory. Incomplete applications which remain inactive for a period of three months shall be considered withdrawn and a new application and fee must be submitted for the board's review.
- F. If the Planning Board determines that the application is complete, it shall either begin review or schedule a meeting at which it will begin review to determine if the application is satisfactory. The application is satisfactory if it clearly indicates that the proposed land use or activity will conform to the provisions of this Ordinance, and other applicable codes or ordinances of the town, and is accompanied by the required fee.
- G. Ten days prior to the date of the meeting at which the Planning Board will begin review of the application to determine if the application is satisfactory the Board shall notify by mail:
 - 1. The applicant, and
 - 2. All other persons owning land within 200 feet in the lot on which the land use or activity is proposed if located in the Village District and 500 feet of the lot on which the land use or activity is proposed if located in any other district.
- H. The Planning Board shall use the following procedure when reviewing the application to determine whether it is satisfactory:
 - 2. The applicant presents the application and explains how the proposed land use or activity will conform to all applicable provisions of this Ordinance, other applicable codes or ordinances of the town. The applicant may present oral and written documentation.

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3. Questions from those present, including Planning Board members, may be asked through the Planning Board Chair.
4. The applicant or any other party may be represented by an agent.
4. The Planning Board is to review the information presented and determine if the proposed land use or activity will conform to all applicable provisions of this Ordinance. The Planning Board shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of application, 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. This time period may be extended by mutual agreement of a majority of the Board and the applicant.
5. If the Planning Board needs more time to review the application and the information presented or if the applicant needs more time to present additional information to show that the application is satisfactory, the Planning Board may vote to continue review of the application to another Planning Board meeting which is within thirty-five (35) days of receiving a completed application. The time period may be longer by mutual agreement of the applicant and the Planning Board. The motion to continue shall state the reason for the continuation and the date, time, and location of the meeting to which it is continued.
6. 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 waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will avoid problems associated with floodplain development and use; and
 - h. Is in conformance with the provisions of Article 4 and Article 5, Performance Standards, of this Ordinance.
- I. If the Planning Board can not judge that the proposed land use or activity will conform to all applicable provisions of this Ordinance, the Board may, after notification to, and at the expense of the applicant, no longer than thirty-five (35) days after receiving a completed application employ one or more independent consultants to ensure compliance with all requirements of this Ordinance. The estimated costs of such studies shall be deposited with the Town Treasurer prior to their undertaking. Any money not spent shall be reimbursed to the applicant.
- J. If a permit is denied or approved with conditions, the reasons as well as conditions shall be stated in writing. The Planning Board shall deny any Land Use Permit if it has knowledge that the proposed land use or activity would be located in an unapproved

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subdivision, or would be in violation of any local ordinance, or regulation, or statute administered by the municipality.

6.9 Burden of Proof.

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

6.10 Expiration of Permit.

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

6.11 Installation of Public Utility Service.

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

6.12 Certificate of Occupancy Required.

- A. A certificate of occupancy issued by the CEO is required in advance of the use or occupancy of:
 - 1. Any lot, or change in the use of any lot from one use category to another according to Article III, 3.4.
 - 2. A structure hereafter erected or a change in the use category of an existing structure, or as the building code requires.
 - 3. Change in the occupant of a high impact commercial use or a low impact or high impact industrial use.
- B. 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 Section 6.13 below, 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 shall be kept on file in the office of the CEO, and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the structure or land involved. A duplicate copy shall be filed in the office of the tax assessor and the certificate of occupancy shall state specifically the uses it permits.
- C. To ensure the continued health and safety of rental dwelling units, the Town shall conduct periodic inspections of rental units for which the Code Enforcement Officer has received a written complaint from two or more individuals within a three-month period, and/or finds a condition creating a health and safety problem. This periodic inspection period will

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continue for a period of two years, or until the Code Enforcement Officer finds that the conditions are satisfactorily resolved. The inspections procedure shall be as follows:

1. The owner of the property and the tenant will be notified by hand delivery or by certified mail of the pending inspection, no less than five days prior to the actual inspection.
2. Failure to allow the Code Enforcement Officer to conduct the required inspection may result in the Town seeking an Administrative Inspection Warrant or other appropriate court order to enter the property for the express purpose of a health or safety inspection.
3. Failure to pass the safety inspection will result in the rental unit being declared unfit for occupancy. The unit will not be occupied until such time as the conditions have been corrected.
4. Occupancy of a rental unit declared as “unfit for occupancy” will result in enforcement action. The fines for violation of this section, upon conviction, shall be in accordance with the provisions of 30-A M.R.S.A. sec. 4452.

6.13 Legal Action and Violations.

Violations of this Ordinance include, but are not limited to:

1. Engaging in a land use or activity without obtaining prior approval as required from the Review Authority.
2. Occupying a lot or building without first obtaining a Certificate of Occupancy as required.
3. Failing to maintain all of the improvements proposed in the narrative, report and development plan portions of the approved application.

When any violation of any provision of this Ordinance is found to exist, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the town. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements may not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

6.14 Fines.

Any person, firm or corporation being the owner, contractor, or any other entity having control or use of any structure or premises who violates any provision or requirement of this Ordinance be penalized in accordance with provisions of 30-A M.R.S.A. section 4452. Each day such a violation is permitted to exist after notification constitutes a separate offense. Fines are payable to the town.

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

6.15 Performance Guarantees.

- A. The purpose of a performance guarantee is to assure that the land use or activity proposed by the applicant and approved by the Review Authority, including all of the improvements proposed in the application whether in narrative, report, or development plan form are completed as proposed.
- B. At the time of approval of an application for a Land Use Permit, the Review Authority may require the applicant to give to the town a performance guarantee. If circumstances such as weather conditions do not permit the completion of all improvements proposed by the applicant, occupancy may take place but only after a performance guarantee has been given to the town covering the full cost to the town of their completion.
- C. The performance guarantee may be either a certified check payable to the town, an irrevocable letter of credit from a lending institution, or a performance bond payable to the town issued by a surety company. The performance guarantee shall be in an amount adequate to cover the total costs of all required improvements, taking into account the time-span of the guarantee and the effects of inflation upon costs. The conditions and amount of the performance guarantee shall be determined by the Review Authority after discussion with the Board of Selectmen.
- D. Prior to the release of any part of or the entire performance guarantee, the Review Authority shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested. Any interest accumulated on an escrow account shall be returned with any money owed by the town to the developer after it has been determined that the proposed improvements meet all design and construction requirements.
- E. If the Review Authority finds, upon inspection of the improvements performed before release of the guarantee, that any of the required improvements have not been constructed in accordance with plans and specifications filed by the applicant, the Review Authority shall so report to the Board of Selectmen. The town shall then notify the applicant and, if necessary, the bonding company or lending institution and take all necessary steps to preserve the town's rights under the guarantee.

6.16 Fees.

- A. The Board of Selectmen shall annually set the amount of all fees required by this Ordinance, including the review fee indicated in b, below, which is usable by the Review Authority to hire independent consulting services.
- B. The applicant shall pay into a special account the cost to the town of hiring independent consulting services. The fee shall be determined after the Review Authority has secured an estimate of the cost of the services and the applicant has seen the estimate. If the balance in the special account is drawn down by 75%, the Review Authority shall notify the applicant and require an additional amount. Any balance in the account remaining after a final decision on the application shall be returned to the applicant.

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6.17 Appeals.

Appeals of decisions from the Review Authority, either the CEO or the Planning Board, may be taken to the Appeals Board according to the provisions of Article VII.

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ARTICLE VII. BOARD OF APPEALS

7.1 Establishment and Organization.

- A. A Board of Appeals is hereby established. It consists of 5 members. Members of the Board of Appeals are appointed by the municipal officers. A municipal officer or municipal officer's spouse may not be a member of the Board of Appeals.
- B. The term of office of a member is 3 years serving staggered terms. Initial terms are one member for one year, two for two years, and two for three years.
- C. When there is a permanent vacancy, the municipal officers shall appoint a new member to serve for the remainder of the unexpired term.
- D. Members of the Board of Appeals shall be legal residents of Porter when appointed and serving.
- E. Members of the Board of Appeals may be removed from office by the municipal officers for cause upon written charges and after public hearing. "For cause" includes failure of a board member to attend three consecutive meetings without the recorded consent of the Chair.
- F. The Board of Appeals shall annually elect a Chair, Vice Chair, and Secretary from its own membership.
- G. Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting shall be decided by a majority of the members, except the member who is being challenged.

7.2 Proceedings of the Board of Appeals.

- A. A quorum necessary to conduct business of the Board of Appeals is 3 members.
- B. The Board of Appeals shall adopt rules necessary to the conduct of its affairs, in keeping with the provisions of this Ordinance and Title 30-A M.R.S.A., Section 2691.
- C. Meetings are held at the call of the Chair and at such other times as the Board of Appeals may determine. All meetings are open to the public.
- D. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or of absence or failure to vote, and shall keep records of its examinations and other official actions, all of which are a public record and shall be filed with the Town Clerk.

7.3 Powers and Duties of the Board of Appeals.

The Board of Appeals has the following powers:

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

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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.

C. Variances.

To authorize variances upon appeal in specific cases, but only within the limitations set forth in this Ordinance.

7.4 Variances.

Variances may be granted only under the following conditions:

- A. Variances may be granted only from dimensional requirements: lot frontage, structure height, lot coverage, and setback requirements.
- B. Establishment or expansion of uses otherwise prohibited are not allowed by variance. A variance may not be granted simply because of the presence of non-conformities in the district or uses in adjoining districts.
- C. The Board of Appeals may not grant a variance unless it finds that the strict application of the terms of this Ordinance would result in undue hardship. The term “undue hardship” shall mean:
 - 1. That the land in question cannot yield a reasonable return unless a variance is granted;
 - 2. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - 3. That the granting of a variance will not alter the essential character of the locality; and
 - 4. That the hardship is not the result of action taken by the applicant or a prior owner.
- D. Such hardships may only be found by the Board of Appeals where this Ordinance as applied to the applicant’s property, substantially destroys or decreases the value of the property in question for any permitted use to which the land or property can reasonably be put. Mere inconvenience to the property owner does not satisfy this requirement. Financial hardship alone or pleading that a greater profit may be realized from the applicant’s property if a variance is granted is not sufficient evidence of unnecessary hardship. Personal hardship may not be considered as grounds for a variance, since the variance will continue to affect the character of the neighborhood after title to the property has passed.
- E. The variance granted may only be the minimum variance that will make possible the reasonable use of the land or structure in order to preserve the terms of the Ordinance as much as possible, and the Board of Appeals may impose such conditions to a variance as it deems necessary, to this end. The party receiving the variance and any subsequent owner of the property shall comply with any conditions imposed.
- F. A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

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7.5 Administrative Appeals

When the Board of Appeals reviews a decision of the Code Enforcement Officer the Board of Appeals shall hold a “de novo” hearing. At this time the Board may receive and consider new evidence and testimony, be it oral or written. When acting in a “de novo” capacity the Board of Appeals shall hear and decide the matter afresh, undertaking its own independent analysis of evidence and the law, and reaching its own decision.

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of 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 is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

7.6 Appeal Procedure.

A. Making an Appeal:

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 7.3 above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.
2. Applications for appeals may be made by filing with the Board of Appeals a written notice of appeal on forms provided which includes:
 - (a) A sketch drawn to scale showing lot lines, location of existing structures and other physical features pertinent to the relief request.
 - (b) A concise written statement stating what relief is requested and why it the appeal or variance should be granted.
3. When an appeal is filed, it shall be examined for completeness and accuracy, and particularly to determine whether all information necessary to make a determination has been supplied. Where information is lacking or inadequate at the time of submission and the deficiency cannot be remedied immediately, the applicant shall be notified in writing of the incompleteness. If the additional information is not received prior to the date the public notice of the hearing shall be issued, a hearing may not be scheduled until such deficiency is remedied. It is the responsibility of the Board of Appeals Chair to determine completeness.
4. Upon receiving an application for an administrative appeal or a variance, the CEO or the Planning Board, as appropriate shall transmit to the Board of Appeals copies of all papers which make up the record of the decision appealed from.
5. Each application for an appeal shall be accompanied by a fee to cover all advertising and administrative costs.

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6. 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 the receipt of the complete written application, unless this time period is extended by the parties.

B. Notification:

1. At least 10 days prior to the date of the hearing on the appeal, the Board of Appeals shall cause to be published once in a newspaper of general circulation in the town a notice which includes:
 - (a) The name of the person appealing.
 - (b) A brief description of the property involved.
 - (c) A brief description of the decision appealed from, or the nature of a variance appeal.
 - (d) The time and place of the Board's hearing.
2. At least 10 days prior to the date set for hearing, the Board of Appeals shall also notify by first class mail:
 - (a) All property owners of record whose properties lie within 200 feet of the property in the Village District and 500 feet of the property in other districts, and
 - (b) The person making the appeal.

The Planning Board, the CEO, and any other party of record shall also be notified in writing.

3. The Board of Appeals shall keep a record of all parties notified.
4. Failure of any property owner to receive a notice of any public hearing does not necessitate another hearing or invalidate any action by the Board of Appeals.

C. Hearings:

1. The Board of Appeals may receive any oral or documentary evidence but shall provide, as a matter of policy, for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. Every party has the right to present a case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examinations as may be required for a full and true disclosure of the facts.
2. The applicant's case is heard first. To maintain orderly procedure, each side has the right to proceed without interruption. All persons at the hearing shall abide by the order of the Chair.
3. At any hearing, a party may be represented by an agent. Hearings may not be continued to other times except for good cause. For example, if the Board of Appeals determines that the appeal before it was inappropriately classified, the Board of Appeals shall give the applicant the opportunity to amend the application and continue the hearing until the public has been properly notified of the appeal's reclassification and of the time and place when the hearing will continue.
4. The CEO or designated assistant, or the Planning Board Chair if the appeal is of their decision made in the administration of Article 15, shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material the CEO or Planning Board deems appropriate for an understanding of the appeal.

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5. The transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, constitutes the record.
6. The record may be kept open after the hearing by order of the Board of Appeals' Chair until a date established by the order.

7.7 Decisions of the Board of Appeals.

- A. A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
- B. The person filing the appeal shall have the burden of proof.
- C. 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 written decision on all appeals.
- D. 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. Copies of written decisions shall be mailed or hand delivered to the applicant and agent, the Planning Board, the CEO, and the Municipal Officers within seven (7) days of the decision date.
- E. Upon notification of the approval of an appeal by the Board of Appeals, the CEO or Planning Board shall comply with the order of the Board of Appeals.
- F. The Board shall cause written notice of its decision concerning property in the shoreland zone to be mailed or hand-delivered to the Department of Environmental Protection within seven (7) days of the decision.
- G. Whenever the Board of Appeals grants a variance a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title, and indicating the act that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate shall be recorded by the property owner in the Oxford County Registry of Deeds within 90 days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded. For the purpose of this subsection, the date of the final written approval is the date stated on the written approval.
- H. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) 30 days from the date of any decision of the Board of Appeals.
- I. Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision shall be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration shall 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 shall be made within fifteen (15) days after the decision on reconsideration.

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7.8 Stay of Proceedings.

An application to the Board of Appeals for the granting of an appeal stays all legal proceedings related to the appeal unless the CEO certifies to the Board of Appeals, after the notice of appeal has been filed with the CEO, that by reason of facts stated in the certificate a stay would, in the CEO's opinion, cause irreparable harm to property or create a threat to the life or health of any person including the applicant. In such case, the CEO, if legally authorized by State law or local Ordinance, may seek injunctive relief or, in appropriate cases, refer the matter to the municipal officers for prosecution.

7.9 Fees.

The application fee shall be set annually by the Board of Selectmen. If the actual cost of advertising and notification exceeds the fee paid, the applicant shall pay the balance.

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ARTICLE VIII. DEFINITIONS AND WORD USAGE

8.1 Construction of Terms

A. In this Ordinance, certain terms or words are to be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, two or more individuals having a joint or common interest, trust, estate, company, governmental agency, municipality, or corporation as well as an individual or any other legal entity;
2. The present tense includes the future tense, the singular number includes the plural, and the plural includes the singular;
3. The word “shall” is mandatory, and the word “may” is permissive. The use of “may” as in “no buildings may be built,” means that permission is not granted to build buildings and thus they are not allowed to be built;
4. The words “used” or “occupied” includes the words “intended”, “designed”, or “arranged to be used or occupied”;
5. The word “building” includes the word “structure,” and the word “dwelling” includes the word “residence”;
6. The word “lot” includes the word “plot” or “parcel”.

B. In case of any difference of meaning or implication between the text of this Ordinance and any map or illustration, the text controls.

C. Terms not defined have the customary dictionary meaning.

8.2 Definitions

In this Ordinance the following terms have the following meanings unless a contrary meaning is specifically prescribed:

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

Adult Business: Any business a substantial or significant portion of which consists of selling, renting, leasing, exhibiting, displaying, or otherwise dealing in material or devices of any kinds which appeal to prurient interests and which depict or describe specific sexual activities. As applied to a business which sells, or rents, or leases such materials or devices, “substantial or significant portions” means 25% or more of the floor area of the unit of occupancy in which the business is located is used to display, shelve, or store such materials or devices. As applied to a business which exhibits or displays films, video tapes, or similar reproductions for viewing by the patrons on the premises, “substantial or significant portion” means that, in any single day, 25% or more of the total display or exhibition time is devoted to such materials.

Agent: Anyone having written authorization signed by a property owner, to act in behalf of that property owner.

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Aggrieved Party: A person whose land is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted, or a group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

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

Airport: A tract of land where aircraft take-off and land. An airport includes those facilities for public as well as private use.

Alteration: Any change, addition, or modification in construction, other than cosmetic or decorative, or any change in the structural members of buildings such as bearing walls, columns, beams, or girders.

Altered Structure: A change in either the intensity of use, such as the addition of bathrooms, kitchens, bedrooms, or the duration of the use, such as conversion from seasonal to year round use.

Alternative Toilet: A device designed to treat human waste only. Examples are: privies and compost, chemical, recirculating, incinerating, and vacuum toilets. Portable toilets are not considered alternative toilets as they are only for temporary use.

Animal Husbandry: The growing and/or raising of livestock and/or poultry for commercial purposes.

Antenna: Any exterior apparatus or collection of apparatus designed for telephone, radio, television, personal communications service, pager network, or any other communications through the sending or receiving of electromagnetic waves of any bandwidth, except for those used only for the reception of television or radio signals. The Federal Telecommunications Act exempts amateur "ham" radio stations.

Antique Store: A business which sells primarily antiques.

Aquaculture: The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Area of Special Flood Hazard: The land in the flood plain having one percent or greater chance of flooding in any given year, as specifically identified in the flood insurance studies conducted by the Federal Emergency Management Agency.

Assisted Living Facility: A type of dwelling which is occupied by elderly persons and/or handicapped persons and that provides shared community space and shared dining facilities and normally also provides its residents with housekeeping services, personal care and assistance, transportation assistance, recreational activities, and/or specialized shared services

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such as medical support services. By “elderly” persons is meant a person 60 years old or older, or a couple that constitutes a household and at least one of whom is 60 years old or older at the time of entry into the facility. By “shared community space” is meant space designed to be used in common for the enjoyment and leisure of residents of the facility, such as, by way of example only, reading rooms, sitting rooms, recreational rooms, rooms for entertaining guests, and exercise rooms. By “shared dining facilities” is meant a room or rooms designed for the serving of meals to residents sitting together, plus the kitchen and ancillary facilities required to prepare the meals. An “Assisted Living Facility” shall include either or both of the following types of residential units: dwelling units, as defined by this Ordinance, that is , single housekeeping units with living, sanitary, and sleeping and permanent cooking facilities; and residential care units, which do not meet the definition of dwelling unit because they have no cooking facilities within the units, but which normally consist of rooms with sleeping and sanitary facilities. Additionally, the term assisted living facility includes specialized facilities that provide long-term residential care, such as those designed specifically for persons with Alzheimer’s Disease or other afflictions of the elderly for which specialized care outside of a nursing home may be appropriate. “Assisted Living Facility” is distinct from “nursing home,” which is defined separately.

Automobile Graveyard: A place, not enclosed in a building, used to store 3 or more unserviceable, discarded, worn-out, or junked motor vehicles or parts thereof, other than temporary storage by an establishment or place of business which is engaged primarily in doing motor vehicle repairs to make the motor vehicles serviceable.

Auto Repair Shop: A business where any of the following services may be performed to motor vehicles as a business: general repair; parts replacement; collision service, such as body, frame or fender straightening and repair; or painting and undercoating.

Auto Washing Facilities: A business containing facilities for washing motor vehicles using production-line methods with a chain conveyor, blower, steam-cleaning device, or other mechanical devices; or providing space, water, equipment, or soap for the complete or partial washing of motor vehicles, whether by operator or customer.

Basal Area: The area of cross-section of a tree stem at 4 ½ feet above ground level and inclusive of bark.

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

Bed and Breakfast, and Inn: Any residential structure in which non-housekeeping rooms are offered and rented to the public for periods typically less than 30 days and in which 1 meal per day is available and only to the occupants. The building shall also be occupied by the resident manager or owner.

Boarding House: Any residential structure in which rooms or rooms and meals are provided for compensation for a period of at least one week. Meals may be available to only the occupants. The building shall also be occupied by the resident manager or owner. There may be no provisions for cooking in any individual guest room.

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

Building: A structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, goods or property of any kind.

Building Height: The vertical distance between the highest point of the roof and the average grade of the ground adjoining the building. Solar energy or wind equipment extending above the building are exempt from height restrictions.

Bureau: State of Maine Department of Conservation's Bureau of Forestry.

Business Sign: An attached or free standing structure which directs attention to a business or profession conducted on the premises.

Cabinetry and Woodworking Shop: A business where furniture and other items are made from wood.

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

Canopy: The more or less continuous cover formed by tree crowns in a wooded area.

Carpentry and Building Contractor: A business engaged in the provision of carpentry or building construction service off the premises, but which has an office and equipment or materials stored on the premises.

Cellar: A portion of the building partly underground, but having half or more of its clear height below the average grade of the adjoining ground.

Change of Use: A change from one use category in the Land Use Table to another, or the addition of a new use category to an existing use category.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow is water flowing within the limits of the defined channel.

Chemical and Bacteriological Laboratory: A business containing facilities for preparing, manufacturing, or testing chemicals or bacteria.

Civic and Social Service: A non-profit, charitable institution, not including a private club, the primary function of which is serving the health or social welfare of the community.

Cluster Development: A development approach in which building lots are reduced in size and buildings sited closer together than is allowed under non-clustered requirements, provided that the total development density does not exceed that which could be constructed on the site

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under conventional, non-clustered requirements. The cluster development shall be developed in accordance with the performance standards in Article V.

Code Enforcement Officer: A person appointed by the Board of Selectmen to administer and enforce this Ordinance, and other land use ordinances and regulations as authorized by this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like where applicable.

Commercial Use: the utilization of lands, buildings, or structures, other than a “home occupation”, defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services.

Communications Tower: Any structure, whether freestanding or in association with a building or other permanent structure, that is designed and constructed primarily for the purpose of supporting one or more antenna. The term includes radio or television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and similar structures. The Federal Telecommunications Act exempts amateur “ham” radio stations.

Conforming Use: A use of buildings, structures, or land which complies with all applicable provisions of this Ordinance.

Constructed: Includes built, erected, altered, reconstructed, moved upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, and the like, associated with construction, are considered a part of that construction.

db (A): The abbreviation designating both the unit of measure of sound level -- the decibel, and the mode of measurement that gives the A-weighting of a sound level meter.

Day Care Center: An establishment, licensed by the Maine Department of Human Services, where 13 or more children under the age of 6 are cared for in return for compensation.

Deck: An uncovered structure with a floor, elevated above ground level.

Decorative Changes: Repainting or re-siding; removing or replacing trim, railings, or other non-structural architectural details; or the addition, removal or change of location of windows and doors.

Decibel (db): The practical unit of measurement for sound pressure level, the number of decibels of a measured sound is equal to 20 times the logarithm to the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound (20 micropascals); abbreviated db.

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

Dimensional requirements: Numerical standards relating to spatial relationships including but not limited to setback, lot area, road frontage, shore frontage and building height.

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

District: A specified portion of the town, delineated on the Official Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

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

Dry Cleaner: An establishment where garments, and the like, are cleaned by using solvents and not soap and water.

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

Dwelling, Single-Family: A building containing only 1 dwelling unit for occupation by not more than 1 family.

Dwelling, Two-Family: A building containing only 2 dwelling units, for occupation by not more than 2 families.

Dwelling, Multi-Family: A building containing 3 or more dwelling units, such buildings being designed for residential use and occupancy by 3 or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use by one family at a time as permanent, seasonal, or temporary living quarters and which contains independent living, cooking, eating, sleeping, bathing, and sanitary facilities. The term includes manufactured housing and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles, including so-called park model mobile homes are not residential dwelling units.

Earth: Topsoil, sand, gravel, clay, peat, rock, or other similar materials.

Educational Facility: A public or private setting where any one of more of the following activities occur:

1. Courses of study meeting state compulsory education requirements for Grades K through 12, including GED instruction, are taught.
2. Courses of study are taught to pre-kindergarten students.
3. A place where any specialized branch of knowledge, such as dancing, gymnastics, music, automobile driving, business skills, not including horseback riding, is taught.

Emergency Operations: Operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement,

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and operations to rescue human beings, property and livestock from the threat of destruction or injury.

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

Excavation: Any removal of earth material from its original position.

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

Expansion of Use: The addition of one or more months to a use's operating season; or an increase of floor area or ground area devoted to a particular use.

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

Farm Produce Stand: The seasonal, incidental sale of fresh fruits, vegetables, nursery plants, and farm products which were produced on the premises or other land in the same ownership as the Farm Stand.

Filling: Depositing or dumping any matter on or into the ground or water.

Flashing Sign: A sign whose illumination is not kept constant in intensity at all times when in use and which exhibits changes in light, color, light direction, and/or animation. Illuminated signs which indicate only the time and/or temperature are not considered as flashing signs.

Flood: A temporary rise in a stream flow or tidal surge that results in water overtopping its banks and inundating adjacent areas.

Flood Insurance Rate Map: The official map on which the United State Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the Town, dated December 4, 1979.

Flood Plain: The lands adjacent to a body of water which have been or may be covered by the base flood.

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

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Floor Area, Gross: The sum, in square feet, of the floor areas of all portions of a building, enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

Forested Wetland: A freshwater wetland dominated by woody vegetation that is 6 meters (approximately twenty (20) feet) tall or taller.

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

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

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

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

Frontage, Shore: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

Frontage, Street: The street frontage shall be the length of the front lot line, along its boundary with a street. If the street right-of-way is curved, the length of the street frontage shall be the length of the arc of the curve. If a lot has more than one front line, at least one of the front lot lines shall meet the minimum street frontage required in Section 3.2.

Functionally Water-dependent Uses: Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to inland waters.

Garage and Yard Sale: All general sales, open to the public, conducted from or on a residential premises for the purpose of disposing of personal property, meeting the Performance Standard in Article V.

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Garden Nursery: A business, either in a greenhouse or outdoors, where plants and/or produce are grown for use.

Grade: In relation to building, the average of the finished ground level at the center of each wall of a building.

Grain and Feed Store: A business which sells primarily grains and animal feed.

Gray Water: That portion of the waste water generated within a residential, commercial, or institutional facility that does not include discharges from toilets and urinals.

Great Pond: See Water Body; Great Pond.

Ground Cover: Small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Hazardous Wastes: A waste substance or material, in any physical state, designated hazardous by the Maine Board of Environmental Protection pursuant to Title 38, M.R.S.A. Ordinance 13. It does not include waste resulting from normal household or agricultural activities.

Health Care Facility: An out-patient establishment furnishing medical services to humans, including the offices of physicians, dentists, and other health practitioners, clinics, medical laboratories, outpatient surgery, and blood banks.

Height of a structure: The vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

High Impact Commercial: A commercial use which does not meet the definition of “Low Impact Commercial”.

High Impact Industrial: An industrial use which does not meet the definition of “Low Impact Industrial”.

Holding Tank: A closed, water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

Home Occupation: An occupation or profession which is carried on in a dwelling unit or structure accessory to a dwelling unit and clearly incidental, is secondary to the use of the dwelling unit for residential purposes, and meets the Performance Standard of Article V.

Hospital: An institution providing health services primarily for inpatients and medical or surgical care of the sick or injured, including, as an integral part of the institution, such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

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

Individual Private Campsite: An area of land which is not associated with a campground, but which is developed for repeated camping by only one (1) group not to exceed 10 individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fireplaces, or tent platforms.

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

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

Junkyard: A place, not enclosed in a building, used to store:

1. Discarded, worn-out or junked plumbing, heating supplies, household appliances, and furniture;
2. Discarded, scrap and junked lumber; or
3. Old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or nonferrous material.

Kennel: Any place, building, tract of land, abode, enclosure, or vehicle which, for compensation: (1) provides food and shelter for animals for purposes not primarily related to medical care, or (2) engages in the breeding of animals for sale.

Lagoon: An artificial enlargement of a water body, primarily by means of dredging and excavation.

Laundromat: An establishment where, for compensation, clothes and the like are washed with soap and water.

Lot: An area of land in 1 ownership, or 1 leasehold, with ascertainable boundaries established by deed or instrument of record, or a segment of land ownership defined by lot boundary lines on a land subdivision plan duly approved by the Planning Board and recorded in the Oxford County Registry of Deeds.

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Lot Area: The total horizontal area of land enclosed within the lot lines, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than 2 lots.

Lot, Corner: A lot with at least two contiguous sides abutting upon a street.

Lot, Coverage: The percentage of the lot covered by buildings, structures, parking lots, and other non-vegetated surfaces.

Lot, Interior: Any lot other than a corner lot.

Lot Lines: The lines bounding a lot defined below:

Front Lot Line: On an interior lot, the line separating the lot from the street right-of-way. On a corner or through lot, the line separating the lot from either street right-of-way.

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 10 feet long, lying farthest from the lot line. On a corner lot, the rear lot line is opposite the front lot line of least dimension.

Side Lot Line: Any lot line other than the front lot line or rear lot line.

Lot 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 at the Oxford County Registry of Deeds.

Lot, Shorefront: Any lot abutting a water body.

Lot, Through: Any interior lot having frontages on 2 or more or less parallel streets, or between a street and a water body, or between 2 waterbodies, as distinguished from a corner lot. All sides of through lots adjacent to streets and waterbodies are considered as frontage, and front setbacks shall be provided as required.

Lot Width: On lots which do not have frontage on a public road or a road that meets road standards in the Subdivision Regulations or Ordinance, the horizontal distance between the side lot lines, measured at the minimum setback line as established by this Ordinance.

Low Impact Commercial: A commercial activity having fewer than 5,000 square feet of gross floor area or impervious service, generating fewer than 100 car trips and 20 truck trips per day, and employing fewer than 6 full-time employees or equivalent thereof; and which generates no odor, glare, or electrical interference beyond the property lines; generates no toxic or hazardous wastes or products; and uses no toxic or hazardous materials or chemicals.

Low Impact Industrial: An industrial activity having fewer than 5,000 square feet of gross floor area or impervious service; generating fewer than 100 car trips and 20 truck trips per day; employing fewer than 6 full-time employees or equivalent thereof; which generates no odor, glare, or electrical interference beyond the property lines; generates no toxic or

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hazardous wastes or products; uses no toxic or hazardous materials or chemicals in any process; and has no outdoor storage.

Manufactured Housing Unit: Mobile homes and modular homes.

Mobile Home: Structures which were constructed in a manufacturing facility, constructed on a permanent chassis, transportable in one or more sections, and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained in the unit.

Modular Home: Structures which were constructed in a manufacturing facility, not constructed on a permanent chassis, transportable in one or more sections, and designed to be used as dwellings when connected to the required utilities, including the plumbing, heating, air conditioning, and electrical systems contained in the unit.

Marina: A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops and marine fuel service facilities.

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

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

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

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

Mobile Home Park: A parcel of land under unified ownership designed and/or used to accommodate 3 or more manufactured housing units.

Motel/Hotel: A building or group of buildings in which over-night lodging is offered to the general public for compensation. A Motel/Hotel may contain such accessory services as newsstands, personal grooming facilities, and restaurants.

Motorized Vehicle: Any vehicle propelled by any means other than human beings or animals, including, but not limited to, antique automobiles, antique motorcycles, automobiles, buses, mopeds, motorcycles, motorized bicycles or tricycles, go carts, all-terrain vehicles,

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snowmobiles, pickup trucks, sports utility vehicles, stock race cars, street rods, taxicabs, tractors, trucks, and truck tractors.

Motorized Vehicle Racing Facility: Any facility at which persons are allowed to operate motorized vehicles for the purpose of competing against other drivers of motorized vehicles in contests of speed or any other contest, regardless of whether the participants either give or receive any monetary consideration or other thing of value for participating in the contest.

Multi-Family Dwelling: Any structure containing 3 or more dwelling units for occupation by 3 or more families living independently of one another, with the number of families not exceeding the number of dwelling units.

Native: Indigenous to the local forests.

Neighborhood Grocery/Convenience Store: A business of less than 2,500 square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies.

Nonconforming condition: Nonconforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming Lot of Record: A legally established lot shown on a plan or deed recorded prior to the effective date of this Ordinance or amendment which does not meet the area, frontage, width or depth requirements of the District in which it is located.

Nonconforming Structure: A structure that does not meet any one or more of the following dimensional requirements: setbacks, height, and lot coverage but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect..

Nonconforming Use: Use of land, buildings, structures, premises, or parts thereof that is not allowed in the district in which it is located or which does not meet the performance standards prescribed for it by this Ordinance, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect..

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

Nursing Home: A facility in which nursing care and medical services are performed for convalescent or other persons who are not in need of hospital care, but who do require, on a 24-hour basis, nursing care and related medical services. A nursing home is distinct from an assisted living facility, which is separately defined in this section.

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Official Business Directional Sign: A sign erected and maintained in accordance with the Maine Traveler Information Services Act, 23 M.R.S.A. 1901, et. seq. which points the way to public accommodations and facilities or other commercial facilities.

Park: A non-commercial facility open to the public including, but not limited to, playgrounds, monuments, open space, athletic fields, picnic grounds, swimming pools, wildlife and nature preserves; along with necessary accessory facilities, rest rooms, bath houses and maintenance facilities. Not including commercial facilities.

Parking Space: An area exclusive of drives, aisles or entrances, fully accessible for the storage or parking of vehicles, and meeting the Performance Standard in Article IV.

Patio: An uncovered floor, usually made of concrete, brick, or other masonry material, which is not elevated above the surface of the ground.

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

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

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

Place of Worship: A building or group of buildings used for the conduct of religious services.

Principle Structure: The structure in which the primary use of the lot is conducted.

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

Private Club: 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 to the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain.

Public Building: A public facility, other than a road, which members of the general public have occasion to visit, either regularly or occasionally, such as the town hall, library, fire station, park, or recreation facility.

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

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

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

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

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

Replacement System: A subsurface sewage disposal system intended to replace: (1) an existing subsurface wastewater disposal system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or (2) any existing overboard wastewater discharge.

Restaurant: A place the primary use of which is to prepare and serve meals to the general public for compensation.

Right-of-Way: A private easement allowing passage by vehicles over another's property.

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

River: See Water Body; River.

Road: A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

Satellite Receiving Dish: An antenna designed to receive signals from satellites.

Saw Mill: A business in which logs are converted into planks, boards, etc. by machinery.

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

1. in the case of electric service
 - a. the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and
 - b. the total length of the extension is less than one thousand (1,000) feet.

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2. in the case of telephone service
 - a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or
 - b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback: The horizontal distance between a structure and the property boundary.

Front: The distance between the front lot line and the nearest part of the structure.

Side: The distance between the side lot line and the nearest part of the structure.

Rear: The distance between the rear lot line and the nearest part of the structure.

Setback from Water: The nearest horizontal distance from the normal high water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shore Frontage: The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone: The land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high water line of any great ponds or river; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance of the normal high water line of a stream.

Shoreline: The normal high-water line, or upland edge of a freshwater wetland.

Single Family Dwelling: Any structure containing only one dwelling unit for occupation by not more than one family.

Sign: Any work, name, identification, description, emblem, insignia, symbol, banner, pennant, trade flag, or representation which is affixed to or painted or displayed upon a building, structure, post, or tree, and which is exposed in whole or in part, to public view and which is designed to convey a message relating to any object, product, place, activity, person, business, service, institution, facility, organization, entertainment, or amusement available either on the lot where the sign appears or in some other location.

Sign, Flashing: A sign whose illumination is not kept constant in intensity at all times when in use, and which exhibits changes in light, color, light direction, and/or animation. Illuminated signs which indicate the time and temperature are not considered as flashing signs.

Sign Area: the measure of the area within the lines connecting and completely enclosing the outermost points of a sign.

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Solar Collector: A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy and that contributes significantly to a structure's energy supply.

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used) and components for a distribution of transformed energy to the extent they cannot be used jointly with a conventional energy system. Passive solar energy systems are included in this definition but not to the extent that they fulfill other functions such as structural and recreational.

Sound Pressure Level: shall mean the level of sound measured in db units with a sound level meter which has a uniform ("flat") response over the band of frequencies measured.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; or fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

Stream – See Water Body, Stream.

Street: A public or private way over which the public has an easement of travel, providing frontage to a lot, which meets the standards of Porter Subdivision Review Standards, or if legally nonconforming, is recorded on a plan of a subdivision at the Registry of Deeds, or has been accepted by the municipal legislative body.

Structure: Anything built for the support, shelter or enclosure of persons, animals, goods or property of any kind, together with anything constructed or erected with a fixed location on or in the ground, exclusive of fences, and poles, wiring and other aerial equipment normally associated with service drops as well as guying and guy anchors. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes.

Substantial Expansion: Floor space increase of 25% or new materials or processes not normally associated with the existing use.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either before the improvement or repair is started or, if the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or for any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historical Places.

Substantial Start: Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

Subdivision: "Subdivision" as defined in M.R.S.A., Title 30-A, Section 4401.

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

Sustained Slope: A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tributary Stream - See Water Body, Tributary Stream

Two-Family Dwelling: Any structure containing only 2 dwelling units for occupation by not more than 2 families living independently of one another.

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

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

Veterinary Hospital: The use of a building or land for the diagnosis, care, and treatment of ailing or injured animals which may include overnight accommodations.

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

Waste Water: Any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of toilets, laundry tubs, washing machines, sinks, bath tubs, dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Water Body: Any great pond, river, or stream.

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

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

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Streams: The free flowing body of water as depicted on the most recent edition of a United States Geological Survey 7.5 minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within the Shoreland area.

Tributary Stream: A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

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

Water-Oriented Uses: A use which by its nature of operation requires a waterfront location.

Wetland: A swamp, marsh, bog, or similar area which is:

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

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

Wetland Soils: The following soils, as described and identified in the Soil Survey of Oxford County:

Searsport muck
Vassalboro mucky peat
Vassalboro mucky peat,
Wonsqueak mucky peat

Wireless Communication Facility: Any antenna, satellite dish, microwave dish or equipment used for receiving, relaying or transmitting radio, telephone, television, or any other electromagnetic based communication or data transfer, or any tower, pole or structure supporting such equipment.

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Woody Vegetation: Live trees or woody, non-herbaceous shrubs.

Town of Porter
Selectmen's Office
71 Main Street
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Mailbox Policy for the Municipality of Porter, Maine

For convenience and practicality, mailbox installations have been allowed within the right-of-way of Maine's public highways; however it is important to recognize that such installations have two very important conditions:

- 1) The mailbox must be installed in accordance with applicable standards to ensure that mail can be delivered and that the mailbox does not create an obstacle or safety hazard to those that use or maintain the highway, and
- 2) The mailbox is installed entirely at the owner's risk. In other words, if the mailbox incurs damage during any sort of highway operations or maintenance, the property owner is not entitled to replacement or compensation. In fact, if the mailbox was not installed in accordance with the applicable standards as stated above, the owner may even be held liable for injuries or damages that may have been incurred as a result.

Mailbox design and installation standards are available from several sources, and mailbox owners are expected to consult this information prior to undertaking any mailbox installation or replacement. The following standards have nationwide relevance and were developed in cooperation with one another:

- The United States Postal Service (USPS) Mailbox Guidelines. The USPS defines the standards for mailbox construction, as well as the placement tolerance that must be met to accommodate postal operations. Specifics may be obtained from your local post office or online at: <https://www.usps.com/manage/mailboxes.htm>
- American Association of State Highway and Transportation Officials (AASHTO) Roadside Design Guide. The AASHTO Roadside Design Guide, Chapter 11: *Erecting Mailboxes on Streets and Highways* deals with the safety and construction of privately owned mailboxes, mailbox supports, and mailbox turnout designs and is less focused on postal operations. This publication may be obtained online through the AASHTO Bookstore at: https://bookstore.transportation.org/Item_details.aspx?id=1807

In addition, if the mailbox is to be installed in an area with sidewalks, it is important to recognize that the sidewalks must continue to comply with ADA requirements:

- American Disabilities Act (ADA). The most current version of the ADA Standards for Accessible Design set forth the minimum requirements to ensure facilities are readily accessible

to and usable by individuals with disabilities.

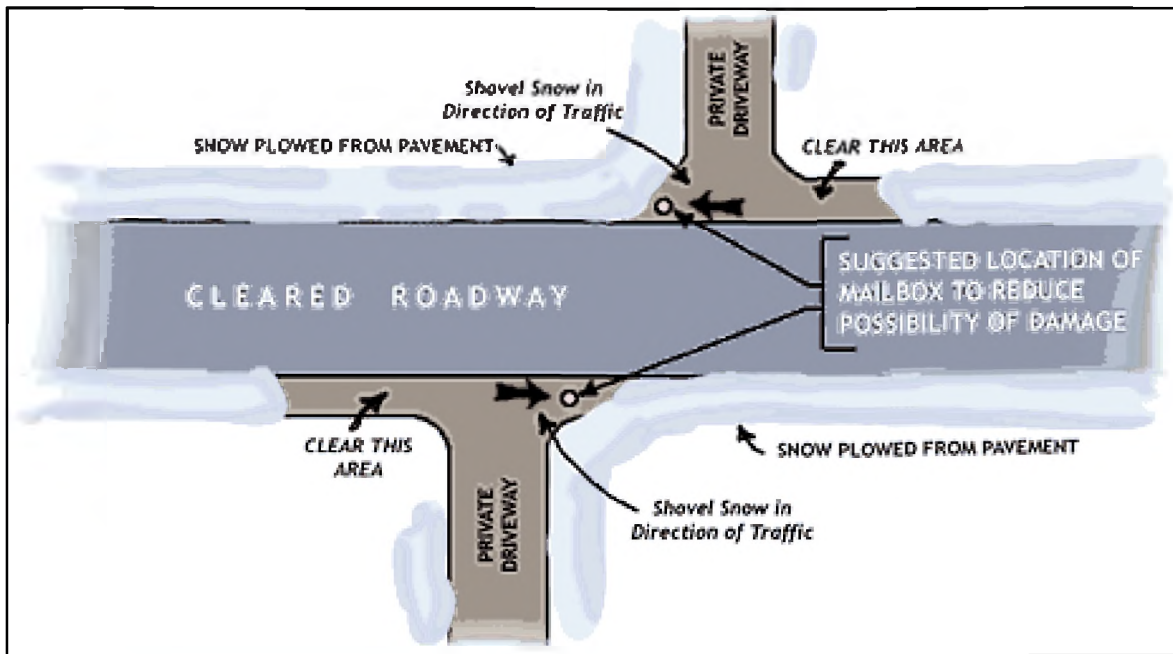
<http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#c4>

The municipality has developed this policy to promote compliance with these national standards and to help further clarify the expectations and responsibilities of Maine mailbox owners. Such compliance helps us ensure that we continue to provide safe, efficient and accessible highways for all. The following pages further specify the details associated with mailbox height, location, offset, and post type to minimize the potential hazards and conflicts associated with mailbox installations and to reduce the opportunities for damage to mailboxes.

Mailbox Installation Standards

General Location:

Whenever possible, your mailbox should be located after your driveway opening. This location placement improves visibility, minimizes the amount of snow that comes off of the snow plow, and improves the approach for your mail carrier. The diagram below further clarifies this preferred placement:



Mailbox Support Design:

In many cases, it is best to use an extended arm type of post with a free-swinging suspended mailbox. This allows snowplows to sweep near or under boxes without damage to supports and provides easy access to the boxes by carrier and customers. The following picture shows a free-swinging suspended mailbox:



In addition, note the strategic placement of the red reflector on the point closest to the road. This will help your local snowfighter see and avoid your mailbox during winter storms.

Offset:

Mailboxes should be set back from the edge of the shoulder – regardless of whether the shoulder is gravel or paved. In other words, the face of the mailbox should be at least **one foot (1')** back from the edge of the normally plowed surface of the highway or the face of curb. Greater offset distances are encouraged whenever possible to allow the mail carrier to get further out of traffic and to further minimize potential damage to your mailbox. The following picture shows a mailbox with a reasonable offset:



Mailboxes in sidewalk areas should leave at least 36” behind the back of the box or the post, whichever is located the furthest from the road.



Height:

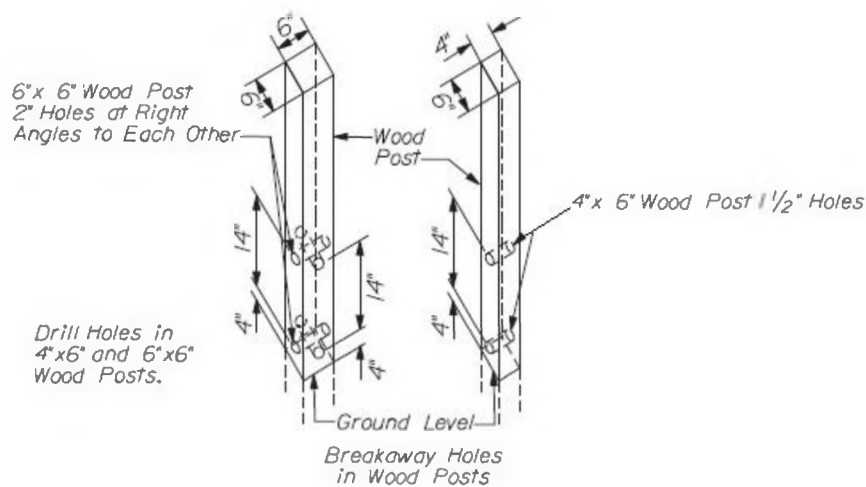
According to USPS standards, a mailbox must be installed with the bottom of the mailbox located between 41” and 45” high above the surface of the highway shoulder. We recommend that this height be closer to the 45” measurement to minimize conflict with the height of the plow truck wing when snow is being pushed back during, or between, winter storms. The following picture further clarifies the height considerations:



Post Size, Type and Embedment:

Mailbox posts must be sturdy enough to hold up the mailbox in all types of weather conditions, however they cannot be so rugged that they present a hazard to vehicles that inadvertently leave the road. If a mailbox support is struck by a vehicle, it must easily break away. Therefore, the following types of posts are deemed acceptable:

- **4" x 4" wooden posts** embedded **2 feet** into the ground. Larger wooden posts (4" x 6" or 6" x 6") may be used only if the post is drilled through with an appropriate spade bit to create a shear plane. The following diagram indicates the necessary holes and spacing.



- **1" to 2" round diameter steel or aluminum pipe or standard U-channel post** embedded **2 feet into the ground.**
- Unacceptable mailbox supports include: anything that is filled with concrete, masonry and stone structures, heavy steel structures, and most objects that were intended for other uses (e.g. antique plows, I-beams, and various other household tools and objects).

NOTICE: Mailboxes, attachments or support systems not consistent with this policy are considered "Deadly Fixed Objects" (aka. "DFOs") and are in violation of 23 MRSA §1401-A on state and state aid roads. On local roads, they can be considered as "obstructions" and a number of statutes relate to these obstructions. As such, when these installations are recognized by the municipality, the owner will be informed of the hazard and immediate removal will be requested. If the property owner does not comply with this request, the municipality may elect to remove the installation and seek reimbursement from the property owner for all costs incurred.