

2018

Town of Richmond Maine Ordinances 2018

Richmond, Me.

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**ANIMAL CONTROL ORDINANCE
TOWN OF RICHMOND
ENACTED MAY 19, 1990**

DEFINITIONS

Definitions shall be the same as those found in the most recent edition of the State of Maine Animal Welfare Laws, except where specifically noted. All fines assessed will be paid to the Town of Richmond.

ARTICLE 1. Habitually Disturbing Animals

Any owner or keeper of a dog which habitually barks, howls, or habitually creates a disturbance which disturbs the peace of any person, shall be assessed, on the first offense by a fine of not more than Fifty Dollars (\$50.00), on the second offense by a fine of not more than Fifty Dollars (\$50.00), and on the third or subsequent offenses by a fine of not more than One Hundred Dollars (\$100.00). Habitual shall mean for the purpose of this Ordinance in excess of one hour.

ARTICLE 2. Animal Impoundment Ordinance

There shall be a handling fee of Fifty Dollars (\$50.00) per incident to be paid to the Town of Richmond for any animal reclaimed from ~~the~~ custody. There shall be a handling fee of Fifty Dollars (\$50.00) per incident to be paid to the Town of Richmond before any animal can be reclaimed from any place that the Town has chosen to impound dogs or from any place that the Town has chosen to impound dogs and other animals. Fees not paid within ten days shall be doubled.

ARTICLE 3. Dogs Traveling in Packs

The owner of a dog traveling in a pack (pack meaning three (3) or more dogs) shall be assessed a fine of Fifty Dollars (\$50.00).

ARTICLE 4. Animal Trespass

The owner or keeper of a livestock animal, including dairy, feeding, beef or breeding cattle, horses, sheep, goats, donkeys, swine or domestic fowl, shall be responsible at the owner's or keeper's expense, for removing any livestock animal found trespassing. A fine of Seventy-Five Dollars (\$75.00) for the first offense, One Hundred Dollars (\$100.00) for the second offense and One Hundred and Fifty Dollars (\$150.00) for the third and subsequent offense in twelve months will be imposed if a livestock animal owned or kept by a person is found trespassing and:

- A. That person fails to remove the livestock animal within six (6) hours after having been personally notified by an animal control officer or law enforcement officer that a livestock animal owned or kept by that person was trespassing; or
- B. A livestock animal of that person had been found trespassing on a prior occasion within the 12 months immediately preceding the present trespass and the owner or keeper had, at that time, been notified by an animal control officer or law enforcement officer of that trespass.

ARTICLE 5. Registration and Identification

A dog which is at least six (6) months old must be licensed by its owner in accordance with State Law. A dog which is at least two (2) months old must wear a collar or harness to which is attached either the dog tag or an identification tag with the owner's name and address or telephone number. A person who violates this Article by permitting his dog to run at large without identification as required by this Article shall be assessed a fine of Fifty Dollars (\$50.00) for the first offense, One Hundred Dollars (\$100.00) for the second offense and One Hundred and Fifty Dollars (\$150.00) for the third and each subsequent offense in 12 months.

ARTICLE 6. Dogs Which Have Bitten Persons

The owner or keeper of a dog which has bitten a person, providing that the damage was not occasioned through the fault of the person injured, shall be subject to a fine of Two Hundred Dollars (\$200.00) for the first offense, and Five Hundred Dollars (\$500.00) for each subsequent offense.

ARTICLE 7. Running At Large After Causing a Nuisance

The owner of a dog which is found running at large who knows or has been advised that the dog has caused a nuisance and has failed to keep the dog on his premises or under his control or under the control of a person charged with that responsibility shall, , be assessed a fine of Fifty Dollars (\$50.00) for the first offense, One Hundred Dollars (\$100.00) for the second offense and Two Hundred Dollars (\$200.00) for each subsequent offense in twelve months.


ARTICLE 8. Additional Penalties

In addition to the above penalties, the Town will be reimbursed for all reasonable costs and attorney's fees.

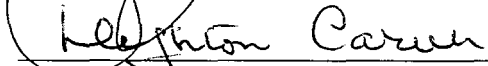
CERTIFIED BY THE MUNICIPAL OFFICERS OF THE TOWN OF RICHMOND ON
MAY 11, 1990 AND REVISED AND SIGNED ON AUGUST 30, 2007.




Burt Batty



Seth Goodall



Leighton Carver



David Thompson



Richard Goodall

TOWN OF RICHMOND
CABLE TV FRANCHISING ORDINANCE

Be it ordained by the Town of Richmond, acting by and through its Board of Selectmen, acting as its municipal officers, that the following Cable TV franchising ordinance be adopted.

Section 1. Short Title.

This ordinance shall be known and may be cited as the “Town of Richmond Cable TV Franchising Ordinance.”

Section 2. The Cable TV System Franchise.

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

B. Review of qualifications: Specific permission to operate a Cable TV system under the provisions of this ordinance may be granted by the Board of Selectmen to any applicant (the “grantee”) after satisfactory review of its legal, character, financial and technical qualifications and the adequacy and feasibility of the grantee’s construction arrangements, all demonstrated by the grantee to be adequate to protect the general public health, safety and welfare, and has approved the grantee’s qualifications as a part of a public proceeding affording due process.

C. Duration of franchise: Upon filing by the grantee of a proper acceptance, and such other bond and insurance as the Board of Selectmen may reasonably require, the franchise shall take effect as provided herein and shall continue in full force and effect for a maximum term of ten (10) years.

Section 3. Applications for a Franchise or Renewal.

Applications for a franchise or renewal shall be filed with the Town Clerk for referral to the Board of Selectmen for action. Any such application for a franchise or a franchise renewal shall contain the following information:

1. Filing fee of \$ 500.00.
2. Name and address of the applicant.
3. Description of proposed operation including, but not limited to, hours of operations, operating staff, maintenance procedures, and its proposed rules of operation for public access.
4. Subject to any applicable federal law, a statement of all television and radio services to be provided.
5. A statement setting forth a description of any special services to be made available to the public, including municipal and education channels.
6. A statement detailing the corporation organization of the applicant, identifying the number of stockholders of the company, any intra-company relationships with parent or subsidiary companies and a statement setting forth in writing any and all understandings between the applicant and any other person, firm or organization.
7. A statement detailing the applicant's financial statement for the two previous fiscal years.
8. A written statement detailing the type of network proposed by the applicant including, but not limited to, network configuration, network capacity, two-way capability and proposed dates of commencement of construction and operation of said network.
9. A written statement as to whether the applicant or any of its officers, directors or holders of 10% or more of its voting stock have in the past ten (10) years been convicted of any crime other than a routine traffic offense and the disposition of each such case.

Section 4. Procedural Requirements.

Before the Town solicits Cable TV franchise proposals or entertains applications for renewals, the following procedures shall be required:

- A. The Board of Selectmen shall provide public notice and hold a public hearing to determine special local needs or interests in Cable TV programming and services and shall provide for a period of public comment on the same;

- B. Any and all franchise applications and renewal applications, and related documents, shall be public records and the Board of Selectmen shall provide reasonable notice to the public that such records are available and open to inspection at the Town offices during normal business hours;
- C. Prior to granting any franchise or franchise renewal, the Board of Selectmen shall provide for a public hearing on the same; and
- D. The Board of Selectmen shall assess such fees as are reasonably necessary to defray the costs of public notice, advertising and other expenses incurred by the Town in acting upon franchise applications.

Section 5. Financial Reports.

The holder of any Cable TV franchise shall file annually with the Town not later than three (3) months after the end of its fiscal year two copies of its report to stockholders and an income statement identifying expenses and income applicable to its operations and the franchise fee required by its franchise agreement.

Section 6. Performance Bond.

The cable operator shall maintain during the term of the franchise agreement a faithful performance bond running in favor of the Town with a corporate surety licensed to do business in the State of Maine conditioned upon the faithful performance of the cable company and providing for recovery jointly and severally from the principal and surety of the bond any damages suffered by the Town as a result of any cost incurred by the Town for the removal or abandonment of any property of the cable TV company plus a reasonable allowance for attorney's fees and costs in prosecuting the same. The amount of the bond shall not be less than twenty-five thousand dollars (\$25,000), and written evidence of the same shall be filed with the Town.

Section 7. Compliance with Law.

The cable operator shall at all times comply with all applicable federal, State and local laws, ordinances and regulations.


Section 8. Separability.

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

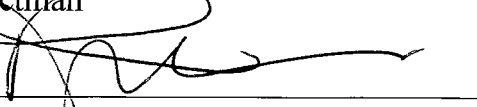
Section 9. Effective Date.

This ordinance shall become effective upon its adoption and repeals and replaces the Franchising and Regulation of Cable Television System Ordinance previously adopted on March 23, 1995.

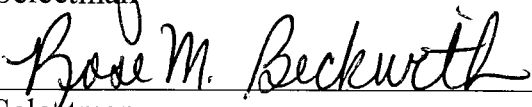
Date: 10/16/13



Selectman



Selectman



Selectman



Selectman

Selectman

FLOODPLAIN MANAGEMENT ORDINANCE
FOR THE
TOWN OF RICHMOND, MAINE

ENACTED: June 2, 2015
Date

EFFECTIVE: June 2, 2015
Date

CERTIFIED BY: Sharon Woodward
Signature

CERTIFIED BY: Sharon Woodward
Print Name

Town Clerk
Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

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

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

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

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

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

The areas of special flood hazard, Zones A and AE, for the Town of Richmond, Sagadahoc County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Sagadahoc County, Maine," dated July 16, 2015 with accompanying "Flood Insurance Rate Map" dated July 16, 2015 with panels: 19F, 36F, 38F, 40F, 44F, 45F, 82F, 85F, 101F, 102F, 103F, 104F, 106F, 107F, 108F, 109F derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Sagadahoc County, Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

ARTICLE II - PERMIT REQUIRED

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

ARTICLE III - APPLICATION FOR PERMIT

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

- A. The name, address and phone number of the applicant, owner, and contractor;
- B. An address and a map indicating the location of the construction site;
- C. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

- D. A statement of the intended use of the structure and/or development;
- E. A statement of the cost of the development including all materials and labor;
- F. A statement as to the type of sewage system proposed;
- G. Specification of dimensions of the proposed structure and/or development;

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

H. The elevation in relation to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or to a locally established datum in Zone A only, of the:

- 1. base flood at the proposed site of all new or substantially improved structures, which is determined:
 - a. in Zones AE, from data contained in the "Flood Insurance Study - Sagadahoc County, Maine," as described in Article I; or,
 - b. in Zone A:
 - (1) from any base flood elevation data from federal, state, or other technical sources (such as FEMA's Quick-2 model), including information obtained pursuant to Article VI.K. and VIII.D.;
 - (2) from the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a Professional Land Surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
 - (3) to be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.
 - 2. highest and lowest grades at the site adjacent to the walls of the proposed building;
 - 3. lowest floor, including basement; and whether or not such structures contain a basement; and,
 - 4. level, in the case of non-residential structures only, to which the structure will be floodproofed;
- I. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article VI;
 - J. A written certification by a Professional Land Surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
 - K. The following certifications as required in Article VI by a registered professional engineer or architect:

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

ARTICLE IV - APPLICATION FEE AND EXPERT'S FEE

A non-refundable application fee of \$25.00 shall be paid to the Town of Richmond and a copy of a receipt for the same shall accompany the application.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Planning Board and Code Enforcement Officer shall:

- A. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article VI (Development Standards) have been, or will be met;
- B. Utilize, in the review of all Flood Hazard Development Permit applications:
 1. the base flood and floodway data contained in the "Flood Insurance Study - Sagadahoc County, Maine," as described in Article I;
 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the Planning Board and Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article III.H.1.b.; Article VI.K.; and Article VIII.D., in order to administer Article VI of this Ordinance; and,

3. when the community establishes a base flood elevation in a Zone A by methods outlined in Article III.H.1.b., the community shall submit that data to the Maine Floodplain Management Program.
- C. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article I of this Ordinance;
 - D. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
 - E. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
 - F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:
 1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with an Elevation Certificate completed by a Professional Land Surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Article VI, paragraphs F, G, or H. Following review of the Elevation Certificate data, which shall take place within 72 hours of receipt of the application, the Code Enforcement Officer shall issue Part II of the Flood Hazard Development Permit. Part II shall authorize the applicant to complete the construction project; or,
 2. A Flood Hazard Development Permit for Floodproofing of Non-Residential Structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Article VI.G.1.a., b., and c. The application for this permit shall include a Floodproofing Certificate signed by a registered professional engineer or architect; or,
 3. A Flood Hazard Development Permit for Minor Development for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than 50% of the market value of the structure. Minor development also includes, but is not limited to: accessory structures as provided for in Article VI.J., mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
 - G. Maintain, as a permanent record, copies of all Flood Hazard Development Permit Applications, corresponding Permits issued, and data relevant thereto, including reports of the Board of Appeals on variances granted under the provisions of Article IX of this Ordinance, and copies of Elevation Certificates, Floodproofing Certificates, Certificates of Compliance and certifications of design standards required under the provisions of Articles III, VI, and VII of this Ordinance.

ARTICLE VI - DEVELOPMENT STANDARDS

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

- A. **All Development** - All development shall:
1. be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. use construction materials that are resistant to flood damage;
 3. use construction methods and practices that will minimize flood damage; and,
 4. use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- B. **Water Supply** - All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
- C. **Sanitary Sewage Systems** - All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- D. **On Site Waste Disposal Systems** - On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
- E. **Watercourse Carrying Capacity** - All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
- F. **Residential** - New construction or substantial improvement of any residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation.
 2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.
- G. **Non Residential** - New construction or substantial improvement of any non-residential structure located within:
1. Zones AE shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
 - a. be floodproofed to at least one foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
 - c. be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K. and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
2. Zone A shall have the lowest floor (including basement) elevated to at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D., or
- a. together with attendant utility and sanitary facilities meet the floodproofing standards of Article VI.G.1.

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

1. Zones AE shall:

- a. be elevated such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation;
- b. be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,
- c. be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
 - (1) over-the-top ties anchored to the ground at the four corners of the manufactured home, plus two additional ties per side at intermediate points (manufactured homes less than 50 feet long require one additional tie per side); or by,
 - (2) frame ties at each corner of the home, plus five additional ties along each side at intermediate points (manufactured homes less than 50 feet long require four additional ties per side).
 - (3) all components of the anchoring system described in Article VI.H.1.c.(1) & (2) shall be capable of carrying a force of 4800 pounds.

2. Zone A shall:

- a. be elevated on a permanent foundation, as described in Article VI.H.1.b., such that the lowest floor (including basement) of the manufactured home is at least one foot above the base flood elevation utilizing information obtained pursuant to Article III.H.1.b.; Article V.B; or Article VIII.D.; and
- b. meet the anchoring requirements of Article VI.H.1.c.

I. Recreational Vehicles - Recreational Vehicles located within:

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

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

1. be 500 square feet or less and have a value less than \$3000;
2. have unfinished interiors and not be used for human habitation;
3. have hydraulic openings, as specified in Article VI.L.2., in at least two different walls of the accessory structure;
4. be located outside the floodway;
5. when possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
6. have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

K. Floodways -

1. In Zone AE riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Insurance Rate Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
2. In Zones A and AE, riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

- a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in FEMA's guidelines and standards for flood risk analysis and mapping.
3. In Zones A and AE riverine areas, for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

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

- 1. Enclosed areas are not "basements" as defined in Article XIII;
- 2. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
 - a. be engineered and certified by a registered professional engineer or architect; or,
 - b. meet or exceed the following minimum criteria:
 - (1) a minimum of two openings having a total net area of not less than one square inch for every square foot of the enclosed area;
 - (2) the bottom of all openings shall be below the base flood elevation and no higher than one foot above the lowest grade; and,
 - (3) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
- 3. The enclosed area shall not be used for human habitation; and,
- 4. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

M. Bridges - New construction or substantial improvement of any bridge in Zones A and AE shall be designed such that:

- 1. when possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one foot above the base flood elevation; and
- 2. a registered professional engineer shall certify that:

- a. the structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article VI.K.; and
- b. the foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

N. Containment Walls - New construction or substantial improvement of any containment wall located within:

1. Zones A and AE shall:

- a. have the containment wall elevated to at least one foot above the base flood elevation;
- b. have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
- c. be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article III.K.

O. Wharves, Piers and Docks - New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A and AE, in and over water if the following requirements are met:

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

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

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

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 1. a showing of good and sufficient cause; and,
 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or

create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,

3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
1. other criteria of Article IX and Article VI.K. are met; and,
 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 2. such construction below the base flood level increases risks to life and property; and,
 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use

land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

G. Appeal Procedure for Administrative and Variance Appeals

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

ARTICLE X - ENFORCEMENT AND PENALTIES

- A. It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance pursuant to Title 30-A MRSA § 4452.
- B. The penalties contained in Title 30-A MRSA § 4452 shall apply to any violation of this Ordinance.
- C. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of;
 1. the name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
 2. a clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation, or ordinance;
 3. a clear statement that the public body making the declaration has authority to do so and a citation to that authority;

4. evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and,
5. a clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

ARTICLE XI - VALIDITY AND SEVERABILITY

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

ARTICLE XII - CONFLICT WITH OTHER ORDINANCES

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

ARTICLE XIII - DEFINITIONS

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

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

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

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

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

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

Building - see **Structure**.

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

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

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

operations or storage of equipment or materials.

Digital Flood Insurance Rate Map (FIRM) – see **Flood Insurance Rate Map**

Elevated Building - means a non-basement building

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

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

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

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

Flood or Flooding - means:

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

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

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

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

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

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

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

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

Floodway - see **Regulatory Floodway**.

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

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

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

Historic Structure - means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Locally Established Datum - means, for purposes of this ordinance, an elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not

referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

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

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

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

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

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

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

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

North American Vertical Datum (NAVD)- means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earths crust, glacial rebound, and subsidence and the increasing use of satellite technology.

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

Recreational Vehicle - means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection, not including slideouts;

- c. designed to be self-propelled or permanently towable by a motor vehicle; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway -

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

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

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

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

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

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

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

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

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

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

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

ARTICLE XIV - ABROGATION

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

60.3 (d) Rev. 01/15
Prepared by DACF/JP

Town of Richmond, Maine

Section 1800

**RICHMOND KENNEBEC RIVER HARBOR & MANAGEMENT
ORDINANCE**

**As Revised at the Richmond Town Meeting
June 3, 2008**

Repeal: All prior harbor ordinances including those enacted in January 1977, as amended are hereby repealed.

Severance: If any provision or clause of this Ordinance or application thereof to any person or persons is held to be invalid, such invalidity shall not effect the validity of other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end provisions of this Ordinance are declared to be severable.

Conflict: Nothing contained herein shall be construed to conflict with the lawful jurisdiction of the United States Government with respect to enforcement of navigation, shipping or anchorage and associated laws of the State of Maine.

1. SECTION 1800

RICHMOND KENNEBEC RIVER HARBOR MANAGEMENT ORDINANCE

Enacted: June 3, 2008

Section 1801-GENERAL PROVISIONS

1801.1-Purpose. This ordinance is to establish regulations for marine activities within the Richmond Kennebec River area (herein referred to as “Harbor”) of the Town of Richmond, Maine (herein referred to as “Town”) to ensure safety to persons and property, to promote availability and use of a valuable resource, and to create a fair and efficient framework for the administration of that resource. This Ordinance shall be subordinate to existing Federal and State Laws governing the same matters and is not intended to preempt other valid Laws.

1801.2-Harbor Limits. The Town shoreline is divided into two zones. Zone I shall be the Town Harbor located approximately 44 .05'.19” N ; 69.47’40”W from/to 44.05’04”N; 69.47’55”W. Zone II shall be the area of the river north of 44.05’19”N ; 69.47’40”W to the South Gardiner town line and the area of the river south of 44.05’04 N ; 69.47’55”W to the Bowdoinham town line.

Zone I is described as follows: Beginning on the northeasterly corner of Swan Island Marker Buoy #C1, westerly at magnetic compass heading 330° degrees, to the low water mark on the Richmond Shoreline, then southerly to a point of land protruding into the channel area commonly known as the “shipyard” hence easterly at magnetic compass heading 120° degrees to the low water mark on Swan Island, thence northerly along the low water mark on Swan Island to the point of beginning.

Section 1802-DEFINITIONS

1. Anchorage: Shall mean an area of a harbor set aside for the temporary anchoring of boats and vessels.
2. Auxiliary: Shall mean any vessel having both sails and either an inboard or outboard motor and which may be propelled by its sails or by its motor, or both.
3. Basin: Shall mean a naturally or artificially enclosed or nearly enclosed body of water where small craft may lie (anchor).
4. Boat: Shall mean any floating object or vessel designed for self propelled navigation on the water.
5. Commercial Vessel: Shall mean any vessel whose primary use is fishing, charter or tourism.
6. Headway Speed: Shall mean the minimum speed necessary to maintain steerage and control of the watercraft while it is moving.
7. Water Safety Zone: Shall mean the area of water within 200 feet from any shoreline or a designated harbor anchorage area whether the shoreline of the mainland or an island.

8. Distress: Shall mean a state of disability or a present or obviously imminent danger which, if unduly prolonged, could endanger life or property.
9. Emergency: Shall mean a state of imminent or proximate danger to life or property in which time is of the essence.
10. Float: Shall mean any floating structure normally used as a point of transfer for passengers and goods and/or for mooring purposes.
11. Mooring: All means of securing a vessel to a particular location other than to a pier, dock, channel marker and other than temporarily by anchor for a period of less than one week or by attaching to the shore (including out-hauls) The term includes year-round and seasonal moorings.
12. Mooring/Permit Year: Shall be on a calendar year basis from January 1st to December 30th.
 - 12.1 Mooring Fees: Mooring fees shall be established each year by the Selectboard and the rates will be different for residents and non-residents.
 - 12.2 Mooring Season: Shall mean April 15 through November 15th.
 - 12.3 Other Permits. The Town of Richmond requires that permits may be required from the US Army Corp of Engineers and/or the State of Maine DEP before work can proceed, particularly for piers, ramps & floats (seasonal or permanent).
13. Non-Resident: Shall mean any persons without a residence or property ownership in the Town of Richmond.
14. Resident: Shall mean any persons whose principal residence or property ownership is in the Town of Richmond.
15. Riparian Owner: Shall mean an owner of a parcel of land located in the Town which borders upon a harbor, cove or inlet commonly used for mooring or anchorage of vessels.
16. Shore: Shall mean that part of the land in immediate contact with a body of water, including the area between the high and low lines.
17. Shall and May: Shall is mandatory, May is permissive.
18. State: Shall mean the State of Maine
19. Stray Vessel: Shall mean (1) an abandoned vessel, (2) a vessel of which the owner is unknown, or (3) a vessel underway without a competent person in command.

20. To Anchoring: Shall mean to secure a vessel to the bottom within a body of water by dropping an anchor(s) or other ground tackle; which is carried aboard a vessel when underway as regular equipment.
21. Underway: Shall mean the condition of a vessel not at anchor, without moorings, and not made fast to the shore nor the ground.
22. Waterway: Shall mean any water area providing access from one place to another, principally a water area providing a regular route for water traffic.

Section 1803-HARBORMASTER

Under title 38 of the Maine Statues, the municipal officers of a community are required to appoint a Harbormaster upon the request by any person desiring mooring privileges. Accordingly, the Harbormaster is subject to all of the provisions of title 38 as amended. In addition, the Harbormaster for the Town shall also be subject to the following provisions.

1. The Harbormaster is to be considered the maritime agent of the Selectmen of the Town and shall have full authority for the interpretation and enforcement of all regulations affecting the Harbor and Pond areas and all other waterways, tidal and harbor areas of the Town not specifically referenced in this ordinance applicable under state and federal law.
2. The Harbormaster shall be the municipal overseer of all Town owned marine oriented equipment not specifically included within the purview of any other Town Board or Department.
3. The Harbormaster shall maintain copies of all mooring records as well as any waiting list for mooring location assignments. All official records shall be maintained permanently by the Town Office.
4. The Harbormaster shall report to the Town Manager.
5. The Harbormaster, while engaged in the exercise of his/her lawful duties hereunder, or any duties or responsibilities imposed by the State or Federal law, shall be immune from any personal liability whatsoever.

Section 1804-MOORINGS

1. Only moorings will be permitted in Zone I of the Richmond Harbor and shall be assigned by the Harbor Master. No mooring shall be placed without a written permit from the Harbor Master which authorizes placement of a mooring at a specific location. Moorings must be set within thirty days of obtaining a permit or July 1st of each year the permit is obtained; whichever date occurs latest in the year.
2. All permits issued hereunder shall be for a period of one (1) year, and shall be renewed by May 1st each year. Issuance of permits shall not be earlier than January 1st of each year.

There shall be no pre-payment for permits for any year proceeding the current mooring year. Payments may only be accepted for a permit applicable in that mooring year.

3. The mooring permit of any person who violates any of the provisions of these regulations contained in this ordinance may have their mooring permit revoked by written notice to that effect signed by the Harbormaster.
4. The Harbormaster shall issue a written notice to all applicable permit holders who have failed to pay as of May 31st. Mooring holders shall have 14 days from the date of the written notice to make payment on the overdue permit. If payment is not received within that 14 day period, the permit holder shall forfeit all rights to his/her mooring.
5. Moorings shall be registered and numbered at all times. Mooring numbers shall be issued by the Harbormaster at the time a mooring permit is issued.
6. Mooring numbers shall be located on the top of a “white” mooring ball with a “blue” horizontal band with 3” “black” numbers appearing on the permit and the last name of the owner of the permit.
7. All moorings shall be subject to change in location at the owner’s expense if such change is deemed necessary by the Harbormaster and to be in the best interest of the Town and other watercraft.
8. Abandoned Moorings: Any mooring not used by its owner during a calendar year shall be deemed to have been abandoned. Abandoned mooring owners shall be notified in writing by the Harbor Master to remove their mooring equipment. If the mooring is not removed within two (2) weeks of the notice, the Harbormaster is authorized to proceed with removal of the mooring float as in Section 9 of the Article at the owner’s expense.
9. Inspection: All moorings shall be inspected every four (4) years or when deemed necessary by the Harbormaster. The inspection is to be performed by representatives of the Richmond Waterfront Committee and the Harbormaster. The Harbormaster shall maintain a record of each mooring inspection stating the condition of the mooring by July 1st of the inspection year. All existing moorings shall be inspected within one year of enactment of these ordinances.
10. Town Guest Moorings: Any mooring placed by the Town within their jurisdiction *must be approved by the Army Corp of Engineers*. Such moorings shall not be used for a period longer than 48 consecutive hours by any boat or vessel, except by permission of the Harbormaster.
11. If a mooring owner refuses to move his mooring after receiving a written notice to do so, the Harbormaster is authorized (after a fourteen (14) day waiting period) to remove the mooring and the mooring float. The Harbormaster shall store the mooring and the mooring float that has been removed for up to 2 months at the Richmond Public Works facility. During that period of time, the owner may reclaim the mooring and mooring float after payment of any expenses or fines as provided under Title 38.

12. Subletting/Transferring of Mooring: The owner of a mooring space or a set mooring shall not sublet, *rent* or transfer said mooring or mooring space to another user or boat owner as required by State law. However, the mooring owner requests permission from the Harbormaster to have a guest use the set mooring on a temporary basis for a specified period of time.
13. No persons shall permit or place more than one watercraft on a mooring unless such crafts do not interfere with adjacent moorings and navigation considerations without permission of the Harbor Master. No watercraft shall be left unattended while more than one craft is moored at one mooring.
14. Harbor marker buoys, eel crates, plastic liquid containers or kegs cannot to be used as a mooring float.
15. Prior to November 15th each year the owner of a Richmond mooring must use one of the following techniques before the Richmond Harbor is “iced out”:
 - a. remove the mooring, ground tackle and float from the water.
 - (OR)
 - b. “short shank” the mooring float at dead low tide.
 - (OR)
 - c. Remove the mooring float and secure the ground tackle with a submersible line to a fixed point on the nearest shore that is at least 10 feet above the high water mark.

If the mooring owner fails to meet one of the above requirements the mooring may be removed at the owner’s expense.

Section 1805-MOORING SPECIFICATIONS

1805.1 Mooring Assignments & Waiting List

- a. Mooring privileges shall be granted on application to the Harbor Master on a first come, first serve basis. The Harbor Master may deny a Mooring Permit for any reason such as failure to pay assessed fees, transfer mooring assignment, sale of vessel, incomplete application, etc. The total number of moorings shall be specified by the Harbormaster.
- b. Within the limitations of Title 38 Section 3 and 6, the Harbormaster is to assign mooring locations and maintain a mooring waiting list. Mooring assignments shall be made in the chronological order received in accordance with the following priorities:
 1. Vessel owners who are owners of waterfront parcels of land, who are entitled to one mooring in the harbor area adjacent to their land. The Waterfront Committee may grant more than one mooring per owner of waterfront parcel upon recommendation of the Harbormaster.

2. Resident commercial vessel owners or resident marine business owners
 3. Resident non-commercial vessel owners.
 4. Non-resident commercial vessel owners
 5. Non-resident non-commercial vessel owners
- c. When the number of applicants exceeds the number of available mooring spaces the applicants name will be placed on the waiting list until such time as a mooring space can be assigned.
 - d. The waiting list shall be organized by “seniority.” Seniority shall be defined in this section as those individuals who have maintained a mooring assignment over consecutive years and shall not include any ownership of moorings over non consecutive years as a cumulative total. This provision shall not be transferable. The list shall be available for public inspection at the Town Office during regular business hours.
 - e. When a mooring becomes available, individuals already assigned mooring positions will be able to move inward in order of seniority to that position if deemed appropriate or manageable by the Harbor Master. The new mooring applicant will then be able to take the available position left.
 - f. All moorings shall be of sufficient size and weight with chain and rope in sound condition to properly secure the moored vessel. The float attached to the mooring line shall be of sufficient size and buoyancy to remain afloat when not attached to the vessel.
 - g. Moorings shall be equal or greatest in size, strength and weight than the minimum standards as set by the Harbormaster. The adequacy of each mooring set remains the responsibility of the individual boat owner. Standards set by the Town are minimum standards.
 - h. Recommended Mooring Standards are published and attached to the *Richmond Mooring Application* and include standard mooring material and weight, ground tackle type and length, and float type and size. The Harbormaster is responsible for updating these standards as required.

Section 1806-CHANNELS

- A. Channel Designations and Restrictions: The Board of Selectmen, from time to time, may establish channels for the passage of vessels in the harbors and waterways of the Town after due consideration of the recommendations of the Harbormaster. There shall be no anchoring or mooring in any channels designated as such.
- B. Interference with Channel Markers: Whomever moors a vessel, boat, raft or scow to any buoy or beacon placed by the Town in any waters subject to its jurisdiction to define the channels for vessels, or in any manner make the same fast thereto, or willfully destroys any such buoy or beacon shall be liable upon complaint of the Harbormaster.

1806.1 Obstruction of Channels and Removal of Sunken Vessels

- a. It shall be unlawful to tie up or anchor a vessel in the Harbor in such a manner as to obstruct the fairways, launch ramps or channels or to prevent or obstruct the passage of other vessels; or to voluntarily or carelessly sink or allow to be sunk any vessel in any channel, fairway, berthing space, or to float loose timbers, debris, logs or piles in any channel, fairway or berthing space in such a manner as to impede navigation or cause damage to vessels therein. It is understood that wrecked or sunken vessels within a harbor are subject to the published rules and regulations of the United Coast Guard and any applicable state law rules or regulations.
- b. Whenever the navigation of any waters within the Harbor or maritime facility including anchorages and berths herein, shall be obstructed or endangered by any sunken vessel or other obstruction danger, the vessel or obstruction shall be subject to removal, sale or other disposition. The owner(s) of any such vessel or other property causing said obstruction or danger shall be liable to the Town for all costs incident to said removal and disposition, and the Town, its employees, agents, or officers shall not be liable for damages of any nature whatsoever origins out or in any way connected with removal, sale, or disposition or such vessel or other property.

1806.2 Anchoring of Vessels

- a. No person shall anchor or cause to be anchored any watercraft within the harbor limits of Zone I.
- b. Anchoring will only be permitted in designated area(s) by the Harbormaster outside of Zone I as approved by the US Coast Guard for a period of up to twenty-four (24) hours. Anchorage of a vessel for more than twenty-four (24) hours will not be allowed without permission of the Harbormaster.
- c. All anchored vessels shall abide by all Federal Regulations for anchored vessels including but not limited to Day Signals and/or lights for signals, anchor lights, etc.
- d. Buoys: No persons shall place buoys of any type in Zone I including eel pot buoys-and marker buoys.

Section 1807- GENERAL BOATING AND TRAFFIC CONTROL REGULATIONS

- A. Traffic Control Authority: The Harbor Master shall have the authority to control water borne traffic in any portion of the waters of the Harbor, or maritime facility under his/her jurisdiction by use of authorized Town/State/Federal regulatory markers, signals, orders or directions at any time preceding, during and after any race regatta, parade or other special event held in any portion of the waters of harbor or maritime facility or at any time when the Harbormaster deems it necessary in the interest of safety of persons and vessels or other property, and it shall be unlawful for any persons to willfully fail or refuse to comply

with any authorized regulatory marker noted herein and utilized by the Harbormaster, or with any signals, orders or directions of the Harbormaster.

- B. Basic Speed Law: No person may operate a watercraft at a speed greater than “Headway Speed” while within the “Water Safety Zone” or within the Harbor Limits. At the Harbormasters discretion “No Wake” markers may be placed in the channel.
- C. Water Skiing: There shall be no water skiing within Zone I.
- D. Discharge of refuse and sewage: It shall be a violation of this Ordinance to discharge or permit the discharge into the waters of the harbor any sewage, refuse, garbage, petroleum or petroleum matter, paint varnish, timber or any other foreign matter, including dead animals, fish and bait or any other substance or matter prohibited by state or federal law.
- E. Sewage discharge in Pleasant Pond. No persons may operate a watercraft in Richmond waters with a marine toilet, shower or sink, unless waste water from the toilet, shower or sink is fed directly into a holding tank. The holding tank for sanitary and sewage waste discharge must not in any way connect to any through-hull fitting.
- G. Responsibility for Sanitation or Facilities: The Owner, Captain, lessee, agent, manager or person in charge of a vessel, facility or water area adjacent to or within the Harbor shall, at all times, maintain the premises under his/her charge in a clean, sanitary condition, free from malodorous materials and accumulations of garbage, refuse, debris and other waste accumulations. Should the Harbormaster find that any vessel, facility or water area is not so maintained; he shall in writing notify said owner, lessee, agent, manager or other person in charge of said vessel, facility or area to immediately commence and diligently prosecute to completion of the necessary correction of the unsanitary condition to the satisfaction of the Harbormaster. Failure to do so with reasonable dispatch shall be a violation of this Article, and the Harbormaster may then cause the condition to be corrected and the cost of such correction shall be charged to said owner, captain, lessee, agent, manager or person in charge.
- H. All Accidents or Incidents occurring in the Boundaries of the Harbor area shall be reported, by the quickest means possible, to the Harbormaster or Richmond Police Department, who shall report them to the Harbormaster, i.e. lost or stolen equipment, property damage, vessels adrift, etc...
- I. Correcting an Unsafe Berthing: If any vessel shall be found, in the judgment of the Harbor-master, to be anchored or moored within any Town waters or maritime facility in an unsafe or dangerous manner, or in such a way as to create a hazard to other vessels, persons or property, the Harbormaster shall order and direct necessary measures to eliminate such unsafe or dangerous condition. Primary responsibility for compliance with such orders and directions shall rest with the owner of the improperly anchored or moored vessel or his authorized agent; in the absence of such owner or agent, said responsibility shall rest with the authorized operator of the facility at which the vessel is anchored or moored. In an emergency situation and in the absence of any such responsible persons, the Harbormaster shall forthwith board such vessel and cause the improper situation to be

corrected, and the owner of the vessel shall be liable for any costs incurred by the Town of Richmond in effecting such correction.

- J. **Removal and Custody of Illegally Berthed, Moored or Abandoned Vessels:** If any unattended vessel shall be found to be anchored or moored illegally within a harbor or maritime facility, or if the Harbormaster has reasonable grounds to believe that a vessel has been abandoned within the Richmond Harbor or maritime facility, the Harbormaster may assume custody of such vessel and cause it to be removed held or placed in storage. The Town or its officials shall not be held liable to its owners before or after assuming custody. Vessels so taken into custody shall be released to the owner by the Town Manager only after satisfactory proof of ownership has been presented and full reimbursement made to the Town for all costs incident to recovery, movement, and storage.
- K. **Damage to Harbor or other Property:** It shall be unlawful to willfully or carelessly destroy, damage, disturb or interfere with any public or private property in the harbor area.
- L. **Tampering with or Boarding Vessels without Permission:** It shall be a violation of this Ordinance for any person to willfully board, break in, enter, damage, move or tamper with any vessel or part thereof located within the harbor unless authorized by the rightful owner of such vessel. Any persons violating this provision shall be responsible to the rightful owner of any such vessel for any damages caused by such violation and to the reasonable cost of any fees necessarily incurred as a result thereof.
- M. **Obstruction of Facilities:** It shall be a violation of this Ordinance for any persons to willfully prevent any other person from the use and enjoyment of public facilities.
- N. Any warnings, verbal, or written summons, for any violation of federal, state, local marine rules, regulations, laws or ordinances may result in the suspension or revocation of mooring and/or launching privileges in the Town of Richmond by the Harbormaster.

Section 1808-PUBLIC FLOATS, DOCKS & LANDINGS

- A. The Town maintains Public Floats, Docks and Landings in the area currently identified as the "Waterfront Park" within Zone I.
- B. Except with the permission of the Harbormaster no person shall tie or cause to be tied a water craft to the Public Floats for a period of time exceeding two (2) hours within a 24 hour period without permission of the Harbormaster.
- C. Obstructing docks and walk ramps with mooring lines, equipment, etc., is strictly prohibited. Dinghies at reasonable lengths determined by the Harbormaster may be left tied to the inside of the Public Floats.
- D. No person shall store fishing gear or waste materials on the Public Floats at any time. Materials may be loaded and unloaded only.

- E. No person shall engage in swimming from the Public Floats or from water craft tied to the Floats.
- F. Fishing may be permitted only by the Harbormaster during “off peak” docking times.
- G. No persons including any owner/operator of any craft shall process or permit to be processed any seafood or fish products on the Town Floats.
- H. Launch Ramps: Motor vehicles are not to be left unattended on or near launch ramps. All motor vehicles must be parked in designated areas and motor vehicle operators are to comply with all parking regulations as posted by the Town of Richmond.

Section 1809-LIABILITY

- A. Boat Owner: Any persons using the facilities within the limits of a harbor or maritime facility shall assume all risk of damage or loss to his property. The Town assumes no risk on account of fire, theft, Act of God or damages of any kind to vessels within the harbor or maritime facility.
- B. Secure Berthing and Anchoring of Vessels: The owner of any vessel moored or anchored within the Richmond Harbor or maritime facility shall be responsible for causing such vessel to be tied and secured or anchored with proper care and equipment and in such manner as may be required to prevent breakaway and resulting damage, and shall, thereafter, provide for periodic inspection maintenance, replacement and adjustment of anchor, mooring, or tie lines at intervals as specified by the Harbormaster or previous Articles.
- C. Unseaworthy Vessels Prohibited in Harbor: A person shall not moor or permit to be moored, in any harbor, a vessel of any kind whatsoever which is unseaworthy or in a badly deteriorated condition or which is likely to sink or to damage docks, wharves, floats, or other vessels or which may become a menace to navigation, except in cases of emergency with permission of the Harbormaster.
- D. Each day such violation continues to exist shall constitute a separate offense. Any law enforcement officer vested with the authority to carry a weapon and make arrests shall have the authority to enforce this Ordinance.
- E. The Harbormaster, while engaged in the exercise of his/her lawful duties hereunder, or any duties or responsibilities imposed by the State or Federal law, shall be immune from any personal liability whatsoever.

Section 1810-APPEALS

- A. Any person adversely affected by a decision of the Harbormaster may appeal to the Town Waterfront Committee of Richmond.

- B. Any person adversely affected by a decision of the Waterfront Committee may appeal to the Town Appeals Board.
- C. Any persons adversely affected by a decision of the Appeals Board may appeal to the Selectmen, whose decision is final.

Given under our hand this 3rd day of June 2008

TOWN OF RICHMOND SELECTMEN

Certified:

I hereby certify that this ordinance became effective on June 3, 2008 at a Town Meeting held at the Richmond High School.

Signature

Date

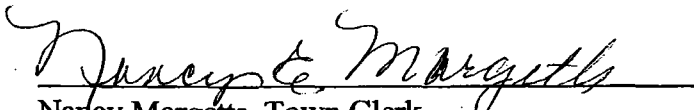
Town of Richmond

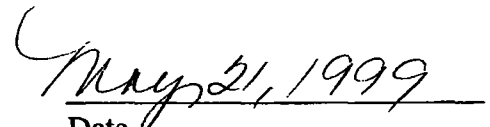
Section 10100

HOLDING TANK ORDINANCE

ATTEST:

This ordinance is a true copy of the Section 10100 - Holding Tank Ordinance of the Town of Richmond as certified to me by the Richmond Board of Selectmen on May 20, 1999, for posting with the Town Warrant for the June 8, 1999 Annual Town Budget Meeting.


Nancy Margetts, Town Clerk


Date

Town of Richmond
Section 10100
HOLDING TANK ORDINANCE

BE IT ENACTED AND ORDAINED by the Selectmen of the Town of Richmond, Sagadahoc County, and it is hereby enacted and ordained as follows:

Section 1. Purpose. The purpose of this Ordinance is to establish procedures for the use and maintenance of holding tanks designed to receive and retain waste water from residential or commercial uses, It is hereby declared that the enactment of this Ordinance is necessary for the protection, benefit, and preservation of the health, safety, and welfare of the inhabitants of this municipality.

Section 2. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

“Authority” shall mean Selectmen of Richmond, Sagadahoc County, Maine.

“Holding tank” shall mean a closed, water-tight structure designed and used to receive and store wastewater or septic tank effluent. A holding tank does not discharge wastewater 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 wastewater at another site.

“Improved property” shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure wastewater shall or may be discharged.

“Improved property” shall mean Richmond, Sagadahoc County, Maine.

“Owner” shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

“Person” shall mean an individual, partnership, company, association, corporation, or other group or entity.

“Wastewater” shall mean any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Section 3. Rights and privileges granted. The Authority is hereby authorized and empowered to undertake, within the municipality, the control of and methods of disposal of holding tank waste water and the collection and transportation thereof

Section 4. Rules and regulations to be in conformity with applicable law. All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other

ordinances of the Town of Richmond, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks can not be used for seasonal conversion, see Subsection 301.3, or new construction within the shoreland zone of a major water course.

Section 5. Rates and charges. The Authority shall have the right and power to fix, alter, charge, and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

Section 6. Exclusiveness of rights and privileges. The collection and transportation of all waste water from any improved property utilizing a holding tank shall be done solely by, or under the direction and control of, the Authority, and the disposal thereof shall be made at such site or sites as may approved by the Maine Department of Environmental Protection.

Section 7. Duties of owner of unproved property. The owner of an unproved property that utilizes a holding tank shall:

A. Maintain the holding tank in conformance with this or any other Ordinance of the Town of Richmond, the provisions of any applicable law, the rules and regulations of the Authority, and any administrative agency of the State of Maine; and

B. Permit only the Authority, or its agent, to collect, transport, and dispose of the contents *therein*.

Section 8. Violations. *Any* person who violates any provisions of Section 7 shall, upon conviction thereof by summary proceedings, be sentenced to pay a fine of not less than One Hundred and not more than Three Hundred dollars, plus costs.

Section 9. Abatement of nuisances. In addition to any other remedies provided in this ordinance, any violation of Section 7 above shall constitute a nuisance and shall be abated by the municipality or Authority by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

Section 10. Alternative disposal. *An* alternative means of waste water disposal shall meet first time system criteria. Replacement system criteria shall not be considered.

Section 11. Repeal. All ordinances or resolutions, or parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

Section 12. Severability. If any sentence, clause, Section, or part of this ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this ordinance.

Section 13. Effective date. This ordinance shall become effective immediately upon its adoption at any legally called town meeting.

Certified: The Richmond Board of Selectmen being the Municipal Officers hereby certify to the Municipal Clerk that this is a true copy of Section 10100 - Holding Tank Ordinance of the Town of Richmond, Maine.

Given under our hand this 20th day of May, 1999

David Peppard

Alfred E. Merrill

James A. Pearson

H. Kenneth Phillips

Richmond Board of Selectmen

Certified:

I hereby certify that this ordinance became effective on

_____ at a Town Meeting held at Richmond High School

Nancy Margetts, Town Clerk

Date

LAND USE ORDINANCE, TOWN OF RICHMOND, MAINE
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ARTICLE 1. GENERAL

A. TITLE

This Ordinance shall be known and may be cited as the Land Use Ordinance of the Town of Richmond, Maine, and will be referred to herein as the "Ordinance."

B. PURPOSES

The purposes of this Ordinance are: to implement the Comprehensive Plan; to assure the comfort, convenience, safety, health and welfare of the inhabitants of Richmond; to conserve the Town's natural resources and protect the environment; to promote the development of an economically sound and stable community; to direct growth of the community to those areas most suitable for development and away from areas with significant natural resource, social or cultural constraints; to promote traffic safety; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to further the maintenance of safe and healthful conditions and the general welfare; prevent and control water pollution; protect spawning grounds, fish, aquatic life, bird and other wildlife habitat; control building sites, placement of structures and land uses, and conserve shore cover, visual as well as actual points of access to inland and coastal waters and natural beauty.

C. BASIC REQUIREMENTS

In addition to the regulations set forth in this Ordinance, the use of land within the Town of Richmond may be subject to regulation by the State of Maine and Federal Government. The State has adopted regulations which regulate certain land uses and certain types of development activities. The responsibility for compliance with the applicable State requirements or obtaining the necessary State approvals or permits rests entirely with the property owner. Likewise, the responsibility for complying with any Federal requirements rests entirely with the property owner.

The following are the principal State laws, which may affect the use or development of property in Richmond:

1. Farmland Adjacency Act (7 M.R.S.A. § 51 et. seq.) -Limits the use of land near registered farmland.
2. Minimum Lot Size Law (12 M.R.S.A. §4807 et. seq.) - Establishes minimum lot sizes for residential and nonresidential uses for buildings utilizing subsurface waste disposal systems.
3. Regulation and Inspection of Plumbing (The State "Plumbing Code" 30-A M.R.S.A. 4201 et. seq. and all other applicable laws and regulations) - Regulates installation of internal plumbing and the installation of on-lot, subsurface sewage disposal systems.

4. Conversion of Seasonal Dwellings in Shoreland Areas (30-A M.R.S.A. § 4201 et seq.) - Requires a permit before a seasonal dwelling located in a shoreland area can be converted to year-round use.
5. Small Borrow Pits (30-A M.R.S.A. § 3105) - Establishes standards for gravel pits of less than 5 acres in area.
6. Natural Resources Protection Act (38 M.R.S.A. § 480-A et. seq.) – Requires State permits for alteration or construction in or near sand dunes, coastal wetlands, fragile mountain areas, freshwater wetlands, great ponds, rivers, streams or brooks and significant wildlife habitat.
7. Site Location of Development Act (38 M.R.S.A. § 481 et. seq.) – Establishes standards and requires State approval for large-scale development activities including borrow pits and mining activities.
8. Automobile Junkyards (30-A M.R.S.A. § 3751 et. seq.) – Requires local permits for the operation of auto graveyards and junkyards.
9. Access Management Law (23 M.R.S.A. § 704 et seq.) - requires state permit on any new entrance or significant change of use of and entrance on any state road or state aid road.
10. Shoreland Zoning Act (38 M.R.S.A. §435 et seq.) Requiring zoning within 250 feet of most water bodies and wetlands.
11. Subdivision Act (30-A M.R.S.A. §4401 et seq.) Requiring the municipal reviewing authority to review all requests for subdivision approval.

In addition, the Department of Environmental Protection or the U.S. Army Corps of Engineers administers a permit system for any project involving activities in federally defined wetlands.

D. ADMINISTRATION AND ENFORCEMENT

1. Enforcement

(A) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(B) Code Enforcement Officer

- (1) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

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

2. Permit Required

- a. **No building or other structure shall be erected, moved, placed, added to, or structurally altered in the Town of Richmond without a permit therefore, issued by the Code Enforcement Officer. No permit shall be issued except in conformity with the provisions of this Ordinance, except after written order from the Board of Appeals.**
- b. **Expiration of Permit: Following the issuance of a permit, if no substantial start is made in construction, or in use of the property for which such permit has been issued, within one year of the date of the permit, the permit shall lapse and become void. Thereafter, any application shall be considered and handled as a new application.**
- c. **Discontinuance of Use:** A use which is discontinued for a period of five years may not be resumed without an appropriate new permit from the appropriate permitting authority shown in Section 5.G.

E. VALIDITY AND SEVERABILITY

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

F. CONFLICT WITH OTHER ORDINANCES

This Ordinance shall not repeal, modify, or remove the necessity of compliance with, any other municipal regulation, ordinance, by-law, permit or provision of law. Where any ordinance imposes a greater restriction upon the use of land, buildings or structures, the more restrictive requirement shall apply.

G. REPEAL OF CURRENT ORDINANCES

This Ordinance supersedes and replaces the Comprehensive Land Use Ordinance of the Town of Richmond, Maine adopted on 20 June 1974, as subsequently amended.

H. AMENDMENTS

1. Initiation of amendment

An amendment to this Ordinance may be initiated by:

- a. The Planning Board provided a majority of the board has so voted;
- b. Request of the Municipal Officers to the Planning Board; or
- c. Written petition of a number of voters equal to at least 10 percent of the number of votes cast in the Municipality at the last gubernatorial election.

2. Adoption of amendment

An amendment to this Ordinance may be adopted by a majority vote of the voters voting at a town meeting or by a town referendum vote. Amendments involving shoreline areas are not valid unless approved by the Commissioner of the Department of Environmental Protection.

3. Public Hearing

The public shall be given an adequate opportunity to be heard in the preparation of any zoning ordinance amendments. The Planning Board shall hold a public hearing on all proposed amendments prior to the town meeting or town referendum vote.

Before amending an existing zoning ordinance or map the Planning Board must post and publish notice of the required public hearing in accordance with the following provisions.

- a. The notice must be posted in the municipal office at least 13 days before the public hearing.
- b. The notice must be published at least 2 times in a newspaper that complies with 1 M.R.S.A. § 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the second publication must be at least 7 days before the hearing. That notice must be written in plain English, understandable by the average citizen.

4. Amendment Applicable to Geographically Specific Portion of Municipality

In addition to the hearing and notice requirements of section G.3 the following additional notice shall be required when an amendment to an existing zoning ordinance or map, within a geographically specific portion of the municipality, has the effect of either prohibiting all industrial, commercial or retail uses where any of these uses are permitted or permitting any industrial, commercial or retail uses where any of these uses are prohibited.

- a. The notice must contain a copy of a map indicating the portion of the municipality affected by the proposed amendment.
- b. For each parcel within the municipality that is in or abutting the portion of the municipality affected by the proposed amendment, the notice must be mailed by first class mail at least 13 days before the public hearing to the last known address of the person to whom property tax on each parcel is assessed. The municipal officers shall prepare and file with the municipal clerk a written certificate indicating those persons to whom the notice was mailed and at what addresses, when it was mailed, by whom it was mailed and from what location it was mailed. This certificate constitutes prima facie evidence that notice was sent to those persons named in the certificate.

I. EFFECTIVE DATE:

The effective date of this ordinance is the date of its enactment November 9, 2005, and amended as recorded on Title Page.

(END OF ARTICLE I)

ARTICLE 2. NON-CONFORMANCE

A. GENERAL REQUIREMENTS

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and may continue to be used, subject to this Ordinance.
2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures, and such other changes as Federal, State, or local building and safety codes may require.

B. NON-CONFORMING STRUCTURES

1. Expansions: A non-conforming structure may be expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure. If any portion of a structure is less than the required setback from the normal high-water line of a water-body or upland edge of a wetland, that portion of the structure shall be expanded subject to the restrictions contained within the Shoreland Ordinance. .

Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

- a. The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Subsection 2 Relocation, below;
 - b. The foundation does not cause the structure to be elevated by more than three (3) additional feet.
2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel provided that the site of relocation conforms to all setback or other dimensional requirements to the greatest practical extent as determined by the Planning Board.

In determining "greatest practical extent," the Planning Board shall base its decision on the size of the lot, the slope of the land, the potential for soil erosion, the location of the septic system, the suitability of on-site soils for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

3. Reconstruction or Replacement: Any non-conforming structure which is removed, damaged or destroyed may be reconstructed or replaced provided that a permit is obtained from the Planning Board within one year of the date of said damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the dimensional

requirements to the greatest practical extent as determined by the Planning Board.

In determining "greatest practical extent," the Planning Board shall consider the criteria in Paragraph 2 above.

4. Change of Use of a Non-Conforming Structure: (Shoreland Areas Only)

See Shoreland Zoning Ordinance, Section 11 of this Ordinance.

C. NON-CONFORMING USES

1. Expansions: Expansions are prohibited, except expansions within residential structures legally existing as of the effective date of the Ordinance.
2. Resumption Prohibited: A non-conforming use which is discontinued for two years or more, or which is superseded by a conforming use, may not again be devoted to a non-conforming use.
3. Change of Use: Non-conforming use may be changed to another non-conforming use provided that the Planning board finds, after receiving a written application and holding a public hearing, that the proposed use is equally or more appropriate to the district, and that it will have no greater adverse impact on adjacent properties than the former use.

The Planning Board shall mail notice to all properties within 500 feet of the property for which a written application has been submitted to change a non-conforming use. The notice must be mailed 13 days before the public hearing to the last known address of the person to whom the property tax on each parcel is assessed.

The determination of appropriateness shall be based on the probable impact on ground water resources, and the probable changes in traffic (volume and type), parking, noise, potential for litter, wastes or by-products, fumes, odors, or other nuisances likely to result from such change of use. The performance standards of this Ordinance shall apply to such requests to establish new non-conforming uses.

In determining whether or not greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on ground water, public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. NON-CONFORMING LOTS

1. Non-conforming Lots: A single lot of record which does not meet the area or width requirement, or both, may be built upon provided that such lot shall be in separate ownership and not contiguous with any other lot in the same ownership, and that all other provisions of this Ordinance and other relevant ordinances shall be met. Variance of yard or other requirements not involving area or width shall be obtained only by action of the Board of Appeals.
2. Adjacent, Developed Lots: If two or more adjacent lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that lots of at least 20,000 square feet are created and that all such lots meet the requirements of the State Subsurface Wastewater Disposal Rules.

If two or more principal structures existed on a single lot of record each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided, each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

3. Adjacent Lots - Vacant or Partially Built: If two or more adjacent lots are in the same ownership of record at the time of adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance, and if one or more of the lots are vacant or contain no principal structure, then the lots shall be combined to the extent necessary to meet the dimensional requirements.

(END OF ARTICLE II)

ARTICLE 3. DEFINITIONS

A. CONSTRUCTION OF LANGUAGE

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

The Board of Appeals shall decide any dispute as to the interpretation of the Ordinance or the meaning of any word or phrase upon the filing of an administrative appeal.

The following terms shall be interpreted in the following manner:

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

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

The words "town" or "municipality" mean the Town of Richmond, Maine.

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

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

B. DEFINITIONS

In this Ordinance, the following terms and phrases shall have the following meanings unless a contrary meaning is required by the context or is specifically prescribed:

Abutter: The owner of record of any abutting property.

Abutting Property: Any lot located in whole or in part within Richmond that is physically contiguous at any point with the lot in question, or separated from the lot in question only by a body of water, road or right-of-way.

Accessory Building: A building that is customarily both incidental and subordinate to the principal structure on the property and utilized in conjunction with a lawful principal or accessory use.

Accessory Use: A use, which is customarily both incidental and subordinate to the principal use of the parcel. The term "incidental" in reference to the use shall mean subordinate and minor in significance to the principal use.

Adjacent: Lying next to or adjoining the land in question.

Agriculture: The cultivation of the soil, production of crops, including crops in greenhouses, the raising and keeping of livestock, including animal husbandry, the commercial processing and sale of wood and wood products, the processing of agricultural products, and the sale of agricultural products produced on the premises.

Alteration: Any change, addition, or modification, to a structure other than routine maintenance or repairs.

Area of Special Flood Hazard: The land in the floodplain having a one percent or greater chance of flooding in any given year, as specifically identified on the Flood Hazard Boundary Map (Reference: Richmond Flood Management Ordinance).

Authorized Agent: Anyone authorized to act on behalf of a property owner, so long as such authorization is made by way of a written document signed by the property owner.

Automobile Graveyard: As defined by 30-A M.R.S.A. § 3752, a yard, field or other area used to store three (3) or more discarded, worn-out or junked motor vehicles as defined in 29 M.R.S.A. § 1.7 or parts thereof for purposes other than temporary storage by an establishment primarily engaged in auto repair work (*also see "Junkyard"*)." Automobile Graveyard includes an area used for automobile dismantling, salvage and recycling operations. Please see 30-A MRSA § 3752, for what "Automobile graveyards" do not include.

Automobile Recycling Business: means the business premises of a dealer or a recycler licensed under 29-A MRSA §§851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or components parts of the vehicles or rebuilding or repairing salvage vehicles for the purpose of resale or for selling the basic materials in the salvage vehicles, as long as 80% of the business premises specified in the site plan application , Article 7 of this Ordinance or 30-A MRSA § 3755-A, subsection 1, paragraph C. Please see 30-A MRSA § 3752, definitions for what automobile Recycling Business does not include.

Automobile Repair Garage: A place where, with or without the attendant sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

Automobile Service Station: A facility which sells at retail from the premises to the public: gasoline; any other automobile engine fuel; kerosene; motor oil; lubricants and minor accessories; and which may offer the servicing and repair of automobiles, but not including: storage of unlicensed vehicles; or body, frame or fender repair.

Average original grade: except for buildings wholly or partially within the flood plain, average original grade shall be calculated by taking the original grade elevations every ten feet along the perimeter of the foundation or proposed foundation, beginning at the lowest point. The average of all of these elevations shall be the average original grade from which the height of building is measured.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year alternately referred to as the 100-year flood (Reference: Richmond Flood Management Ordinance.) Which was adopted [June 1987]

Basement: A portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

Bed and Breakfast: A single-family, owner-occupied dwelling in which the primary use is residential and no more than five (5) rooms are offered as lodging with or without meals to guests for compensation.

Board: The Planning Board of the Town of Richmond, Maine.

Boathouse: A nonresidential structure designed for the purpose of protecting or storing boats and boating equipment for noncommercial purposes.

Body of Water: A pond, lake, stream, brook, river, or tidal area.

Buffer: A portion of a lot reserved for the purpose of mitigating the impacts of the parcel's use on significant natural resources or adjacent properties.

Building: Any structure and its attachments such as decks, breezeways and porches, designed or used for the housing or enclosure of persons, animals, or personal property.

Building Height: The vertical distance between the highest point of the roof and the average original grade of the ground adjoining the building.

Building Inspector: Code Enforcement Officer.

Bulk Storage: The storage of materials in quantities greater than those used on the premises and stored in containers or packages of sizes that are larger than those used in the retail sales of the product.

Campground: Premises licensed by the State of Maine for use as temporary, paid accommodations for two (2) or more tents or recreational vehicles.

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: The change of the use of a premises or portion of a premises from one category of nonresidential use, as defined by the two digit major groups set forth in the most current Standard Industrial Classification Manual published

by the Federal Office of Management and Budget, to another, or the change from a residential use to a nonresidential use or vice-versa.

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

Cluster Development: A form of residential subdivision in which the required minimum individual lot size is reduced in exchange for the creation of permanent open space within the development.

Coastal Wetland: All tidal and sub tidal lands including all lands below any identifiable debris line left by tidal action, and any swamp, marsh, bog, beach, flat or other contiguous low land which is subject to tidal action during the maximum spring tide level as identified in current tide tables published by the National Ocean Service (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Code Enforcement Officer: A person appointed by the Municipal Officers to administer and enforce the Town's ordinances, including such persons as an official designee or any Town Building Inspectors, Plumbing Inspectors, Electrical Inspectors, and the like where applicable.

Commercial Use: A use involving: the buying or selling of goods or services or the provision of facilities for a fee.

Complete Application: An application shall be deemed to be complete when the Planning Board has reviewed it and the Board has found that the application contains the required submissions for each item listed in the ordinance submission requirements. If the Board has determined that one or more submission requirements are not applicable to a given application and/or the Board has granted for good cause a waiver of one or more submission requirements, the Board shall consider the requirement for those specific items to have been met.

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

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

Construction Trailer: A trailer on or in close proximity to a construction site, used for temporary offices, living quarters, storage or fabrication for the duration of a construction project.

Contiguous: Land, which is next to, bordering, or abutting.

District: A portion of the municipality delineated on the Official Zoning Map or defined in the Ordinance, within which distinct requirements or regulations apply.

Dwelling: Any building or structure or portion thereof designed or used for residential purposes.

1. **Single-Family Dwelling** shall mean any building containing only one (1) dwelling unit for occupation by not more than one (1) family.
2. **Two-Family Dwelling** shall mean a building containing only two (2) dwelling units, for occupation by not more than two (2) families.
3. **Multifamily Dwelling** shall mean a building containing three or more dwelling units for occupation by three (3) or more families.

Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for one family, including provisions for living, sleeping, cooking, eating, and sanitary facilities. The term shall include manufactured housing, but shall not include recreational vehicles.

Earth Materials: Topsoil, sand, gravel, clay, peat, rock, or other minerals.

Equipment and Motor Repair: A business establishment engaged in general repair, engine rebuilding, parts replacement, rebuilding or reconditioning of motor vehicles, body, frame or fender straightening and repair, painting and undercoating, and mechanized washing of automobiles but where no engine fuels are sold at retail.

Essential Services: The construction, alteration or maintenance of facilities or distribution systems for gas, electricity, communication, steam, fuel or water. Such systems may include towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories, but shall not include buildings which are necessary for the furnishing of such services.

Eutrophication: The process of nutrient enrichment of water bodies.

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

Excavation, Storage, and Processing of Earth Materials: Any use which involves the excavation or storage of earth materials for commercial purposes or for removal from the site except in conjunction with approved construction or which involves the processing of earth materials on the site.

Existing Non-Residential or Commercial: Any existing building providing for non-residential or commercial use.

Existing Residential: Any existing building housing a residential use.

Family: One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, or hotel.

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

Fisheries: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife, Atlantic Salmon Authority, or Maine Department of Marine Resources such as having significant value as fisheries and any areas identified in the Comprehensive Plan.

Flood or Flooding:

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

Flood Hazard Boundary Map (FHBM): An official map of the community, on which the Administrator of the Federal Insurance Administration has delineated both the special hazard areas and the risk premium zones applicable to the community (Reference: Richmond Flood Management Ordinance)

Floodplain or Flood-Prone Area: Any land area susceptible to being inundated by water from any source (Reference: Richmond Flood Management Ordinance.

Flood Proofing: Structural and/or nonstructural additions, changes, or adjustments to structures in order to reduce or eliminate flood damage to structures, and their contents, real estate, or water and sanitary facilities. (Reference: Richmond Flood Management Ordinance.

Floor Area, Gross: The sum, in square feet, of the total area of all floors within the roofed portions of a building, as measured from the interior faces of the exterior walls and including the area of unenclosed portions of a structure such as porches and decks (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Forest Management Activities: Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads associated with such activities. (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

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

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

1. Of ten (10) or more contiguous acres; or of less than ten (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 ten (10) acres; and
2. Inundated or saturated by surface or groundwater 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 (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Note: The U.S. Army Corps of Engineers' definition of wetland is different from this definition.

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

Frontage, Street: The linear distance between the sidelines of a lot, measured along the lot line that borders upon a public street, proposed street shown on an approved and recorded subdivision plan, or an approved private road. In the case of a lot situated on a curve of a way, the measurement of frontage shall include the entire length of the property line along such curve.

Frost Wall: A foundation wall extending below the ground surface, supported by footing located below the frost line to protect structures from frost heaves.

Functionally Water-dependent Uses: Uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish storage and retail and wholesale marketing facilities, waterfront dock and port facilities, marinas, navigation aids, basins and channels, industrial uses dependent upon waterborne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Gardening: The activity of lying out, cultivating or tending a plot of ground where flowers, shrubs or other ornamental plants, vegetables, fruits or herbs are planted.

Governing Authority: The legislative body of the municipality, which is the voters of the Town at a Town Meeting.

Grade: The degree of slope.

Grade Beam: That part of a foundation system located at the ground surface (usually in a building without a basement), which supports the exterior wall of the superstructure.

Great Pond: Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres (Reference: 30 M.R.S.A. § 480-B - Natural Resources Protection Act).

Group Home: A housing facility for eight (8) or fewer mentally handicapped or developmentally disabled persons, which are approved, authorized, certified or licensed by the State. A group home may include a foster home or intermediate care facility.

Hazardous Material: Any material identified by a federal or state agency as a hazardous material.

Hazardous Waste: A waste substance or material in any physical state, designated as hazardous by the Board of Environmental Protection under 38 M.R.S.A. §1303-A.

Historic Area: The area nominated to the National Register of Historic Places in September of 1973 and was entered on the Register on November 12, 1973. The area is a sub-district in the Village District. It is depicted on the Official zoning map and described under Special Performance Standards for the Village, in Article 4 Section 4, Subsection (4) of this Ordinance.

Historic Building: Any building that has been entered on the National Register of Historic Places or listed on the September 1973 Nomination for National Register of Historic Places inventory or which is eligible for listing on the National Register of Historic Places.

Historic or Archaeological Resources: Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as historic or archaeological resources and any areas identified in the Comprehensive Plan.

Home Occupation: An activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or in an accessory structure, except that a retail marijuana establishment or retail marijuana social club shall not be operated as a home occupation.

Hotel: A building in which lodging, with or without meals, is offered to the general public for compensation and in which access to lodging rooms is made primarily through an inside lobby or office. The hotel may contain accessory services and facilities such as newsstands, personal grooming facilities, and restaurants.

Incidental to Construction: Activity which is necessary as part of a construction project, is clearly subsidiary and related to the construction, and occurs within the immediate proximity of the construction site.

Industrial Use: The use of real estate, buildings or structures or any portion thereof, for assembling, fabricating, finishing, manufacturing, packaging or processing operations, or for warehousing and distribution.

Inn: A building, which contains a dwelling unit, occupied by an owner or resident manager in which up to ten (10) lodging rooms are offered, with or without meals, to the general public for compensation, and in which entrance to lodging rooms is made through a lobby or other common room. The term may include guesthouses, lodging houses and tourist houses, but not bed and breakfasts, hotels or motels, which are separately defined.

Institutional Use: The nonprofit, public, or quasi-public use of real estate, buildings or structures or any portion thereof for a governmental, educational, charitable, religious, medical or similar purpose.

Junkyard: Any parcel of land or portion thereof used for the storage, collection, processing, purchase, sale or abandonment of wastepaper, rags, scrap metal or other discarded goods or materials. The term includes land meeting the definition of junkyards in 30-A M.R.S.A. § 3752. (Also see Automobile Graveyards.)

Kenel: A commercial establishment in which an owner or customer's dogs or other domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold.

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

Level of Service: A measure of the operational performance of a street or intersection as determined in accordance with current procedures of the Institute of Traffic Engineers (ITE).

Lot: A parcel of land in single ownership described on a deed, plot or similar legal document.

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

Lot, Corner: A lot with at least two (2) contiguous sides abutting upon a street or streets.

Lot, Coverage: The percentage of the lot covered by all structures, parking lots, and all non-vegetated surfaces. In shoreland areas lot coverage includes all non-vegetated areas including buildings, driveways and parking areas.

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

Lot Lines: The lines bounding a lot as defined below:

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

Rear Lot Line: The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

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

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

Lot of Record: A parcel of land, a legal description of which or the dimensions of which are recorded on a document or map on file with the County Register of Deeds or in common use by Town or County Officials.

Lot, Shorefront: Any lot abutting a water body.

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

Manufactured Housing: "Manufactured Housing" as that term is defined in 30-A M.R.S.A § 4358 (1)(A), as may be amended.

Marina: A shorefront commercial facility with provisions for one (1) or more of the following: boat storage, boat launching, or the sale of supplies and services for watercraft, their equipment and accessories.

Mobile Home Park: A "mobile home park" as that is defined in 30-A M.R.S.A § 4358 (1)(B), as may be amended.

Modular Home: A "modular home" as that term is defined in 30-A M.R.S.A. § 4358 (1)(A)(2), as may be amended.

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

Natural Areas and Natural Communities, Unique Natural Areas and Natural Communities: Areas identified by a governmental agency such as the Maine Department of Conservation Natural Areas Program as having significant value as a natural area and any areas identified in the municipality's Comprehensive Plan.

Net Residential Acreage: The acreage available for development, excluding the areas for streets, required private rights-of-way or access, utility easements, and the areas which are unsuitable for development, including intertidal areas, areas covered with standing water for all or most of the year, Class 1 or Class 2 wetlands as defined by the Maine DEP, areas of special flood hazard, and areas with slopes greater than 25%.

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

New Non-Residential or Commercial: Any new building being erected for non-residential or commercial use.

New Residential: Any new building being erected for residential use.

New Mobile Home: A "newer mobile home" as that term is defined in 30-A M.R.S.A § 4358 (1)(A)(1), as may be amended.

Nonconforming Use: Use of land or structures that is not otherwise permitted, but which is allowed to continue solely because it was in lawful existence at the time the Ordinance or subsequent amendment took effect.

Nonconforming Structure: A structure that does not meet all dimensional requirements, setbacks, height, and lot coverage standards but is nonetheless allowed to continue solely because it was in lawful existence at the time the Ordinance or subsequent amendments took effect.

Normal High Watermark of Coastal Waters: The elevations along coastal or tidal waters at which vegetation changes from predominantly salt tolerant to predominantly non-salt tolerant. By way of illustration, coastal or tidal vegetation includes, but is not limited to, salt marsh grass, salt meadow hay, black arrow grass, seaside lavender, silverweed, salt marsh bulrush, seaside plantain, salt marsh sedge, and salt marsh aster. In places where vegetation is not present, the high watermark shall be the identifiable debris line left by non-storm tidal action (Reference: Richmond Flood Management Ordinance).

Normal High Watermark of Inland Waters: That line of the shores and banks of non-tidal waters which is apparent because of the different character of the soil or the vegetation due to the prolonged action of the water. Relative to vegetation, it is that line where the vegetation changes from predominantly aquatic to predominantly terrestrial (by way of illustration, aquatic vegetation includes but is not limited to the following plant and plant groups: water lily, pond lily, pickerelweed, cattail, wild rice, sedges, rushes, and marsh grasses. Terrestrial vegetation includes but is not limited to the following plants and plant groups: upland grasses, aster, lady slipper, wintergreen, partridgeberry,

sarsaparilla, pines, cedars, oaks, ashes, alders, elms, and maples). In places where the shore or bank is of such character that the high watermark cannot be easily determined (rock slides, ledges, rapidly eroding or slumping banks) the normal high watermark shall be estimated from places where it can be determined by the above method (Reference: Richmond Flood Management Ordinance).

Office Trailer: A trailer designed or used primarily as an office or for display or demonstration purposes and which is not used as living quarters.

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.

Open Space Use: The portion of a lot or site which is maintained in its natural state to preserve scenic resources, farm and forest land, wetlands, groundwater recharge areas, wildlife habitat, public access to water bodies, and other important or environmentally sensitive areas, or to be used for outdoor recreation purposes. Such uses do not include structures, earth-moving activity, or the removal or destruction of vegetative cover, spawning grounds, or fish, aquatic life, bird and other wildlife habitat.

Original Grade: The grade of the land that exists prior to the beginning of the proposed construction; provided, however, that if the grade has been altered in the twelve months prior to the application for a building permit for the proposed construction, as evidenced by a building permit or an excavation permit issued pursuant to (applicable articles) the original grade shall be the grade of the land that existed prior to the alteration. (See also "Average Original Grade").

Parking Space: A paved or graveled area meeting the standards of Article 5 and designated for the parking of one motor vehicle.

Passive Recreation: Outdoors recreational activities, which involve no structures or motorized equipment, such as, but not limited to the following: skiing, horseback riding, cycling, hiking, walking, or picnicking.

Person: Any individual, firm, association, organization, partnership, trust, company, corporation, or other legal entity.

Piers and Docks: Structures other than streets, roads and drainage facilities located in or above the waters of any body of water for the purpose of gaining access to the water.

Planned Unit Development: Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings intended to be located, constructed, used and related to each other, and for other uses and improvements on the land. Development may be a single operation or a programmed series of operations including all lands and buildings, with provision for operation and maintenance of such areas and improvements

and facilities necessary for common use by the occupants of the development. A planned unit development does not include a mobile home park.

Plat: A map of a town, section or subdivision showing the location and boundaries of individual parcels of land subdivided into lots with streets, alleys, easements, etc., usually drawn to scale.

Premises: One or more lots under common ownership, which are contiguous or separated only by a road or water body, including all buildings, structures and improvements.

Prime Farmlands: Any parcel of land that has 5 or more acres used in agricultural production within the past 3 years.

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

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

Private Road: A road constructed, owned and maintained by a person or entity other than a public body and constructed to the Town standards for private roads.

Public or Private Owned Outdoor Recreation Facility: A commercial establishment that offers entertainment, exercise, or relaxation activities that are principally outdoors. Such facilities include but are not limited to amusement parks, outdoor swimming pools, parks, shooting ranges, riding ranges, go-kart racetracks, and all terrain vehicle racetracks.

Public Sewerage: The system of sanitary sewers, pump stations and sewage treatment facilities owned and operated by the Richmond Utilities District.

Public Utility: Any person, firm, corporation, municipal department, board or commission authorized to furnish gas, steam, electricity, waste disposal, communication facilities, transportation or water to the public.

Receipt of an Application: The formal acceptance of an application by the Planning Board for a determination of its completeness. The receipt of an application shall occur only at a regular meeting of the Board.

Recreational Vehicle: A vehicle or vehicular attachment designed for temporary sleeping or living quarters for one (1) or more persons, which is not a dwelling and which may include a pickup camper, travel trailer, tent trailer, camp trailer, and motor home. The recreational vehicle shall be designed and constructed to be readily moveable and used for short-term occupancy. If the recreational vehicle is connected to sewerage, water, or electricity, those connections shall be temporary.

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood

without cumulatively increasing the water surface elevation more than one (1) foot, and in Zone A is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high watermark to the upland limit of the floodplain (Reference: Richmond Flood Management Ordinance.

Disturbance incidental to Rights of way: The removal of materials that are essential and necessary for building, maintaining, repairing or removing public or private rights of way.

Re-subdivision: The further division of an existing subdivision or any changes of the lot size therein, or the relocation of any street or lot line in a subdivision.

Retail Marijuana: means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail Marijuana Cultivation Facility: A “retail marijuana cultivation facility” as that term is defined in 7 M.R.S.A §2442(35), as may be amended. A retail marijuana cultivation facility is an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs. A retail marijuana cultivation facility is only authorized as a principal use, and not as an accessory use.

Retail Marijuana Establishment: A “retail marijuana establishment” as that term is defined in 7 M.R.S.A §2442(36), as may be amended. A retail marijuana establishment is a retail marijuana cultivation facility, retail product manufacturing facility, retail marijuana store, or retail marijuana testing facility. A retail marijuana establishment is only authorized as a principal use, and not as an accessory use.

Retail Marijuana Product: A “retail marijuana product” as that term is defined in 7 M.R.S.A §2442(37), as may be amended. Retail marijuana products are concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients, and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail Marijuana Product Manufacturing Facility: A “retail marijuana product manufacturing facility” as that term is refined in 7 M.R.S.A §2442(38), as may be amended. A retail marijuana products manufacturing facility is an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs. A retail marijuana product manufacturing facility is only authorized as a principal use, and not as an accessory use.

Retail Marijuana Social Clubs: A “retail marijuana social club” as that term is defined 7 M.R.S.A §2442(39), as may be amended. A retail marijuana social club is an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises. A retail marijuana social club is only authorized as a principal use, and not as an accessory use.

Retail Marijuana Store: A “retail marijuana store” as that term is defined in 7 M.R.S.A §2442(40), as may be amended. A retail marijuana store is an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers. A retail marijuana store is only authorized as a principal use and not as an accessory use.

Retail Marijuana Testing Facility: A “retail marijuana testing facility” as that term is defined in 7 M.R.S.A §2442(41), as may be amended. A retail marijuana testing facility is an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products. A retail marijuana testing facility is only authorized as a principal use, and not as an accessory use.

Retail Use: A commercial activity involving the sale of goods to the ultimate consumer for direct use and consumption and not for trade or resale.

Richmond Historic Area. The area nominated to the National Register of Historic Places in September of 1973 and was entered on the Register on November 12, 1973. The area is a sub-district in the Village District. It is depicted on the Official zoning map and described under Special Performance Standards for the Village, in Article 4 Section 4, Subsection (4) of this Ordinance. It is not a (Zoning) District as defined in this Article

River: A channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by action of surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of top soil containing water borne deposits of exposed soil, parent material, or bedrock (Reference: 30 M.R.S.A. § 480-B.9.) (A free-flowing body of water including its associated flood plain wetlands from that point which it provides drainage for a watershed of twenty five (25) square miles to its mouth.)

Road: See "Street."

Road Association: A private nonprofit corporation responsible for the ownership and maintenance of one (1) or more private roads.

School: Commercial: An institution for education or instruction which is commercial or profit-oriented. Examples include but are not limited to for-profit dancing, music, riding, and correspondence, aquatic, driving or business schools.

For the purposes of this Ordinance such facilities shall be considered to be commercial uses.

School: Public and Private: An institution for education or instruction that satisfies either of the following requirements:

1. The school is not operated for a profit; or

2. The school teaches courses of study, which are sufficient to qualify attendance thereby in compliance with State compulsory education requirements.

Such facilities shall be considered to be institutional uses for the purposes of this Ordinance.

Setback: The minimum horizontal distance from a lot line to the nearest part of a structure. Front setback shall be measured from the edge of the travel portion of the road or edge of the Right of Way (ROW), whichever is closer to the structure.

Setback from Water: The minimum horizontal distance from the normal high water elevation to the nearest part of a structure.

Sight Distance: The distance at which approaching vehicles can be seen from intersecting streets or drives as measured in accordance with current standards of the Maine Department of Transportation.

Sign: An object, device or structure, or part thereof, situated outdoors or displayed in a window, visible from a public and or a private way, free standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, advertising flags, banners, fixtures, colors, streamers, placards, illuminations or projected images. Each face of a sign shall constitute a separate sign except that a sign with two faces directly opposite one another shall be counted as one sign.

Significantly Expanded: The change of a use in such a manner that it increases the measurable impacts of that use on abutting properties or on the public streets.

Skew Angle: The interior angle formed between the centerline of a street and the centerline of an intersecting street or drive.

Slope: The degree of deviation of a surface from the horizontal expressed in a percentage and calculated by dividing the change in elevation over a given distance.

Soil Survey: A map and accompanying narrative report identifying the soils on a site and their characteristics and done in accordance with the current Standards for Soil Surveys adopted by the Maine Association of Professional Soil Scientists.

Soil Survey: Class A. High Intensity: A soil survey meeting the current standards of MAPSS for Class A soil surveys.

Soil Survey: Class B. High Intensity: A soil survey meeting the current standards of MAPSS for Class B soil surveys.

Soil Survey: Class C. Medium Intensity: A soil survey meeting the current standards of MAPSS for Class C soil surveys.

Soil Survey: Class D. Medium Intensity: A soil survey meeting the current standards of MAPSS for Class D soil surveys.

Solid Waste: Any waste defined by 38 M.R.S.A. §1303 (10) which is useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation, rubbish, garbage, refuse derived fuel, scrap materials, junk, refuse, inert fill material, and landscape refuse, but not including septic tank sludge, or agricultural waste.

The fact that a solid waste, or a part or constituent of the waste, may have value or other use or may be sold or exchanged does not exclude it from the definition of "solid waste."

The term includes any residue or material, which exists in excess to the owner at the time of such discard or rejection.

Special Waste: Any non-hazardous waste defined by 38 M.R.S.A. §1303 (10-B) which is generated by sources other than domestic and typical commercial establishments that exists in such an unusual quantity or in such a chemical or physical state, or any combination thereof, which may disrupt or impair effective waste management or threaten the public health, human safety or the environment and requires special handling, transportation and disposal procedures. Special waste includes, but is not limited to:

1. Oil, coal, wood and multi-fuel boiler and incinerator ash;
2. Industrial and industrial process waste;
3. Wastewater treatment plant sludge, paper mill sludge and other sludge waste;
4. Debris and residuals from non-hazardous chemical spills and cleanup of those spills;
5. Contaminated soils and dredge spoils;
6. Asbestos and asbestos containing waste;
7. Sand blast grit and non-liquid paint waste;
8. Medical and other potentially infectious or pathogenic waste;
9. High and low pH wastes;
10. Spent filter media residue;
11. Shredder residue; and

12. Other waste designated by the Board of Environmental Protection, by rule.

Stream or Brook: A channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits of exposed soil, parent material or bedrock (Reference 30 M.R.S.A. § 480-B.9).

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

Structure: Anything constructed or erected, the use of which requires a fixed location on or in the ground, or an attachment to something having a fixed location on the ground, including buildings, commercial park rides and games, carports, decks, porches, and other building features, but not including fences.

Sub divider: A person, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, that proposes to create a subdivision. The term "sub divider" includes, where applicable, "developer" and "builder."

Subdivision: Any activity, which is defined by the State of Maine as a subdivision in 30-A M.R.S.A. § 4401.4 as it may, from time to time, be amended; provided however, that a parcel of 40 acres or more shall be counted as a lot in determining if a subdivision is created.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure within a period of five (5) years, the value 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.

Subsurface Sewage Disposal System: A collection of treatment tank(s), disposal area(s), holding tank(s) and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch (es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth in accordance with the Maine State Plumbing Code. The term shall not include a wastewater discharge system licensed under 38 M.R.S.A. §414; any surface wastewater disposal system licensed under 38 M.R.S.A. §413 § 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1. (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Timber Harvesting: The cutting and removal of trees from their growing site, and the attendant operation of cutting and skidding equipment and machinery but not the construction or creation of road associated with such operations. Timber harvesting does not include the clearing of land for approved construction.

Trailer, Utility: A vehicle without motive power, designed to be towed by a motor vehicle but not designed for human occupancy and which may include such items as a boat trailer, horse trailer, or snowmobile trailer.

Undue Hardship: A condition in which a parcel of land meets all of the following tests: that the land in question cannot yield a reasonable return unless a variance is granted; that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; that the granting of a variance will not alter the essential character of the locality; and that the hardship is not the result of action taken by the applicant or a prior owner. (Reference: 30-A M.R.S.A. § 4353).

Upland Edge: The boundary between upland and wetland (Reference: Guidelines for Municipal Shoreland Zoning Ordinances).

Use: The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Variance: A relaxation of the terms of this Ordinance granted by the Zoning Board of Appeals, the granting of which would not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this Ordinance would result in undue hardship. A financial hardship shall not constitute grounds for granting a variance.

As used in this Ordinance, a variance is authorized only for height, area, and size of structures or size of yards or open spaces. Establishment or expansion otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in adjoining Zoning Districts.

Waste Processing: The preparation, production, treatment, or burning by a particular method of garbage, refuse, manufacturing or natural resource by products. Waste processing does not include temporary storage or burying on site of such wastes.

Waste Processing Facility: "Processing facility," means any land area, structure, equipment, machine, device, system, or combination thereof, other than incinerators, which is operated to reduce the volume or change the chemical or physical characteristics of solid waste. Processing facilities include but are not limited to facilities that employ shredding, baling, mechanical and magnetic separation, and composting or other stabilization techniques to reduce or otherwise change the nature of solid waste.

Wetland: See freshwater wetlands and coastal wetlands.

Wildlife Habitat, Significant Wildlife Habitat: Areas identified by a governmental agency such as the Maine Department of Inland Fisheries and Wildlife as having significant value as habitat for animals and any areas identified in the municipality's Comprehensive Plan.

Yard: The area of land on a lot not occupied by the principal building (see also setback).

Yard, Front: The area of land between the front lot line and the nearest part of the principal building.

Yard, Rear: The area of land between the rear lot line and the nearest part of the principal building.

Yard, Side: The area of land between a side lot line and the nearest part of the principal building.

(END OF ARTICLE III)

ARTICLE 4 ESTABLISHMENT OF DISTRICTS AND LAND USE REQUIREMENTS

A. ZONING DISTRICTS

To implement the provisions of this Ordinance, the Town of Richmond is hereby divided into the following Districts:

1. Shoreland District
2. Agricultural District
3. Village District
4. Residential District
5. Commercial-Industrial District
6. Highway Commercial District

B. LOCATION OF DISTRICTS

Said Districts are located and bounded as described in the text of this Ordinance or as shown on the Official Zoning Map, entitled "Richmond Land Use Districts" dated June 13, 1974, and on file in the office of the Municipal Clerk. The Official Map shall be signed by the Municipal Clerk and Chairman of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment. Additional copies of this map may be seen in the office of the Municipal Officers.

C. UNCERTAINTY OF BOUNDARY LOCATION

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
2. Boundaries indicated as approximately following well established lot lines shall be construed as following such lot lines;
3. Boundaries indicated as approximately following municipal lines shall be construed as following municipal limits;
4. Boundaries indicated as following railroad lines shall be construed to follow such lines;
5. Boundaries indicated as following shorelines shall be construed to follow such shorelines, and in the event of natural change in the shoreline shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the center line of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
6. Boundaries indicated as being parallel to or extensions of features indicated in subsections (1) through (5) above shall be so construed. Distances not specifically

indicated on the Official Zoning Map shall be determined by the scale of the map;
and

7. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by subsections (1) through (6) above, the Board of Appeals shall interpret the District boundaries.

D. DIVISION OF LOTS BY DISTRICT BOUNDARIES

Where a Zoning District boundary line divides a lot or parcel of land of the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, 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, subject to the provisions below.

Extension of use shall be considered a Conditional Use, subject to the approval of the Planning Board and in accordance with the provisions of Article 6.

E. LAND USES

Land uses permitted in each district, in conformance with the general performance standards in Article 5 and where appropriate special performance standards of this Article, are shown on the following tables.

The Planning Board shall determine, consistent with the Comprehensive Land Use Ordinance, those requirements for uses not explicitly listed.

Keys to Tables:

- Y Yes, permitted without any permit
- Y^{PS} Yes, subject to Performance Standard in Article 5
- Y^{SPS} Yes subject to Special Performance Standard in Article 5
- CEO Requires a building permit or review by Code Enforcement Officer
- DR Requires Development Review and Permit according to Article 8
- N Prohibited Use

District Abbreviations

- V – Village District
- CI – Commercial Industrial District
- R – Residential District
- AG – Agricultural District
- HC – Highway Commercial District

CATEGORY OF USES	ZONES						
			AG	V	R	CI	HC
1. Rural							
Agriculture			Y	N	Y	Y	Y
Timber Harvesting			Y	N	Y	Y	Y
Sale of Produce raised on Premises			Y	Y	Y	Y	Y
Seasonal Produce/Plants not raised on Premises			Y	DR	Y	Y	Y
Campgrounds			DR	DR	DR	N	DR
Accessory Uses & Structures			DR	CEO	CEO	CEO	CEO
Uses which are similar to above uses			DR	DR	DR	DR	DR
Public or Private Outdoor Recreation Facility			DR	DR	DR	DR	DR
Individual Private Camp-Sites			Y	Y	Y	N	N
Filling and Earth Moving <100 cubic yards			Y	Y	Y	Y	Y
Filling and Earth Moving >100 cubic yards			CEO	CEO	CEO	CEO	CEO

Keys to Tables:

- Y Yes, permitted without any permit
- Y^{PS} Yes, subject to Performance Standard in Article 5
- Y^{SPS} Yes subject to Special Performance Standard in Article 5
- CEO Requires a building permit or review by Code Enforcement Officer
- CEO^{PS} Requires a building permit or review by Code Enforcement and is subject to Performance Standards In Article 5
- DR Requires Development Review and Permit according to Article 8
- N Prohibited Use

District Abbreviations

- V – Village District
- CI – Commercial Industrial District
- R – Residential District
- AG – Agricultural District
- HC – Highway Commercial District

CATEGORY OF USES	ZONES						
			AG	V	R	CI	HC
2. Residential							
One and two family residential			CEO Y	CEO	CEO	CEO	CEO
Modular Home			CEO ^{PS}	CEO ^{PS}	CEO ^{PS}	CEO ^{PS}	CEO ^{PS}
Newer Mobile Homes			CEO ^{PS}	N	CEO ^{PS}	CEO ^{PS}	CEO ^{PS}
Conversion from seasonal to year around			CEO	CEO	CEO	CEO	CEO
Multi-family Dwelling			N	DR Y ^{PS}	DR Y ^{PS}	DR Y ^{PS}	N
Planned Unit or Cluster Development			DR	NO	DR	N	N
Mobile Home Park			N	N	DR	N	N
Accessory Uses & Structures			CEO	CEO	CEO	CEO	CEO
Home Occupations			Y	CEO	Y	Y	Y
Similar Uses as Above			CEO	CEO	CEO	CEO	CEO

*Newer Mobile Homes are allowed in the Commercial-Industrial District, except in the following area: The section of Main Street from Williams Street easterly to Front Street.

Keys to Tables:

- Y Yes, permitted without any permit
- Y^{PS} Yes, subject to Performance Standard in Article 5
- Y^{SPS} Yes subject to Special Performance Standard in Article 5
- CEO Requires a building permit or review by Code Enforcement Officer
- DR Requires Development Review and Permit according to Article 8
- N Prohibited Use

District Abbreviations

- V – Village District
- R – Residential District
- AG – Agricultural District
- HC – Highway Commercial District
- CI – Commercial Industrial District

CATEGORY OF USES	ZONES						
			AG	V	R	CI	HC
3. Commercial & Industrial							
Automobile Graveyards and Junk Yards			DR	N	N	DR	DR
Facilities & Activities which are functionally Water Dependant			NA	DR	NA	NA	NA
Commercial Uses Less than 1,000 sq. ft.			DR	DR	DR	DR	DR
Conversion of Existing Residential Structures to Commercial Uses			DR	DR	N	DR	DR
Bed and Breakfasts			DR	DR	DR	DR	DR
Hotels, Motels and Inns			N	N	N	DR	DR
Other Commercial & Industrial Uses			DR	DR	DR	DR	DR
Filling and Earth Moving <100 cubic yards			Y ^{PS}	Y ^{PS}	Y ^{PS}	Y ^{PS}	Y ^{PS}
Filling and earth moving >100 cubic yards			CEO	CEO	CEO	CEO	CEO
Accessory Uses & Structures			DR	DR	DR	DR	DR

CATEGORY OF USES	ZONES						
			AG	V	R	CI	HC
3. Commercial & Industrial							
Gasoline station and/or repair garage			DR	DR	N	DR	DR
Manufacturing			DR	DR	DR	DR	DR
Automobile Racetracks			N	N	N	N	DR
Warehousing and outdoor storage			DR	DR	DR	DR	DR
Retail or wholesale businesses and service establishments			DR	DR	DR	DR	DR
Sand and Gravel Extraction			DR	N	N	N	DR
Disposal of hazardous waste			N	N	N	DR	DR
Structures accessory to Permitted uses and Conditional uses			DR	DR	N	DR	DR
Research facilities			DR	DR	DR	DR	CEO
Motor Vehicle Sales, New and Used			DR	DR	DR	DR	DR
Retail Marijuana Establishment and Retail Marijuana Social Clubs			N	N	N	N	DR

*Any retail marijuana establishment and social club is also subject to the performance standards and licensing requirements set forth in Articles 5 and 12 of this ordinance.

Keys to Tables:

- Y Yes, permitted without any permit
- Y^{PS} Yes, subject to Performance Standard in Article 5
- Y^{SPS} Yes subject to Special Performance Standard in Article 5
- CEO Requires a building permit or review by Code Enforcement Officer
- DR Requires Development Review and Permit according to Article 8
- N Prohibited Use

District Abbreviations

- V – Village District
- R – Residential District
- AG – Agricultural District
- HC – Highway Commercial District
- CI – Commercial Industrial District

CATEGORY OF USES	ZONES						
			AG	V	R	CI	HC
4. Public, semipublic & institution							
Church, or Parish House, Rectory, etc.			DR	DR	DR	N	N
Public, Private & Parochial Schools			DR	DR	DR	N	N
Public Buildings: Libraries, museums, etc.			N	DR	DR	N	N
Recreation or Community Building			N	DR	DR	N	N
Cemeteries			DR	N	DR	N	N
Utilities: incl. Sewage Treatment			DR	N	N	DR	DR
Waste Processing other than Sewage			DR	N	N	DR	DR
Electric & Telephone Trans. Facilities			DR	DR	DR	DR	DR
Public Pipeline Facilities			DR	DR	DR	DR	DR
Accessory Uses & Structures			DR	DR	DR	DR	DR
Disturbance incidental to Rights of Way			CEO	CEO	CEO	CEO	CEO
Extractive Activities: gravel, quarries, mines			DR	N	N	DR	DR

***NOTE: Uses which are not listed shall require Development Review

Keys to Tables:

- Y Yes, permitted without any permit
- Y^{PS} Yes, subject to Performance Standard in Article 5
- Y^{SPS} Yes subject to Special Performance Standard in Article 5
- CEO Requires a building permit or review by Code Enforcement Officer
- DR Requires Development Review and Permit according to Article 8
- N Prohibited Use

District Abbreviations

- V – Village District
- R – Residential District
- AG – Agricultural District
- CI – Commercial Industrial District
- HC – Highway Commercial District

CATEGORY OF USES	ZONES						
	RP	SH	AG	V	R	CI	HC
5. Other Uses							
Removal or fill of materials <5cc yard, incidental to the building project			Y	Y	Y	Y	Y
Signs			CEO	CEO	CEO	CEO	CEO
Boathouses			NA	DR	NA	NA	NA
Piers and Docks			CEO	CEO	NA	NA	NA
Temporary			Y ^{SPS}	Y ^{SPS}			
Permanent			DR	DR			

F. Agricultural District

All uses in the district shall conform to the applicable performance standards of Article 5.

1. Purpose

To enhance farming, forestry and agricultural uses, while protecting open space and the public health and safety, environmental quality and economic well-being of the Municipality by imposing minimum controls on those uses which, by virtue of their external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions, which would adversely affect farming and agriculture uses.

2. Location

Please see official map. This district is intended to encompass parts of town that have farming, forestry and agriculture uses and areas of open space.

Land Use Tables are found in Section D of this Article

3. Dimensional Standards in Agricultural District

Agriculturally related residential use Minimum Lot Size	60,000 sq. ft.
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Minimum Road/Street Frontage	200 ft.
Minimum Setbacks in Feet	
- Front Setback	40 ft.
- Side Setback	10 ft.
- Rear Setback	10 ft.
Maximum Lot Coverage	30 %
Height Limit in Feet	35 ft. or 2.5 stories
Shore Frontage	200 ft.

4. Special Performance Standards for Agricultural District

All uses in the district shall conform to the applicable performance standards of Article 5 or if in Shoreland Zoning Article 11, Special Performance Standards found above in this Article.

1. Subdivision Regulations

- a. Not more than three (3) dwelling units in subdivision as defined in Title 30-A Section 4401, et seq. of the Maine Revised Statutes Annotated shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit issuance.

Not more than 4 dwelling units in a subdivision being able to hook into public water and sewer shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit submitted. Subdivisions approved under the provisions of 30 M.R.S.A. Sec. 4956 to March 2, 1976 shall be exempt from this section.

All subdivisions shall be clustered in order to avoid or minimize the development and fragmentation of agricultural and forest land

Within the agricultural and forest district 30% of the parcel to be subdivided, including land that cannot be developed shall be permanently set aside as open space to be used for recreational, natural resource, agricultural or forestry purposes – The lot shall be developed in accordance with Article 6, D. Open Space and E. Planned Unit Development and Cluster Development. The development rights for this open space shall be permanently restricted

Individual lots created as part of the cluster development shall be a minimum of 60,000 sq ft, and shall have their frontage on an internal road rather than existing Town Road.

2. Buffer Strips

- a. The Planning Board shall require a buffer strip of 200 feet between dwellings located in a subdivision and agricultural land. The buffer strip shall be on the new subdivision parcel.
- b. There shall be a buffer strip of up to 200 feet between an Agricultural district and any other district. The buffer strip shall be on the land of the district adjacent to the agricultural district
- c. Private Wells – Upon the adoption of this Ordinance, no new private wells shall be placed within 100 feet of a field or pasture in agricultural use; and no new public wells will be placed within 300 feet of the property line of a field or pasture in agricultural use.

3. Back lots

The creation of back lots that do not meet frontage requirements are allowed in the Agricultural and Residential Districts provided that:

- a. The lot is connected to a Town road by a strip of land (stem) having a minimum width of fifty (50) feet for the total length, including frontage on a town road.
- b. The majority portion of the lot located at the end of the stem contains land area equal to or greater than that required by this Ordinance.
- c. The stem shall contain a driveway, which meets the private road standards for one (1) lot & shall be maintained as a passable row at all times to allow for the safe passage for fire engines. CEO will inspect annually.
- d. No building shall be located on the stem.
- e. The lot shall be used solely for a single-family home or duplex.
- f. To the extent that the creation of the lot will modify an existing subdivision or will result in the creation of a new subdivision, the owner shall obtain any necessary approvals from the Planning Board.

G. Village District

All uses in the district shall conform to the applicable performance standards of Article 5.

1. Purpose

- a. To provide for the public health and safety, environmental quality, and economic well being of the community.
- b. To protect the historical and architectural integrity of the existing village development and to ensure that future development is compatible both in character and use.
- c. To provide areas for high-density residential development in locations compatible with existing development and in a manner appropriate to the economical provision of community services and utilities.
- d. To provide areas for a variety of commercial and industrial uses in a manner appropriate to their location and the economical provision of essential community services and utilities.
- e. To provide an area in which the location of public facilities can serve the greatest number of people as economically as possible.

2. Location

Please see Official Zoning Map. Note that the Village designation extends beyond the traditional Village South to the Bowdoinham boundary, north approximately 3000 feet beyond Kimball, and West, bounded by Williams, and High Street. A Commercial District is carved out north and south of Main Street, including the schools lot.

Remember the Land Use Tables are found in Section E of this Article

3. Village Districts Dimensional Standards (1)

Minimum Lot Size in Sq. ft For single or 2 family dwellings.	10,000 sq. ft. with public sewer 20,000 sq. ft. with private sewer
Minimum Lot Area Size for Multi-family buildings Per Dwelling Unit	5,500 sq. ft. with public sewer 20,000 sq. ft. with private sewer
Minimum Road/Street Frontage For buildings with up to 3 units For additional units	80 ft. Additional 20 ft for each additional unit up to a maximum of 200 ft
Minimum Setbacks - Front Setback - Side Setback - Rear Setback	20 ft. 10 ft. 10 ft.
Maximum Lot Coverage	50%
Height Limit in Feet	35 ft. or 2.5 stories

4. Special Performance Standards for Village District

1. Buffer Between Districts

a. The Planning Board shall require that a buffer strip be provided by the developer of a non-residential use abutting residential uses.

2. ~~[RESERVED]~~ Mobile Home Exclusion

~~Newer mobile homes are a permitted use anywhere in the Village District outside of the area enclosed by the Kennebec River and Kimball/ Boynton, Williams, Main, Cross, Beech, High) Wheeler Street and from the center of the intersection of Wheeler and South end of Front Street directly to the Kennebec River. The boundary line shall be drawn at either the back lot line of properties located on the outer perimeter side of the boundary streets or one hundred (100) feet back from the center of the boundary, street or whichever is less~~

3. Regulation of Subdivisions

Not more than three (3) dwelling units in a subdivision as defined in Title 30-A §4401, et seq. of the Maine Revised Statutes Annotated shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit issuance. Not more than 4 dwelling units in a subdivision being able to hook into public water and sewer shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit submitted. . Subdivisions approved under the provisions of 30 MRSA §4956 prior to March 2, 1976, shall be exempt from this section."

For protection against fire, all buildings with roofs now shingled with wood combustible shingles shall, when it becomes necessary to re-shingle, with fire resistive shingles or other roofing material. The enforcement of this Ordinance shall be vested in the Chief of the Fire Department, in accordance with the Revised Statutes

4. New Buildings in the Village District

New buildings in the Village District shall be visually compatible with the style of historic buildings contained in the Richmond Historic Area in terms of form, scale, material and color. All exterior architectural features shall be designed to be compatible with the existing architecture of historic buildings in the Historic Area. No new dwelling unit in the Village District may be approved for construction until all proposed exterior architecture is approved by the Code Officer based upon a review by a registered architect and Planning Board. Other buildings shall have their façade approved by the Code Officer before a building permit is issued.

Note: The following section of the Village has been entered on the National Register of Historic Places. Although not a Zoning district it is considered a sub district of the Village called the Richmond Historic Area:

Beginning at a point which is the intersection of the southerly side of Wheeler Street and westerly side of High Street; thence northerly along said westerly side of High Street crossing Hinkley Street, Main Street, and Alexander Reed Road to a point at the northerly side of Alexander Reed Road; thence easterly and parallel with Main Street crossing Southard Street, Hawthorn Street, Darrah Street, and North Front Street to a point at the easterly side of North Front Street; thence southerly roughly following the course of the Kennebec River to a point at the easterly side of Water Street, said point being at the intersection of the easterly side of Water Street and an easterly extension of the southerly side of Hagar Street; thence westerly along the southerly side of Hagar and Wheeler Streets to the point of beginning.

The following guidelines shall be followed for the design of new buildings in the Village District:

- a. Exterior facades - all sides of buildings shall have a finished look with similar materials as those used on the front facade.
- b. Facade Materials - Allowable and recommended facade materials are: horizontal wood boards, vertical barn-like wood boards for non-residential structures, fired brick, wood shingles, stone or simulated stone, and horizontal strips of aluminum or plastic made to appear like clapboard walls. The following facade materials are prohibited: stucco, adobe, sheet metal, concrete block, painted concrete block, plywood or particleboard.
- c. Blank walls - No wall shall go for a length of more than 50 linear feet without an architectural feature such as a dormer, pilaster, cornice, corner, window, porch, or visually compatible door to break up the large mass of a featureless wall.
- d. Roofs - All roofs shall be pitched at least 6/12 unless demonstrated to the Planning Board's satisfaction that because of the purpose of the project, a pitched roof is not practicable. Acceptable roof styles are gabled, gambrel, and hipped roofs. Flat roofs, shed roofs, and roof facades are not normally

acceptable on principal structures. The color of roofs shall be muted and uniform. Bold or bright hues are prohibited.

5. Remodeled or Altered Buildings in the Village District

Remodeled or altered historic buildings or historic or archaeological resources in the Village District shall be visually compatible with the style of historic buildings contained in the Richmond Historic Area in terms of form, scale, material and color. All exterior modifications to an historic building or historic or archaeological resource, including access provisions, shall be designed to be compatible with the existing architectural character of the building. No historic building or historic or archaeological resource shall be altered, renovated, remodeled, converted or otherwise modified on the exterior until all proposed exterior architecture is approved by the Code Officer based upon a review by a registered architect and Planning Board.

The Code Officer may waive the requirement for a review by a registered architect upon a finding that because of the size of the project and circumstances of the site, such requirements would not be applicable and would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town. All requests for waivers must be made in writing, shall state the basis for the requested waiver and shall be submitted to the Code's Office. The applicant shall have the burden of proving the basis for any waiver including that 1) the proposed alterations will be visually compatible with the style of historic buildings contained in the Richmond Historic Area in terms of form, scale, material and color, 2) all exterior modifications to an historic building or historic or archaeological resource will be compatible with the existing architectural character of the building, 3) review by a registered architect would not be applicable and would be an unnecessary burden upon the applicant, and 4) such waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

When exterior alterations are made to historic buildings the following guidelines shall be followed:

- a. Exterior facades - all sides of buildings shall have a finished look with similar materials as those used on the front facade.
- b. Facade Materials - Allowable and recommended facade materials are: horizontal wood boards, vertical barn-like wood boards for non-residential structures, fired brick, wood shingles, stone or simulated stone, and horizontal strips of aluminum or plastic made to appear like clapboard walls. The following facade materials are prohibited: stucco, adobe, sheet metal, concrete block, painted concrete block, plywood or particleboard.
- c. Blank walls - No wall shall go for a length of more than 50 linear feet without an architectural feature such as a dormer, pilaster, cornice, corner, window, porch, or visually compatible door to break up the large mass of a featureless wall.

- d. Roofs - All roofs shall be pitched at least 6/12 unless demonstrated to the Code Officer's satisfaction that because of the purpose of the project, a pitched roof is not practicable. Acceptable roof styles are gabled, gambrel, and hipped roofs. Flat roofs, shed roofs, and roof facades are not normally acceptable on principal structures. The color of roofs shall be muted and uniform. Bold or bright hues are prohibited

a. Parking Areas

No off-street parking for residential uses or home occupations shall be located between the building and the front property line.

H. Residential District

All uses in the district shall conform to the applicable performance standards of Article 5.

1. Purpose

- a. To provide for the public health and safety, environmental quality, and economic well being of the community.
- b. To provide areas for medium density residential growth in such a manner and at such locations as are compatible with existing development and the ability of the community to provide essential services and utilities.
- c. To provide areas for commercial, public and semipublic uses compatible with and necessary to residential development.

2. Location

The Zoning Map as last amended in 1985 shows Residential zone outside the Village and North of 197 West of Williams street Extending 3000' North and bounded about 3000' West of White Road. This does not coincide with the verbal descriptions. There is also a Residential district at Richmond Corner. However, a commercial district is carved out on either side of Main Street and the immediate vicinity of the intersection of 197 and 201.

Land Use Tables are found in Section E of this Article

3. Dimensional Standards in Residential District

Minimum Lot Size in Sq. Ft.	
- with Public Sewer	20,000 sq. ft
- without Public Sewer	40,000 sq. ft.
Minimum Lot Area Size Per Dwelling Unit in Sq. Feet	
- with Public Sewer	10,000 sq. ft.
- without Public Sewer	20,000 sq. ft.
- Multi-family with no sewer is not permitted	NO-----
Minimum Road/Street Frontage in Feet	80 ft.
Minimum Setback in Feet	
- Front Setback	50 ft.
- Side Setback	10
- Rear Setback	10
Maximum Lot Coverage	30%
Height Limit in Feet	35 ft. or 2.5 stories

4. **Special Performance Standards for Residential District**

All uses in the district shall conform to the applicable performance standards of Article 5.

1. Regulation of Subdivisions (March 30, 2004)

Not more than 3 dwelling units in a subdivision as defined in Title 30-A Section 4401, et seq. of the Maine Revised Statutes Annotated shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit issuance.

Not more than 4 dwelling units in a subdivision being able to hook into public water and sewer shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit submitted.

Subdivisions approved under the provisions of 30 M.R.S.A. §4956 to March 2, 1976 shall be exempt from this section.

Building permits will be issued on a first come first served basis to applicants with complete applications including all structural plans and septic system plans if applicable. If all permits allowed in the current year have been issued, the code enforcement officer will maintain a waiting list of applicants. To be included on the waiting list an applicant must present the code enforcement officer in person with a signed application form provided by the Town of Richmond and paid the application fee. At the time an applicant is placed on the waiting list finalized construction plans and septic plans need not be supplied. Prior to the date when the next cycle of permits may be issued, applications must be made complete or an applicant will lose his or her place on the waiting list.

Permits will only be issued to property owners or to applicants with a letter of permission from the current property owner. Permits are not transferable from one owner to another unless construction has begun at the time of transfer.

2. Back lots

The creation of back lots which do not meet frontage requirements are allowed in the Agricultural and Residential Districts provided that:

- a. The lot is connected to a Town road by a strip of land (stem) having a minimum width of fifty (50) feet for the total length, including frontage on a town road.
- b. The majority portion of the lot located at the end of the stem contains land area equal to or greater than that required by this Ordinance.
- c. The stem shall contain a driveway, which meets the private road standards for one (1) lot & shall be maintained as a passable row at all times to allow for the safe passage of all motor vehicles. CEO will inspect annually.
- d. No building shall be located on the stem.
- e. The lot shall be used solely for a single family home or duplex.
- f. To the extent that the creation of the lot will modify an existing subdivision or will result in the creation of a new subdivision, the owner shall obtain the necessary approvals from the Planning Board.

I. Main Street Commercial-Industrial Sub-District

All uses in the district shall conform to the applicable performance standards of Article 5.

1. Purpose

- a. To provide for the public health and safety, environmental quality, and economic well-being of the community
- b. To encourage the location of commercial and industrial uses on those lands within the (waste discharge, community which are best suited for such development
- c. To provide minimum controls on those uses which, by virtue of their size or external effects (waste discharge, noise, glare, fumes, smoke, dust, odors, or auto, truck, or rail traffic) could otherwise create nuisances or unsafe or unhealthy conditions.
- d. To avoid the blight, congestion, and inconvenience caused by inappropriate and poorly located development of commercial and industrial facilities.
- e. To avoid the economic disadvantages of providing essential services to commercial and industrial facilities which would occur if commercial and industrial facilities developed in a strip fashion along highways and major thoroughfares.

2. Location

The Commercial Districts include from the eastern edge of Baker Brook by the Richmond RBMC and about a 350' strip along the North side of Main Street from Williams Street to Front Street, and around the intersection of 201, Dingley Road and 197,

Main Street Sub district: Beginning at the point where Weymouth Street intersects with Front Street; hence westerly along Weymouth Street to Pleasant Street; hence westerly along the back property lines of the properties fronting on the south side of Main Street as indicated on the Richmond Tax Maps revised as of April 1, 1978, to Baker Brook; hence northerly along said Baker Brook to Main Street; hence to the intersection of Williams and Main Street; hence northerly to the northwest corner of the property located on the northeast corner of the Williams and Main Street intersection, as shown on said tax map; hence easterly along the back property lines of the properties fronting on the north side of Main Street as indicated on said tax maps to where the line intersects with North end of Front Street; hence southerly along Front Street to the point of beginning.

3. Dimensional Standards for the Main Street Commercial-Industrial Sub District

Buildings	With Sewer	Without Sewer
<u>Minimum Lot Area</u>		
Existing Residential	Not Applicable	Not Applicable
New Residential	10,000 sq. ft. (2 nd floor & up)	20,000 sq. ft (2 nd floor & up)
Existing Non-Residential or	Not Applicable	Not Applicable

Commercial		
New Non-Residential or Commercial	3,000 sq. ft. per unit	20,000 sq. ft.
Existing Multi-Family Dwellings (3 or more units)	2,000 sq. ft. per dwelling unit (2 nd floor & up)	Not Permitted
New Multi-Family Dwellings (3 or more units)	3,000 sq. ft. per dwelling unit (2 nd floor & up)	Not permitted
Elderly Congregate Housing	3,000 sq. ft. per unit	Not permitted
<u>Minimum Street Frontage</u>		
Existing Residential	Not Applicable	Not Applicable
New Residential	80 ft.	80 ft.
Existing Non-Residential or Commercial	Not Applicable	Not Applicable
New Non-Residential or Commercial	80 ft.	80 ft.
Existing Multi-Family Dwellings (3 or more units)	Not Applicable	Not permitted
New Multi-Family Dwellings (3 or more units)	80 ft. for first three units. Any additional unit 5 ft.	Not permitted
Elderly Congregate Housing	80 ft. for first three units. Any additional unit 5 ft.	Not permitted
<u>Side & Rear Setback</u>		
Between Existing	Not Applicable	Not Applicable
Between New	The sum of both shall be at least 10 ft. each side	The sum of both shall be at least 10 ft. each side
<u>Maximum Lot Coverage</u>		
Residential	30%	30%
Non-Residential or Commercial	70%	70%
<u>Maximum Building Height</u>		
	45 ft. or 3 stories New building only	45 ft. or 3 stories New building only

4. Special Performance Standards

All uses in the district shall conform to the applicable performance standards of Article 5. And the establishment of all residential uses within the Main Street Commercial- Industrial Sub district shall be subject to the development review and approval requirements of Article 8 of this ordinance

- (1). **Manufactured housing** is prohibited in the Main Street Commercial Industrial District.
- (2). **Landscaping:** the property owner or leaser of property shall maintain the green strip pursuant to the landscaping plan as approved by the planning board.

Buffering or Screening

Multi-family and nonresidential uses abutting a residential use or district shall provide screening in accordance with the standards in Article 5.

Special Provisions for the Use of Existing Buildings in the Main Street Commercial Industrial Sub District

The Planning Board shall approve the use of the upper floors of buildings existing within the Sub district as of June 1, 1990, for residential purposes provided that the applicant demonstrates that all of the following requirements, in addition to all other local and state requirements, will be met:

- a. Each residential unit shall be a complete dwelling unit with its' own kitchen, bathroom, and facilities for sleeping and eating.
- b. Each dwelling unit shall have a minimum of four hundred fifty (450) square feet of living area.
- c. Each dwelling unit shall have an individual entrance from the outside or common hallways.
- d. The residential units shall not be located on the street or ground floor as defined from the Main Street facade of the building.
- e. The residential use shall be located within the physical envelope of the building existing as of June 1, 1990, except for access to the units. No additions to or enlargements of the structure after this date may be used for residential purposes.
- f. All exterior modifications to the structure, including access provisions, shall be designed to be compatible with the existing architectural character of the building. Structures located within the Historic Area shall have all exterior modifications approved by the Planning Board based upon a review by a registered architect.
- g. The proposed use will comply with the off-street parking requirements of Article 5 of this Ordinance
- h. No off-street parking for the residential use shall be located between the building and the front property line.
- i. The proposed project will comply with the standards of performance for projects requiring development review as set forth in Article 5 as well as the standards of performance applicable to all uses
- j. The applicant agrees to limit occupancy of each dwelling unit to a maximum of two (2) adults per bedroom or other sleeping-quarters of one (1) person per each one hundred fifty (150) square feet of living space within the dwelling unit, whichever is less. This restriction shall be made binding on all subsequent owners of the property.

(3). Remodeled or Altered Buildings in the Village District and Maine Street Sub district

Remodeled or altered historic buildings or historic or archaeological resources in the Village and the Main Street Sub District shall be visually compatible with the style of historic buildings contained in the Richmond Historic Area in terms of form, scale, material and color. All exterior modifications to an historic building or historic or archaeological resource, including access provisions, shall be designed to be compatible with the existing architectural character of

the building. No historic building or historic or archaeological resource shall be altered, renovated, remodeled, converted or otherwise modified on the exterior until all proposed exterior architecture is approved by the Planning Board based upon a review by a registered architect.

The Planning Board may waive the requirement for a review by a registered architect upon a finding that because of the size of the project and circumstances of the site, such requirements would not be applicable and would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town. All requests for waivers must be made in writing, shall state the basis for the requested waiver and shall be submitted to the Planning Board at a meeting of the Board. The applicant shall have the burden of proving the basis for any waiver including that 1) the proposed alterations will be visually compatible with the style of historic buildings contained in the Richmond Historic Area in terms of form, scale, material and color, 2) all exterior modifications to an historic building or historic or archaeological resource will be compatible with the existing architectural character of the building, 3) review by a registered architect would not be applicable and would be an unnecessary burden upon the applicant, and 4) such waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

When exterior alterations are made to historic buildings the following guidelines shall be followed:

- a. Exterior facades - all sides of buildings shall have a finished look with similar materials as those used on the front facade.
 - b. Facade Materials - Allowable and recommended facade materials are: horizontal wood boards, vertical barn-like wood boards for non-residential structures, fired brick, wood shingles, stone or simulated stone, and horizontal strips of aluminum or plastic made to appear like clapboard walls. The following facade materials are prohibited: stucco, adobe, sheet metal, concrete block, painted concrete block, plywood or particleboard.
 - c. Blank walls - No wall shall go for a length of more than 50 linear feet without an architectural feature such as a dormer, pilaster, cornice, corner, window, porch, or visually compatible door to break up the large mass of a featureless wall.
 - d. Roofs - All roofs shall be pitched at least 6/12 unless demonstrated to the Planning Board's satisfaction that because of the purpose of the project, a pitched roof is not practicable. Acceptable roof styles are gabled, gambrel, and hipped roofs. Flat roofs, shed roofs, and roof facades are not normally acceptable on principal structures. The color of roofs shall be muted. Bold or bright hues are prohibited.
- (4). Regulation of Subdivisions
- Not more than three (3) dwelling units in a subdivision as defined in Title 30-A Section 4401, et seq. of the Maine Revised Statutes Annotated shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit issuance.

Not more than 4 dwelling units in a subdivision being able to hook into public water and sewer shall be developed by constructing or placing buildings or structures in any twelve (12) month period from the date of the first (1) permit submitted.

Subdivisions approved under the provision of 30 M.R.S.A. Sec. 4956 prior to March 2, 1976, shall be exempt from this section.”

J. Highway Commercial District

All uses in the district shall conform to the applicable performance standards of Article 5.

1. Purpose

To encourage commercial uses which benefit from access to the highway and cannot be accommodated or are inappropriate to the Village.

To allow a variety of commercial uses to be located in the I-295 intersection area, while discouraging new large-scale commercial uses along the rest of the 201 and County (Main Street) Road.

2. Location

I-295 Intersection: The boundary lines for the district shall begin at a point west of I-I-295 on Route 197 one-half ($\frac{1}{2}$) mile from the end of the I-295 off ramp; thence northerly five-eighths ($\frac{5}{8}$) of a mile along a line drawn at right angles to Route 197 at the point of beginning; thence easterly to a point where this line would intersect with a line drawn at right angles to Route 197 one-half ($\frac{1}{2}$) of a mile from the on ramp on the east side of I-295, said boundary line being on extension of residential district boundary line on the north of Route 197; thence southerly along the said line which is at right angles to Route 197 to the Bowdoinham town line; thence westerly along the Bowdoinham town line to a point where said line comes to within two hundred (200) feet of the thread of Dedham's Brook; thence along a line two hundred (200) feet easterly from the thread of Dedham's Brook to where it intersects with the I-295 right-of-way; thence northeasterly along the I-295 right-of-way to the point where it intersects with the west side of the Ridge Road; thence westerly along Route 197 to the end of the I-295 west on ramp; thence 5~southeasterly and southerly along the I-295 right-of-way to the Bowdoinham town line; thence westerly along said line to a point where it would intersect with a line drawn at right angles to Route 197 at the point of beginning, and thence northerly to the point of beginning.”

It also includes the Richmond Corner Subdistrict: Three hundred fifty (350) feet from the intersection of Routes 197 and 201 measured from the intersecting right-of-way lines closest to the affected property.

3. Dimensional Standards for Highway Commercial

Minimum Lot Size	
Residential	20,000 sq. ft.
Commercial/Industrial	2 acres
Minimum Road Frontage	150 ft.
Minimum Setbacks	
Front setback	75 ft.
Side Setback	10 ft.
Rear Setback	10 ft.
Maximum Height	35 ft.

4. Special Performance Standards

- a. Buffer: Where a development located in the Highway District abuts land in residential use that exists prior to the enactment of this ordinance, a 50 foot wide buffer area is required on the commercial development's property.

In those areas where natural vegetation fails to provide a dense and continuous buffer, the Planning Board may require dense evergreen plantings of either natural massing configurations or up to 3 staggered rows, whichever is most appropriate to screen the use from abutting properties and view from roads and I-295.

- b. Exterior Storage: All material and supplies are to be stored within buildings. Trash and recycling containers, dumpsters and equipment such as grounds keeping machines, material handling vehicles, snow blowers, trailers and trucks may be stored outdoors if screened or enclosed so as not to be visible from nearby roads, residences or abutting properties
- c. Landscaping: the property owner or leaser of non-residential property shall maintain the green strip pursuant to the landscaping plan as approved by the planning board
- d. Lighting Plan: (add the following specifications to your current standard) Lighting fixtures shall be focused, shielded, or hooded so that the lighting does not have an adverse impact on motorists, or adjacent dwellings. Direct or indirect illumination emanating from any land use activity on one lot shall not exceed 0.5 foot-candles upon abutting residential properties.
- e. Noise Limitations Where a development abuts a residential zone or a residential use, the use of exterior public address system and exterior sirens, bells whistles, alarms, or other noise making devises is prohibited.

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

Applicable hours: 9:00 p.m. –7:00 a.m.

Village and all other Districts 65 dB(A)'s Noise shall be measured with a sound-level meter meeting the standards of the American National Standards Institute

ANSI S1.2-1962 American Standards Meter for the Physical Measurements of Sound

- f. Parking Lot and Loading Area: no parking areas, driveways or paved areas, except access drives, are permitted within 25 feet of I-295 right of way or 25 feet of the side or rear property lines Outdoor off-street parking and loading spaces, shall be effectively screened from view by a continuously landscaped area not less than six (6) feet in height and fifteen (15) feet in width along exterior lot lines adjacent to single-family residential properties, except that driveways shall be kept open to provide visibility for entering and leaving.
- g. Safety Hazard Physical screening, and/or barriers sufficient to deter small children from entering the hazardous area shall be provided and maintained in good condition for use or area presenting a potential safety hazard to children.

END ARTICLE 4

ARTICLE 5. PERFORMANCE STANDARDS

The following general performance standards shall apply to all land use activities in the Town of Richmond.

A. Accessory Buildings

No garage or other accessory building shall be located in a required front setback area, or within ten (10) feet of the side or rear lot lines.

B. Automobile Graveyards and Junkyards

1. Applicability

These standards apply to Automobile graveyards, automobile recycling business or junkyard as defined in Article 3.

2. Permit Required

A development review and a permit pursuant to Article 7 and 8 is required from the Planning Board to operate, or maintain an automobile graveyard, automobile recycling business or junkyard. The permit is valid for 5 years.

A permit may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer or recycler licensing provisions of Title 29-A, chapter 9. A limited-term permit may be granted for 90 days, within which time the state license must be procured.

Limitation on permits

1. Highways; Interstate Systems and Primary Systems Permits may not be granted for automobile graveyard or junkyard within 1000 feet of the right-of-way of any highway incorporated in both the Interstate System and Primary System or within 600 feet of the right-of-way of any other highway, **except for:**

- a. Those automobile graveyards or junkyards that are kept entirely screened from ordinary view from the highway at all times by natural objects, plantings or fences. Screening required by this paragraph must be:
 - (1) At a height, density and depth sufficient to accomplish complete screening from ordinary view;
 - (2) Well constructed and properly maintained at a minimum height of 6 feet;
 - (3) Placed outside of the highway right-of-way; and
 - (4) Acceptable to the municipal officers or county commissioners; and
- b. Those automobile graveyards or junkyards located within areas that have been zoned for industrial use and located more than 600 feet but less than 1000 feet from the right-of-way of any highway incorporated in both the Interstate System and Primary System.

2. Limitations on new permits A permit may not be granted for an automobile

graveyard or junkyard established after October, 3 1973 and located within 100 feet of any highway

3. **Public Facilities** A new permit **may not** be granted for an automobile graveyard or junkyard that is:

a. Located within 300 feet of a public building, public park, public playground, public bathing beach, school, church or cemetery; and

b. Within ordinary view from a facility under paragraph a.

4. **Public and Private Water Supplies.** A new permit may not be granted for an automobile graveyard, junkyard or automobile recycling business that handles junk, scrap metal, vehicles or other solid waste within 300 feet of a well that serves as a public or private water supply. This prohibition does not include a private well that serves only the automobile graveyard, junkyard, automobile recycling business or the owner's or operator's abutting residence.

Municipal officers may renew a permit allowing the continued handling of junk, scrap metal, vehicles or other solid waste within 300 feet of a well serving as a public or private water supply as long as no further encroachment toward the well occurs and there is no evidence of contamination of the well. [2003, c. 312, §9 (new).] (Please check Title 30-A § 3754 for latest language)

3. Performance Standards

All automobile graveyards and junkyards permitted pursuant to Article 7 and 8 of this Ordinance are required to comply with the following standards:

a. All fluids, including, but not limited to, engine lubricant, transmission fluid, power steering fluid, hydraulic fluid, brake fluid, engine coolant, gasoline and oil, must be properly handled in such a manner that they do not leak, flow or discharge into or onto the ground or into a body of water;

b. A vehicle containing fluids may not be stored or dismantled:

(1) Within 100 feet of any body of water or freshwater wetland, as defined by Title 38, section 436-A, subsection 5;

(2) Within the 100-year floodplain; or

(3) Over a mapped sand and gravel aquifer;

c. Junk, scrap metal, vehicles or other solid wastes may not be placed or deposited, directly or indirectly, into the inland waters or tidal waters of the State or on the ice of inland waters or tidal waters or on the banks of inland waters or tidal waters in such a manner that they may fall or be washed into these waters; and

d. Junkyard and automobile graveyard owners must demonstrate at the time of licensing that the facility or facilities for which they seek permits are, or are part of, a viable business entity engaged in the business of salvaging, recycling, dismantling, processing, repairing or rebuilding junk or vehicles for the purpose of sale, trade or personal use.

- e. The Planning Board may require that Best Management Procedures for Motor Vehicle Recycling (Prepared by DEP, revised August 2003) be followed.

C. Standards for Back lots

The creation of back lots that do not meet frontage requirements are allowed in the Agricultural and Residential Districts provided that:

1. The lot is connected to a Town road by a strip of land (stem) having a minimum width of fifty (50) feet for the total length, including frontage on a town road.
2. The majority portion of the lot located at the end of the stem contains land area equal to or greater than that required by this Ordinance.
3. The stem shall contain a driveway, which meets the private road standards for one (1) lot & shall be maintained as a passable row at all times to allow for the safe passage of fire engines. CEO will inspect annually.
4. No building shall be located on the stem.
5. The lot shall be used solely for a single-family home or duplex.
6. To the extent that the creation of the lot will modify an existing subdivision or will result in the creation of a new subdivision, the owner shall obtain any necessary approvals from the Planning Board.

D. Bed and Breakfast

1. There shall be no less than one (1) parking space for each rental room in addition to the spaces required for the dwelling unit.
2. There shall be one (1) bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.
3. Each rental room shall have not less than one hundred twenty (120) square feet of floor area.
4. Each rental room, stairwell, and hallway on each level shall be equipped with a ULC approved smoke detector.
5. Each establishment must meet all state applicable fire codes-

E. FILLING, GRADING, LAGOONING, DREDGING, OR OTHER EARTH MOVING ACTIVITY

1. Applicability

The following provisions shall apply to filling, grading, lagooning, dredging, excavation, processing and storage of soil, earth, loam, sand, gravel rock, peat, and other mineral deposits

2. Permit Requirements

Filling, grading, lagooning, dredging, extraction, earth-moving, processing and storage except as provided below shall require development approval by the Planning Board, pursuant to Article 7 and 8 of this Ordinance and be

conducted in accordance with the Performance Standards in this Article.

Additionally the operator of any earth moving activity greater than 5 acres will have to notify the Department of Environmental Protection of the intent to conduct the activity consistent with the performance standards of 38MRSA 490-D.

The following earth-moving activities **shall be allowed without development approval from the Planning Board**. They shall be conducted in compliance with all standards of this Article and Article 8 of this Ordinance. The CEO has the authority to inspect compliance with these standards.

- a. The removal or filling of material incidental to construction, alteration or repair of a building, in the grading and landscaping incidental thereto, or in the repair, maintenance or installation of an approved subsurface sewage disposal system;
- b. The removal or transfer of material within the right-of-way of a public street or private road incidental to construction, alteration or repair of a public or private way or essential services provided that any depositi6n of material outside of the right-of-way complies with this ordinance, and
- c. The removal, filling or transfer of material incidental to agricultural, timberland forest management and harvesting activities.

3. Notification Requirements

(This section is paraphrased 38 MRSA § 490-C; please see the original for completeness)

Regardless of the size the operator or owner of the operation shall notify the Richmond Code Enforcement Officer of the intended activity, the nature of the material being moved, the amount and expected duration of the operation. The CEO can then advise the applicant of the necessary permits or further notification required and provide the applicant with the necessary forms.

If the total excavated area on a parcel is 5 or more acres, including reclaimed and unreclaimed areas, the owner of the operation must send out the notice to abutters as well as the Department of Environmental Protection and Maine Historic Commission.

The Town or the abutters may submit comments to the Department of Environmental Protection if the proposed project may pose an unreasonable adverse impact.

Within 30 days of receipt of the *notice of intent to comply*, the Department of Environmental Protection must respond to the comments made by the municipality or the abutters.

4. Performance Standards for all Filling and Earth Moving Activities

Operations affecting larger than 5 acres shall comply at minimum with the performance standards listed in 38MRSA § 490-A- unless a variance from these standards are approved by the Department of Environmental Protection. "Performance Standards for Excavations for Borrow, Clay, Topsoil or Silt" Bureau of Land Quality 9/2001 including procedures for variance are available at the CEO's office.

Operations affecting smaller than 5 acres shall at minimum comply with performance standards in State Law, 30-A MRSA § 3105, **Small borrow pits and** 38 MRSA § 490-M1 Since Department of Environmental Protection does not have authority to enforce these standards, the Richmond CEO may conduct an inspection to assure all performance standards are complied with.

The following performance standards shall be used by the operator, the Planning Board in its review and the CEO in his inspection.

In case of conflict with any state standard, the more stringent standard shall apply.

- (1) The extraction activity shall not adversely impact the quality or quantity of groundwater available to neighboring properties
- (2) The smallest amount of bare ground shall be exposed for the shortest time feasible
- (3) Temporary ground cover such as mulch shall be used.
- (4) Diversions, silting basins, terraces and other methods to trap sediment shall be used.
- (5) Lagooning shall be conducted in such a manner as to avoid creation of fish trap conditions. Consultation with the Departments of Marine Resources and Fisheries or Inland Fisheries and Game, as applicable.
- (6) The extent and type of fill shall be appropriate to the use intended. The applicant shall specify the type source, and amount of fill to be used.
- (7) Fill shall not restrict a floodway, channel, or natural drainage way and shall not interfere with sheet drainage such that ponding or other adverse acts occur.
- (8) Erosion control. Sediment may not leave the parcel or enter a protected natural resource (which are listed in 38 MRSA § 480.
- (9) Properly installed erosion control measures must be in place before the excavation begins. Vegetative cover must be established on all affected land. Topsoil must be placed seeded and mulched within 7 days of final grading. Permanent vegetative cover is acceptable for purposes of erosion control if, within one growing season of seeding, the planting of trees and shrubs results in a permanent stand or a stand capable of regeneration and succession sufficient to ensure a 75% survival rate and the planting of all material in permanent 90% ground coverage.
- (10) Spill prevention. refueling operations, oil changes and other maintenance activities requiring the handling of fuels, petroleum products, hydraulic fluids and other on-site activity involving the storage or use of products that, if spilled, may contaminate groundwater, must be conducted in accordance with the petroleum products and other substances that may contaminate groundwater must be stored and handled over impervious surfaces that are designed to contain spills. The spill prevention, control and countermeasures plan must be posted at the site.
- (11) Dust Control. Dust generated by activities at an excavation site, including dust associated with traffic to and from the excavating site, must be controlled by sweeping, paving, watering or other best management practices for control of fugitive emissions. Dust control methods may include the application of calcium chloride, as long as the manufacture's guidelines are followed. Visible emissions from a fugitive emission source may not exceed

opacity of 20% for more than 5 minutes in any one-hour period.

- (12) On slopes greater than 25 percent, there shall be no grading or filling within 100 feet of the normal high-water mark except to protect the shoreline and prevent erosion.
- (13) No part of any extraction operation shall be permitted within one hundred (100) feet of any property or street line, except for drainage ways to reduce run-off into or from the extraction area. Natural vegetation shall be left and maintained on the undisturbed land.
- (14) If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out.
- (15) No working slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted at any extraction site unless a fence at least five (5) feet high is erected to limit access to such locations.
- (16) No equipment debris, junk or other waste material shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed following completion of active extraction operations.
- (17) Within six (6) months of the completion of extraction operations at the site, or for any portion of the site if approved as a phased operation, the site shall be reclaimed in accordance with a closing plan approved at the time of application.

(18) Reclamation

- (a) Ground levels and grades shall be established in accordance with the approved closing plan.
- (b) All debris, brush, stumps, boulders, and similar materials shall be removed or disposed of in an approved location and manner.
- (c) Storm drainage and watercourses shall leave the location at the original natural drainage points and in a manner, such that the amount of drainage at any point is not significantly increased.
- (d) All disturbed areas shall be reseeded and restored to a stable condition adequate to meet the provisions of the "Environmental Quality Handbook, Erosion and Sediment Control," as amended or revised, published by the Maine Soil and Water Conservation Commission.
- (e) No permanent slope greater than three (3) feet horizontal to one (1) foot vertical shall be permitted.

(19) Conditions of Operation

- (1) All access/egress roads leading to or from the extraction site to public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public ways.
- (2) All areas used for excavation, processing, storage of materials or equipment or operations on the site shall be screened from view from public streets and from abutting property, which is used for residential or institutional uses. The screening shall consist of landscaping, earth berms, fencing or a combination thereof.

- (3) The site shall be secured to prevent entry during times when the facility is not operating.
- (4) The Planning Board CEO may attach conditions in writing to the permit for earth moving activities to safeguard the neighborhood and the municipality which may include those relating to:
 - a. methods of filling, grading, or removal;
 - b. hours of operation;
 - c. type and location of temporary structures;
 - d. routes for transporting material to or from the site;
 - e. area and depth of excavations;
 - f. provision of temporary or permanent drainage;
 - g. disposition of stumps, brush and boulders;
 - h. cleaning, repair and/or resurfacing of streets which have been adversely affected by said activity
 - i. the date after which bare ground shall not be exposed; and
 - j. the date by which revegetation of the site shall occur.

(20) Existing Operation

Discontinuance of any existing operation for a period of more than one (1) year shall require application for a new permit. Continuation of any existing operation for more than three (3) years shall require approval from the Planning Board.

F. DEVELOPMENT IN AREAS OF SPECIAL FLOOD HAZARD

Any development or activity in an area identified as having a special flood hazard by the Federal Emergency Management Agency as shown on the Flood Hazard Boundary Map of the Town of Richmond shall be carried out in accordance with the provisions of the Floodplain Management Ordinance of the Town of Richmond, as it is amended from time to time.

G. GLARE

Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed 0.5 foot-candles upon abutting residential properties.

H. HAZARDOUS, SPECIAL AND RADIOACTIVE MATERIALS

The handling, storage, use, and disposal of all materials identified by the standards of a federal or state agency as hazardous, special or radioactive shall be done in accordance with the standards of these agencies; including the disposal of such wastes at a licensed disposal facility.

No hazardous, special or radioactive waste shall be imported into the Town of Richmond for processing or disposal except for sludge and ash used for

spreading on agricultural land in accordance with a permit issued by the Maine Department of Environmental Protection.

No flammable or explosive liquids, solids or gases shall be stored in bulk above ground unless they are located at least seventy-five (75) feet from any lot line (forty (40) feet for underground storage). All materials shall be stored in a manner and location, which is in compliance with appropriate rules and regulations of the Maine Department of Public Safety and other appropriate federal, state, and local regulations.

I. HEIGHT OF BUILDINGS

No structure shall exceed the building height listed below as well as in Article 4 under dimensional standards for each district.. Features of buildings which normally extend above the roof line, such as chimneys, towers, ventilators, silos, and spires may exceed the height limit but shall be set back from the nearest lot line a distance not less than the height of such feature or structure, unless a greater setback is required by other provisions of this Ordinance.

Agricultural District	2½ stories or 35 feet
Village District	2½ stories or 35 feet
Residential District	2½ stories or 35 feet
Commercial-Industrial District	3 stories or 45 feet

J. DEMOLITION/ REMOVAL OF BUILDINGS LOCATED IN THE RICHMOND HISTORIC AREA

No building permit for the removal or demolition of any building that is located in the Richmond Historic Area as entered on the National Register of Historic Places, or that is located within any other designed historic or archaeological resource, shall be issued by the CEO unless at least one of the following conditions is met.

(a) If such building or resource has been identified by the Planning Board upon consultation with the Maine Historic Preservation Commission, as not of historic significance and as incompatible with the Richmond Historic Area as Registered on the National Register of Historic Places and described in Article 4, Sec. G (4)(4) Special Performance Standards.

(b) If the property owner has demonstrated to the Planning Board that he/she is not capable of earning an economic return on the value of the property in its present location, as supported by an appraisal by a qualified real estate appraiser. If such a demonstration can be made, issuance of a permit for removal or demolition shall be delayed for a period of one hundred eighty (180) days. Such time period shall commence when the property owner has filed an application for a demolition permit.

(c) If the property owner has demonstrate to the Planning Board that he/she has not been able to sell the building or resource in a reasonable amount of time. In such event, prior to the issuance of demolition permit, the owners shall demonstrate to the Planning Board that the property has been offered for sale, that no bona fide offer has been made, and that no contract for sale has been executed with interested parties. In addition, prior to the issuance of a demolition permit, the owner shall make a bona fide offer to sell building or structure, and the land pertaining thereto, at a price reasonably related to its fair

market value, to a person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto. Prior to making such offer to sell, an owner shall first file a statement with the Planning Board identifying the property, the offering price, and the date the offer to sell shall begin.

(d) If the CEO has determined that the building or resource presents an irreparable or unreasonable safety hazard to the public. In such event, notice of the scheduled demolition shall be posted on the premises of the building or resource proposed for demolition in a location clearly visible from the street for at least the seven (7) days prior to the date of the scheduled demolition. In addition, notice shall be published in a newspaper of general local circulation once a week for three (3) consecutive weeks prior to the scheduled demolition, the final notice of which shall be published not less than fifteen (15) days prior to the date of the scheduled demolition.

K. HOME OCCUPATIONS

1. Home occupations shall be carried on wholly within the principal building or within a building or other structure accessory to it.
2. Not more than two (2) persons outside the family shall be employed in the home occupation.
3. There shall be no overnight exterior display, no exterior storage of materials, and no other exterior indication of the home occupation or variation from the residential character of the principal building.
4. The scale of the home occupation use shall be clearly secondary to the primary use of the property as a residence.
5. Signs shall conform to the requirements of this Ordinance.
6. Off-street parking shall be provided in accordance with the requirements of this
7. Home occupations shall not include auto repair and service, motor and equipment repair, bottle redemption centers, or food preparation for consumption on the premises.

L. HOTELS/MOTELS AND INNS

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

1. No part of any building shall be closer than sixty (60) feet to the front lot line, rear lot line or either sideline of such lot. A green space, not less than twenty (20) feet wide, shall be maintained open and green with grass, bushes, flowers or trees all along each side lot line, the rear lot line, and the front line of such lot, except for entrance and exit driveways. The green space shall not be used for automobile parking.
2. Buildings on a motel lot shall not cover more than fifteen (15) percent of the area of the lot.
3. If cooking or eating facilities are provided in hotel rental units, each such rental unit shall be considered a dwelling unit and the hotel with more than three (3) such units shall be required to meet all the standards of multifamily developments.
4. Minimum room size: not less than two hundred (200) square feet habitable floor area and not less than twelve (12) by fifteen (15) feet horizontal dimensions, exclusive of bath. Each rental unit shall include private bathroom facilities.
5. Hotel building construction plans shall be reviewed and approved by the State Fire Marshall's Office.

M. KENNELS AND VETERINARY HOSPITALS

1. Structures or pens shall be located not less than two hundred (200) feet from the nearest residence other than the owner's.
2. All pens, runs, or kennels and other facilities shall be designed, constructed, and located on the site to minimize 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.
3. No garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide breeding place for insects, vermin or rodents.
4. If outdoor dog "runs" is created, they shall be completely fenced in.
5. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of

four hundred (400) Feet from nearest residence other than the applicant's, and shall meet all State Applicable Permit Requirements.

N. MANUFACTURED HOUSING – UNITS NOT IN A MOBILE HOME PARK

The following standards shall apply to the placement or installation of any manufactured housing unit on a lot located out of a mobile home park. All standards shall be met prior to occupancy of the manufactured housing unit.

1. Manufactured housing units may only be placed or installed on lots where single-family dwelling units are allowed, and such placement or installation shall require a permit from the CEO prior to such placement of installation. All dimensional standards of the zoning district shall be met.
2. The wheels, axles, detachable transporter unit and tongue shall be removed and the unit shall be placed on a permanent foundation.
3. The foundation for modular home shall comply with the requirements of the Town's Building Code. The foundation for newer mobile homes shall comply with the standards established by the Manufactured Housing Board.
4. In the absence of a full basement, suitable screening shall be provided to screen view of any fuel tank serving the unit.
5. Exterior siding must be residential in appearance. These materials may include clapboards, simulated clapboards (such as conventional vinyl or metal siding), wood shingles, shakes or similar materials, but shall not include smooth, ribbed or corrugated metal or plastic panels.
6. All mobile home shall be equipped with adequate skirting to enclose the underside of mobile homes. The skirting shall be vinyl, metal or painted T1-11.
7. The unit shall have pitched roof having a pitch of 4 in 12 or greater, covered with roofing shingles or manufactured metal roofing.
8. The unit shall be at least fourteen (14) feet in width and thirty-two (32) in length.
9. All plumbing, electrical and utility connections shall be comply with all applicable local, State and national codes.
10. The unit shall be sited on the lot so that its longest dimension is within 30 degrees of being parallel to the front property line of the lot (or the chord connecting the two points where the side lot lines meet the front line if the front property line is curved). This requirement shall not apply if the width of the front building face is more than 24 feet wide. The width of the front building shall include the width of the manufactured housing unit plus the width of any permanent addition.

11. Any permanent addition to a manufactured housing unit shall meet the following criteria:
 - A. The addition shall be of a similar architectural design and constructed of similar materials as the manufactured housing unit.
 - B. The addition shall be permanently attached to the unit to create one integral structure; and
 - C. Any living space addition to a manufactured housing unit shall be placed on a foundation similar to the original unit. Any addition other than living space shall have frost wall protection.
12. All disturbed areas of the site, not otherwise revegetated, shall be loamed (with a minimum of 4 inches of loam), fertilized and seeded. The CEO may approve the delay of the revegetation until the growing season for units occupied between November and May.
13. All exterior doors shall be provided with steps of a suitable design and construction to provide all-season access.
14. No manufactured housing unit that was manufactured before June 15, 1976 may be brought in to the Town of Richmond unless suitable evidence is provided to the CEO that the unit does not contain aluminum electrical wiring, that the unit contains two exterior exits, and the roof is constructed to support a live load of thirty (30) pounds per square foot.
15. No manufactured housing unit may be temporarily placed, stored or located in any zoning district. Manufactured housing units cannot be used for storage. Notwithstanding the foregoing provision, in the event of an emergency situation, as determined by the CEO in his/her sole discretion, one (1) temporary means of housing unit per lot may be used as a dwelling unit for a period not to exceed three (3) months, unless a written request for an extension of the time is granted by the CEO. Any housing unit used as temporary dwelling under this subparagraph must be approved by the CEO and meet all other requirements of the Ordinance.
16. No manufactured housing unit may be placed or installed in the town of Richmond unless proof of payment of sales tax on the manufactured home and proof of payment of property tax in the sending municipality is first provided to the Town in compliance with 30-A M.R.S.A § 4358 (4) [sales tax proof], as may be amended, and 30-A M.R.S.A § 4103 (3) (C) [property tax proof], as may be amended.

O. MANUFACTURED HOUSING UNITS IN A MOBILE HOME PARKS

All mobile home parks shall conform to the standards set forth in this section and shall meet all requirements for a residential subdivision and shall conform to all applicable State laws and local ordinances and regulations.

1. Placement of Units on Lots

Manufactured housing units in mobile home parks shall be placed upon lots. Each lot shall be occupied by only one (1) unit. Each unit shall be placed upon a suitable foundation consisting of a poured or block frost wall, a cement or concrete slab and permanent, properly attached and residential appearing skirting, or full basement. No manufactured housing unit may be placed or installed in the town of Richmond unless proof of payment of sales tax on the manufactured home and proof of payment of property tax in the sending municipality is first provided to the Town in compliance with 30-A M.R.S.A § 4358 (4) [sales tax proof], as may be amended, and 30-A M.R.S.A § 4103 (3) (C) [property tax proof], as may be amended.

2. Lot Requirements

Notwithstanding the other requirements of this Ordinance, lots shall meet the following dimensional requirements:

Public Sewer System Operated by the Richmond Utilities District	
Minimum Lot Area	6000 S.F
Minimum Lot Width	50 FT
Lots Served by Individual Subsurface Waste Water Disposal Systems	
Minimum Lot Area	20,000 S.F
Minimum Lot Width	100 FT
Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services	
Minimum Lot Area	12,000 S.F
Minimum Lot Width	75 FT

Mobile home park lots located within any designated shoreland area shall meet the lot area, lot width, and shore frontage requirements of the district in which it is located.

3. Overall Density

The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each twenty thousand (20,000) square feet of total park area.

The total area of a mobile home park shall not be less than the sum of the following:

- a. The combined area of the mobile home park lots which shall each meet the minimum lot requirements,

- b. The area required for road rights-of-way,
- c. The area required for buffer strips,
- d. For parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots.
- e. The area within the shoreland setback.

4. Setbacks

Manufactured housing units shall meet the following minimum setbacks:

On lots, which abut a public way: the setback required for other residential uses.

On lots, which are located in a shoreland area: the setback from the high-water mark required in that district.

Units shall be located a minimum of fifteen (15) feet from all boundary lines and a minimum of thirty (30) feet from any other unit

Garages or accessory structures shall be so located on individual lots so that all parts of the structures are a minimum of 15 feet from all lot lines and 30 feet from any unit or other structure on either the same lot or adjacent lot.

5. Buffering

The park shall be designed with a seventy-five (75) foot wide buffer strip along all property boundaries. The buffer strip shall be maintained as a landscaped area containing no structures. In those areas where natural vegetation fails to provide a dense and continuous buffer, the Planning Board may require dense evergreen plantings of either natural massing configurations or up to 3 staggered rows of evergreen plantings. Roads may cross the buffer strip to provide access to the park.

6. Road Standards

- a. The road system shall be designed to provide safe and convenient access to all lots within the park and shall provide for all-season emergency vehicle access to every unit in the park.
- b. Roads that the applicant proposes to dedicate as public ways, shall be designed and constructed in accordance with the Town of Richmond Street Design and Construction Standards Ordinance
- c. Roads, which the applicant proposes to remain private ways, shall:
 - (1). Be designed in accordance with the Town of Richmond Street Design and Construction Ordinance.
 - (2). Be designed by a Maine licensed engineer.
 - (3). Have a minimum right-of-way width of 23 feet.
 - (4). Have a paved travel surface with a minimum width of 20 feet.
 - (5). Meet the standards of the Manufactured Housing Board.
 - (6). No lot within the park shall have direct vehicular access onto an existing public street.
 - (7). 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 two hundred (200) trips per day or more shall have at least two (2) street connections leading to existing public streets, other streets within the park, or other streets shown on an approved subdivision plan.

- (8) The intersection of any street within a park and an existing public street shall meet the following standards.
- i Minimum Angle of Intersection shall be 75.
 - ii Maximum Grade within 100 feet of intersection shall be 3 percent.
 - iii Minimum Sight Distance shall be ten times the posted speed limit, 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 3½ feet above the pavement and the height of object 4¼ feet.
 - iv Distance from other intersections shall be no less than 125 feet from the centerline of any other street intersecting that public street.
 - v The application shall contain an estimate of the average daily traffic projected to be generated by the park, based on the Trip Generation Manual, 1987 edition or the most recent edition, published by the Institute of Transportation Engineers. If the park is projected to generate more than 400 vehicle trip ends per day, the application shall also include a traffic impact analysis, prepared by a registered professional engineer with experience in transportation engineering.

7. Ownership of Park

The land within the mobile home park shall remain in a single, unified ownership. No lots or interest in lots shall be individually conveyed.

8. Conversion of Park

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. The conversion shall meet the appropriate lot size, lot width, setback and other requirements for the proposed use.

9. Utility Requirements

All mobile home parks shall provide permanent electrical, water and sewage disposal connections to each lot in accordance with applicable state and local rules and regulations.

10. Signs

Signs and advertising devices shall be prohibited in a mobile home park except:

- a. One (1) identifying sign at each entrance of the mobile home park no larger than twenty-four (24) square feet, which may be externally lit, but not flashing.

- b. Unlit directional and informational signs for the convenience of tenants and the public relative to parking, office, traffic movement, etc. Said signs shall not be illuminated.
- c. Mobile/manufactured home "for sale" signs, provided that such signs that face a public road shall be no more than ten (10) square feet and shall be limited to two (2) signs per mobile home park.
- d. Mobile/manufactured home address signs.
The styles and location of the identifying sign shall not interfere with vehicle sight distance and shall be constructed in accordance with the sign standards of this Ordinance.

11. Affordability

The developer of the proposed mobile home park shall submit evidence, and the Planning Board shall determine that the sale and/or rental of at least 50% of the housing units and lots within the proposed mobile home park can be afforded by households at or below 80% of the Town's median household income (per figures published by the State Planning Office or National Planning Data Corporation). In making a determination on the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include the following: mortgage and/or rental costs, taxes, homeowners/tenant insurance, heat and utilities.

12. Groundwater Impacts

a. 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 impacts of the proposed mobile home park on groundwater quality and supply. The hydro geologic assessment shall be prepared by a Certified Geologist or Registered Professional Engineer, experienced in hydrogeology, and shall conform to an analytical approach that meets the requirements of the Maine Department of Environmental Protection.

b. Standards for Acceptable Groundwater Impacts

- i Projections of groundwater quality shall be based on the assumption of drought conditions (assuming sixty (60) percent of annual average precipitation).
- ii No mobile home park shall increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. No mobile home park shall increase any contaminant concentration in the groundwater too more than the Secondary Drinking Water Standards.
- iii If groundwater contains contaminants in excess of the primary standards, and the mobile home park is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

- iv If groundwater contains contaminants in excess of the secondary standards, the mobile home park shall not cause the concentration of the parameters in question to exceed one hundred fifty (150) percent of the ambient concentration.

c. Subsurface wastewater disposal systems and drinking water wells

Shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Plan.

13. Walkways

The mobile home park shall contain pedestrian walkways that link all units and all service and recreational facilities and connect the park to existing sidewalks if such exist in the vicinity of the park. Such walkways shall be adequately surfaced and lit. A portion of the road surface may be reserved for walkways provided the roadways width is increased accordingly. Walkways shall be a minimum width of three (3) feet.

14. Lighting

Outdoor lighting shall be provided to adequately illuminate internal streets and pedestrian walkways. Lights shall be sized and directed to avoid adverse impact on adjacent properties.

15. Storage

At least three hundred (300) cubic feet of enclosed tenant storage facilities shall be conveniently provided on or near each mobile home lot for the storage of materials and equipment.

16. Park Administration

The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of all park-owned structures and their sites.

Compliance with this Ordinance shall not exempt the park owner, developer, or manager from complying with other applicable local, state, and federal codes and regulations.

P. MULTIFAMILY DWELLING UNITS

1. Two-Family Dwelling Units

Lots for two-family units shall meet all of the dimensional requirements for single-family dwelling units, and the road frontage shall exceed by 50 percent the requirement for a single-family dwelling unit.

2. Multifamily Dwelling Units

Multifamily (3 or more) dwelling units shall meet all of the following criteria:

- a. Lot area and shoreline frontage shall be equal to that required for the equivalent number of single-family dwelling units when not connected to public water and sewer. For multifamily and two-family dwelling units connected to public water and sewer, a minimum of 5,500 square feet lot area is required for each unit, in the Village District, except in the Main Street Commercial District, in which a minimum of 3,000 square feet lot area for new residential, non-residential or commercial uses is required for each unit connected to public water and sewer.
- b. Minimum road frontage: shall be the minimum road frontage for the district in which the building is located except that in the Village district minimum road frontage shall be 80 feet for buildings with up to 3 units and there shall be an additional 20 ft of frontage required for each additional unit up to a maximum of 200 ft of frontage.
- c. Lots for multifamily dwelling units shall meet all other dimensional requirements for single-family dwellings including minimum setbacks, maximum building coverage and height limits.
- d. No building shall contain more than (10) dwelling units. Each residential unit shall be a complete dwelling unit with its own kitchen, bathroom, and facilities for sleeping and eating. Each dwelling unit shall have a minimum of four hundred fifty (450) square feet of living area. Each dwelling unit shall have an individual entrance from the outside or common hallways.
- e. All multifamily dwellings shall be connected to a common water supply and distribution system, and central sewage collection and treatment system, either public or private, at no expense to the municipality.
- f. All multifamily dwelling units shall be connected to a public sewer system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.
- g. All multifamily dwellings shall comply with the provisions of section J of this Article and Article 4, ' 4 " (4).
- h. Multifamily dwelling buildings in the Village district shall have maximum total floor areas no greater than 2 times the area allowed by the maximum building coverage.
- i. All exterior trash receptacles shall be screened.

3. Parking

- a. There shall be a minimum of 2 off-street parking spaces per dwelling unit in a multifamily dwelling building. If building is ADA accessible then parking must adhere to ADA Standards. The total number of parking spaces may be distributed between all dwelling units so long as the off-street parking is sufficient to accommodate the normal parking demand of each individual unit.
- b. No off-street parking spaces shall be located between the building and the front property line or within any of the required setbacks. All multifamily dwellings shall comply with all other provisions of section S of this Article ("Off-Street Parking and Loading Requirements").
- c. No un-inspected and/or unregistered motor vehicles shall be parked on the property. All motor vehicles shall park in designated parking areas.

4. Buffering and Landscaping

a. Buffering - All multifamily dwellings must provide for the buffering of adjacent uses and for screening of mechanical equipment trash receptacles, service and storage areas. Buffering must be designed to provide a year-round visual screen in order to minimize adverse impacts. It may consist of fencing, evergreens, berms, rocks, boulders, mounds, or a combination thereof. A multifamily dwelling must provide sufficient buffering when topographical or other barriers do not provide reasonable screening and where there is a need to:

1). shield neighboring properties from any adverse external effects of the development, or

2). shield the development from the negative impacts of adjacent uses.

The width of the buffer may vary depending on the treatment of the area. Within densely built-up areas, a buffer with dense plantings, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet in width. Areas adjacent to service, loading, or storage areas should be screened by dense planting, berms, fencing, or a combination thereof with a width of a minimum of five (5) feet.

b. Landscaping -Landscaping must be provided as part of all multifamily dwelling developments. A landscape plan for the entire site must be submitted to the planning board. The landscape plan shall use landscape materials to integrate the various elements on site, preserve and enhance the particular identity of the site, and create a pleasing site character. The landscaping should define street edges, break up parking areas, soften the appearance of the development, and protect abutting properties. Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals, and other materials such as rocks, water, sculpture, art, walls, fences and paving materials.

c. Landscaping Review - Landscaping plans for all multifamily dwellings in the Village district shall require approval by the Planning Board based upon a review by a registered landscape architect.

The Planning Board may waive the requirement for a review by a registered landscape architect upon a finding that because of the size of the project or circumstances of the site, such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town. All requests for waivers must be made in writing, shall state the basis for the requested waiver and shall be submitted to the Planning Board at a meeting of the Board. The applicant shall have the burden of proving the basis for any waiver including that 1) the landscape plan integrates the landscape elements on site, preserves and enhances the particular identity of the site, creates a pleasing site character, defines street edges, breaks up parking areas, softens the appearance of the development, and protects abutting properties, 2) review by a registered landscape architect would not be applicable or would be an unnecessary burden upon the applicant, and 3) that such waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

5. Exterior Lighting

- a. All multifamily dwellings must have adequate exterior lighting to provide for its safe use during nighttime hours. Lighting may be used which serves security, safety and operational needs but which does not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways.
- b. Lighting fixtures must be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings and so that they do not unnecessarily light the night sky. Direct or indirect illumination must not exceed 0.5 foot-candles at the lot line or upon abutting residential properties.
- c. Wiring to light poles and standards must be underground.
- d. All exterior lighting, except security lighting, must be turned off between 11 P.M. and 6 A.M.

Q. NOISE

- 1. The maximum permissible sound pressure level of any continuous, regular or frequent or intermittent source of sound produced by any activity shall be limited by the time period and land use, which it abuts, listed below. Sound levels shall be measured at least four (4) feet above ground at the property boundary of the source.

Sound Pressure Level Limits Using the Sound Equivalent Level of One Minute
(leq 1) (Measured in dB(a) Scale)

Abutting Use	7am – 9pm 40 pm	9pm – 40 pm 7am
Residential	55	45
Residential located in a commercial-industrial district	65	55
Public, semipublic and institutional	60	55
Vacant or rural	60	55
Commercial	65	55
Industrial	70	60

- 2. Noise shall be measured by a meter set on the A-weighted response scale, fast response. The meter shall meet the American National Standards Institute (ANSI S1 4-1961) "American Standards Specification for General Purpose Sound Level Meters."

3. No person shall engage in construction activities, on a site abutting any residential use between the hours of 9 p.m. and 7 a.m. Otherwise, the following activities shall be exempt from these regulations:
 - a. Sounds emanating from construction and maintenance activities conducted between 7 a.m. - 9 p.m.
 - b. Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.
 - c. Manufacturing conducted within the Commercial-Industrial District between 6 a.m. – 9 p.m.

R. Off-Street Parking and Loading Requirements

1. Basic Requirement

No use of premises shall be authorized or extended, and no building or structure shall be constructed or enlarged unless there is provided off-street automobile parking space within three hundred (300) feet of the principal building, structure, or use of the premises, in accordance with the following requirements.

2. Minimum Off-Street Parking Requirements

The objectives in requiring the provision of off-street parking are to ensure that vehicles are off the public streets at night, that unsafe conditions and congestion do not exist and that there is a turnover in spaces designed to serve the general public.

To accomplish these objectives, shall provide at least the following minimum off-street parking

- a. Dwelling:
 - i. Two (2) spaces per unit (one space/dwelling in Main Street Commercial District).
 - ii. Two (2) spaces per unit for multi-family dwellings
- b. Tourist home, boarding or lodging house, motel or hotel: one (1) space for each sleeping room.
- c. Campground: one (1) space for each recreational vehicle, tent or shelter site.
- d. Hospital: One (1) space for each two (2) beds.
- e. Institutions devoted to the board, care, or treatment of persons: One (1) space for each four (4) beds.
- f. Retail, wholesale, or service establishment or office or professional building located outside the Historic District: One (1) space for each 300 square feet or fraction thereof, of floor area.
- g. Restaurants, and other places serving food or beverage, and for theaters, auditoriums, and other places of amusement or assembly: one (1) space for each three (3) seats, permanent or otherwise, for patron use.
- h. Commercial, industrial, or other permitted uses: One (1) space for each person employed or anticipated to be employed on the largest shift.
- i. Home occupation: One (1) space for each commercial vehicle parked overnight on a regular basis.

- j. Adequate spaces shall be provided to accommodate customers, patrons, and employees at automobile service stations, drive-in establishments, open-air retail businesses and amusements and other permitted uses not specifically enumerated.

3. Off-Street Loading

Commercial or industrial uses shall provide off-street loading facilities 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 any public way.

4. Joint Use of Parking Spaces

The Planning Board may allow the same parking spaces to be used in meeting the parking requirement for two (2) or more uses if the Board finds that the demand for parking for the uses occurs at different times of day or on different days of the week.

5. Reduction in the Main Street Commercial District

The Planning Board may reduce or waive the off-street parking and loading requirements for projects involving the reuse of buildings existing within the Main Street Commercial District as of June 1, 1990, upon finding that:

- a. The use will involve only floor area existing as of June 1, 1990, and will not involve any expansion or enlargement of the envelope of the building except for provisions of necessary access,
- b. The parking demand for the use will be less than the parking requirement set forth in item (2) above based upon an estimate of the projected parking demand-
- c. The applicant has demonstrated that adequate parking is available to meet the projected demand identified in b. either in off-street parking on the site, in other off-street private parking facilities within 300 feet of the structure or in public parking facilities. This provision may take into account joint use of parking facilities as provided for in item (4) above.

6. Parking Layout and Design

- 1. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
- 2. All parking spaces and access drives shall be located at least five (5) feet from any side or rear lot line, except for the additional requirements in buffer yards. No parking spaces shall be located in the required front setback unless the Planning Board finds that the visual environment will not be adversely impacted by parking or loading in the setback area.

3. Parking stalls and aisle layout shall conform to the following standards:

Parking Angle	Stall Width	Skew Width
90°	9' – 0"	
60°	8' – 6"	10' – 5"
45°	8' – 6"	12' – 9"
30°	8' – 6"	17' – 0"
	Stall Depth	Aisle Width
	18' – 5"	24' – 0"
	10' – 0"	16' – 0" one way only
	17' – 5"	12' – 0" one way only
	17' – 0"	12' – 0" one way only

- In lots utilizing diagonal parking, the direction of proper traffic flow shall be indicated by signs, pavement markings or other permanent indications.
- Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.
- Provisions shall be made to restrict the overhang of parked vehicles when it might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

S. Private Roads

A private road may be used for access to a lot or lots and for fulfillment of the frontage requirement provided that it complies with the following standards:

- The right-of-way of the private road shall be a minimum of twenty-five (25) feet in width if it serves one (1) lot and a minimum of fifty (50) feet in width if it serves two (2) or more lots.

2. A plan showing the private road shall be prepared by a registered land surveyor. The plan shall delineate the proposed road and each of the lots to be served by the private road, If the private road is part of a subdivision, the plan shall be included as part of the subdivision application. If the private road is not part of a subdivision, the plan shall be labeled "Plan of a Private Road" and recorded in the Sagadahoc County Registry of Deeds.

Where new street intersections or driveway curb-cuts are proposed, site distances, as measured along the road onto which traffic will be turning, shall be based upon the posted speed limit and conform to the table below:

Posted Speed Limit (MPH)	25	30	35	40	45	50	55
Sight Distance (feet)	200	250	305	360	425	495	570

3. Private roads which are part of a subdivision or other activity requiring development review shall comply with the plan submission requirements of the Street Design and Construction Standards Ordinance,
4. The applicant shall provide for street name signs and all other traffic control signs as determined to be necessary by the Planning Board.
5. The plan of the private road shall bear notes that the Town of Richmond shall not be responsible for the maintenance, repair, or plowing of the private road.
6. The plan shall also contain notes that the creation of additional lots on the private road shall not occur without the filing of a revised plan and the approval of The Planning Board, if otherwise necessary.
7. If the private road is to provide access to two (2) or more lots, a maintenance agreement shall be prepared and recorded in the Registry of Deeds with the plan. The maintenance agreement shall specify the rights and responsibilities of each lot owner with respect to the maintenance, repair, and plowing of the private road. For a private road serving five (5) or more lots, the agreement shall provide for the formation of a road association, which shall be responsible for the ownership, and maintenance of the private road.
8. The construction of private roads shall meet the following minimum standards:

Number of Lots Served

	1	2-5	16-19
Minimum roadway width	12'	16'	20'
Minimum sub base (Heave road gravel)	12"	15"	18"

Wearing surface (Fine gravel)	2"	2"	2"
Maximum grade	12%	10%	10%
Minimum grade	0.5%	0.5%	0.5%
Turn around at dead end	Hammer Head or T	Hammer Head or T	Hammer Head or T

One turnout to provide space for 2 vehicles to pass shall be provided for every private road longer than 1,000 feet.

9. Cleanup: Following street construction, the developer or contractor shall conduct a thorough clean-up of stumps and other debris from the entire street right-of-way. If onsite disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and be suitably covered with fill and topsoil, limed, fertilized, and seeded.

T.. PHOSPHORUS CONTROL - PLEASANT POND

1. Within the watershed of Pleasant Pond, all uses and structures to which this Ordinance applies shall meet the following phosphorus export standards:

<u>Watershed</u>	<u>Phosphorus Export Standards</u>
Lower Pleasant Pond	- .0491 pounds of phosphorus/acre/year
Upper Pleasant Pond	- .0215 pounds of phosphorus/acre/year

2. Single-Family Dwelling, Duplex

In addition to the dimensional requirements contained in Article 4, the following provisions shall apply to all new single-family dwellings and duplexes. Where the standards of this Section and the standards of Article 4 conflict, the higher standard shall apply.

- a. Phosphorus Control Requirement. Permit applicants must show how they will comply with the phosphorus export standards of Subsection 1, above.
- b. Buffer Strip. A new single-family dwelling or duplex shall be deemed to comply with the phosphorus export standards of Subsection 1 if a permanent, vegetated buffer is located downhill from the developed portion of the lot according to the requirements of Table 1 or Table 2 of this standard, whichever applies. 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 to the maximum extent possible.
- c. DEP Phosphorus Control Methodology. As an alternative to Tables 1 and 2 of this standard, an applicant may utilize the phosphorus control methodology contained in DEP's Phosphorus Control Guide to calculate lot size or buffer width, or to design other phosphorus control measures

that meet the phosphorus export standard. A copy of supporting documents shall be submitted with the application.

- d. Maintenance and Use of Buffer Strips, Other Measures. Homeowners and occupants 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 DEP's Phosphorus Control Guide.

TABLE 1
LOWER PLEASANT POND WATERSHED
Note: Lot sizes shown below are for lots with greater than 10,000 sq. feet of clearing per lot. For lots with less than 10,000 sq. feet of clearing per lot, the lot sizes in parentheses shall apply.

Hydrologic Soils Group	50 feet	← Buffer Width →	
		100 feet feet	150

Hydrologic Soils Group	Average Slope within Buffer	Lot Size Acres	Lot Size Acres	Lot Size Acres
A	0-3%	1.4	.7 (.5)	.4 (.3)
A	3-8%	(1.1)	1.1 (.8)	.5 (.4)
A	8-15%	1.8	1.4 (1.1)	.7 (.5)
A	15-30%	2.1	2.0 (1.6)	1.6
		(1.6)		(1.2)
		2.7		
		(2.1)		
B	0-3%	2.0	1.0 (.65)	.5 (.3)
B	3-8%	(1.3)	1.5 (1.0)	.7 (.5)
B	8-15%	2.5	2.0 (1.3)	1.0 (.6)
B	15-30%	3.0	3.0 (2.0)	2.2
		(2.0)		(1.5)
		3.7		
		(2.4)		
C -1	0-3%	3.0	2.1 (1.2)	1.5
C -1	3-8%	(1.7)	2.7 (1.6)	(.9)
C -1	8-15%	3.8	3.2 (1.9)	2.1
C -1	15-30%	(2.3)	4.1 (2.4)	(1.2)
		4.4		2.4

		(2.6)		(1.4)
		4.7		3.2
		(2.8)		(1.9)
C – 2	0-3%	4.1	3.2 (1.9)	2.7
C – 2	3-8%	(2.4)	3.8 (2.3)	(1.6)
C – 2	8-15%	4.4	4.1 (2.4)	3.2
C – 2	15-30%	(2.6)	4.7 (2.8)	(1.9)
		4.7		3.5
		(2.8)		(2.1)
		5.0		4.1
		(2.9)		(2.4)

TABLE 2
UPPER PLEASANT POND WATERSHED

Note: Lot sizes shown below are for lots with greater than 10,000 sq. feet of clearing per lot. For lots with less than 10,000 sq. feet of clearing per lot, the lot sizes in parentheses shall apply.

Hydrologic Soils Group	50 feet	← Buffer Width →	
		100 feet	150 feet

Hydrologic Soils Group	Average Slope within Buffer	Lot Size Acres	Lot Size Acres	Lot Size Acres
A	0-3%	3.3	1.6 (1.3)	.8 (.6)
A	3-8%	(2.5)	2.4 (1.9)	1.2 (.9)
A	8-15%	4.1	3.3 (2.5)	1.6
A	15-30%	(3.1)	4.9 (3.8)	(1.3)
		4.9		3.7
		(3.8)		(2.8)
		6.1		
		(4.7)		
B	0-3%	4.6	2.3 (1.5)	1.1
B	3-8%	(3.0)	3.4 (2.2)	(.7)
B	8-15%	5.7	4.6 (3.0)	1.7
B	15-30%	(3.7)	6.8 (4.5)	(1.1)
		6.8		2.3
		(4.5)		(1.5)
		8.6		5.1

		(5.6)		(3.3)
C – 1	0-3%	6.7	4.7 (2.8)	3.4
C – 1	3-8%	(3.9)	6.1 (3.6)	(2.0)
C – 1	8-15%	8.8	7.4 (4.3)	4.7
C – 1	15-30%	(5.1)	9.4 (5.5)	(2.8)
		10.1		5.4
		(5.9)		(3.2)
		10.8		7.4
		(6.3)		(3.3)
C – 2	0-3%	9.4	7.4 (4.3)	6.1
C – 2	3-8%	(5.5)	8.8 (5.1)	(3.6)
C – 2	8-15%	10.1	9.4 (5.5)	7.4
C – 2	15-30%	(5.9)	10.8	(4.3)
		10.8	(6.3)	8.1
		(6.3)		(4.7)
		11.5		9.4
		(6.7)		(5.5)

3. Subdivisions

In addition to the requirements of the Town of Richmond Subdivision Ordinance, the following provisions shall apply to new or expanded portions of subdivisions.

- a. Phosphorus Control Requirement. Applicants for subdivision approval must show how they will comply with the phosphorus export standards of Subsection 1.
- b. Fees. If, in the Planning Board's judgment, consulting services are required to evaluate the phosphorus impact of the proposed subdivision application, an additional fee shall be required based on the estimated costs of such consulting services. These funds may be used by the Town for reasonable costs contracted for by the Town through the Planning Board, which relate directly to the review of the phosphorus impact of the subdivision application.
- c. Application Requirement. All subdivision applications utilizing buffer strips to meet the phosphorus export standards of Subsection 1 shall include:
- d. Buffer Location. A plan showing the location and dimensions of vegetated buffer strips, and classification of the buffer as wooded or non-wooded, to be designed and maintained in accordance with the buffer-maintenance provisions contained in Section 5.3 of DEP's Phosphorus Control Guide.
- e. Deed Restrictions. A copy of all covenants and deed restrictions, if any, to be placed on the amount of clearing on individual lots and by which vegetated buffer strips are to be permanently maintained.

- f. Buffer Maintenance. A written plan for the maintenance of buffer strips.

- g. Minor Subdivisions. Minor subdivisions shall be deemed to comply with the phosphorus export standards of Subsection 1 if a permanent, vegetated buffer is located downhill from the developed portion of the lot according to the requirements of Subsection 2, Table 1 or Table 2, whichever applies. As an alternative to these tables, an applicant may prepare a phosphorus control plan as set forth for major subdivisions in paragraph U.3.h below.

- h. Major Subdivisions. Applications for major subdivisions shall include:
 - i. An Erosion and Sedimentation Control Plan prepared in accordance with the "Maine Erosion and Sediment Control Handbook for Construction: Best Management Practices," prepared by the Cumberland County Soil and Water Conservation District and Department of Environmental Protection, March, 1991.
 - ii. A Phosphorus Control Plan to meet the phosphorus export standard of Subsection 1 and prepared in accordance with the methodology contained in DEP's Phosphorus Control Guide. A copy of supporting documents shall be submitted with the application, including the worksheets contained in DEP's Phosphorus Control Guide, engineering calculations, a site plan showing drainage patterns and buffer locations, and detailed construction specifications and diagrams for all structural measures. The Board shall require the use of vegetated buffers, limits on clearing and minimizing road lengths, and shall encourage other non-structural measures such as clustering and reduction in the number of lots, prior to allowing the use of high-maintenance structural measures such as wet ponds and infiltration systems.

- i. Maintenance and Use of Buffer Strips, Other Measures. The applicant shall include provisions for monitoring, inspecting and maintaining vegetated buffer strips and other phosphorus control measures in accordance with DEP's Phosphorus Control Guide, including the buffer maintenance provisions contained in Section 2.D.

4. Other Uses and Structures

In addition to requirements of the Town of Richmond Land Use Ordinance, applicants for permits and approvals for the following uses shall comply with all of the requirements of a major subdivision as set forth in Subsections 1 and 3 of this standard: 1) new or expanded portions of: mobile home parks, campgrounds, commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet), hazardous or solid waste disposal facilities; and 2) new principal structures, other than single-family dwellings and duplexes, requiring a permit under the provisions of the Town of Richmond Land Use Ordinance. Property owners shall maintain vegetated buffer strips and other phosphorus control measures in accordance with DEP's Phosphorus Control Guide, including the buffer maintenance requirements contained in Subsection 1.

5. Administration

Within the watershed of Pleasant Pond, no new or expanded portion of a subdivision may be approved under the provisions of the Town of Richmond Subdivision Ordinance except in strict conformance with the provisions of this Ordinance; and no permit may be issued under the provisions of the Town of Richmond Land Use Ordinance for:

1. New or expanded portions of: mobile home parks, campgrounds, commercial (new development, or expansions of existing commercial structures in excess of 1500 square feet), hazardous or solid waste disposal facilities; or
2. New principal structures; except in strict conformance with the provisions of this Ordinance, provided that this requirement shall not apply to any existing residence or to any other existing structures or to new accessory structures

U. REFUSE DISPOSAL

All owners and occupants shall provide for the disposal of all solid and liquid wastes on a timely basis and in a manner provided for by Federal and State law and the Town of Richmond ordinances.

V. SANITARY STANDARDS

1. Sewer System. All sanitary sewage from new or expanded uses shall be discharged into the public sewage collection and treatment system when the system has adequate capacity to handle the projected waste generation and:
 - a. Such facilities are currently available at the lot line or:
 - b. If the public collection system is available by public right-of-way within one hundred (100) feet for a single-family home, duplex, or other use with a design sewage flow of less than five hundred (500) gallons per day or within three hundred (300) feet of a use with a design sewage flow of five hundred (500) or more gallons per day.

2. On-Site Disposal.

If the public system cannot serve or be extended to serve a new or expanded use, the sewage shall be disposed of by an on-site sewage disposal system meeting the requirements of the State Plumbing Code.

- a. Engineered System. Any new on-site disposal of sewage involving the use of an "engineered system" as defined by the State Plumbing Code shall provide a backup location meeting the requirements of the Plumbing Code and of sufficient size to allow the installation of a replacement system to serve the use.
- b. When two or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners' association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

3. Industrial, Commercial Waste_

Industrial or commercial wastewaters may be discharged to public sewers only and in such quantities and/or of such quality as to be compatible with sewage treatment operations. The disposal of industrial or commercial wastewaters by means other than the municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to public treatment processes.

W. SIGNS

1. General

Signs shall be permitted on premises only to identify the occupants, advertise the rental or sale of the property, advertise goods or services available on the property or provide notice of public events, governmental regulations and similar information. All signs shall conform to State law. The following provisions of this section shall apply to all signs within the Town, except for municipal and State signs, unless otherwise stated within the Ordinance.

A sign, as defined in Article 3, of this Ordinance, is an object, device or structure, or part thereof, situated outdoors or displayed in a window, visible from a public and or a private way, free standing or attached, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location, by any means including words, letters, figures, design, symbols, advertising flags, banners, fixtures, colors, streamers, placards, illuminations or projected images. Each face of a sign shall constitute a separate sign except that a sign with two sign faces shall be counted as one sign.

2. Permit Required

A permit shall be required prior to installation of a sign or sign structure. Such application shall be submitted to the Code Enforcement Officer along with payment of the applicable fee listed in the Town of Richmond Fee Schedule. The application shall include the name and address of the sign owner, a scale drawing defining the proposed location relative to lot lines and roadway(s), design, dimensions and position of the sign and other information the CEO may require.

3. Non-Conforming Signs

Non-conforming signs may receive normal maintenance and repair. Any change in size, construction, location or lighting of a sign in existence at the time of the adoption of this Ordinance shall constitute a new sign, and such changes shall be governed by the terms of this Section W.

4. Residential Uses

- a. Unless otherwise provided in this Section W, one (1) on-premise sign per lot is permitted. Such sign shall not be placed on the roof of the building and shall not be larger than 4 square feet.
- b. Rental vacancies may be advertised with a non-illuminated sign no larger than 4 square feet. Such sign shall be displayed only during such times, as the rental property is vacant.
- c. The sale of real estate may be advertised by non-illuminated temporary signs, no larger than six (6) square feet in area. Each broker or person advertising the sale shall be permitted only one (1) sign on any premise, except property with frontage on more than one (1) right-of-way may display a sign on each right-of-way. All such signs shall be removed within thirty (30) days of closing.

5. Commercial, Industrial and Institutional Uses

- a. Signs shall relate to the premises on which they are located and only identify the occupants of the premises or advertise the service or goods available within the premises. Signs relating to goods and services sold on the premises shall be permitted, provided such signs shall not exceed six (6) square feet in area, and shall not exceed two (2) signs per premises. Signs relating to goods and services not rendered on the premises shall be prohibited.
- b. The total area of all signs displayed upon a single premise shall be a maximum of 100 sq. ft. and no one sign shall be greater than 32 sq. ft. in size, except that:
 - i. In the Village Zone and Main Street Commercial District, the total area of all signs displayed upon a single premise shall be a maximum of 50 sq. ft. and no one sign shall be greater than 24 sq. ft. in size; and
 - ii. In the I-295 Commercial-Industrial District, the total area of all signs displayed upon a single premise shall be a maximum of 200 sq. ft. and no one sign shall be greater than 64 sq. ft. in size.
- d. Signs shall not be placed on a roof of any building, tree, fence or natural feature in its natural state.
- e. Free-Standing Signs. Freestanding signs shall be no higher than 16 feet vertical measure above the average ground level from the base of the sign, except for the I-295 Commercial-Industrial District where the maximum vertical measurement shall be 25 feet. Limited in number to one per premises, the sign shall not interfere with the vision of the operators of vehicles entering or exiting from the premises. A freestanding sign shall not be closer than ten (10) feet to the street right-of-way or twelve (12) feet to either of the side lot lines. Where an existing principal building is within fifteen (15) feet of the street right-of-way, a freestanding sign may be located no closer than two (2) feet from the street right-of-way.

f. Attached Signs. Signs attached to the structure by way of frame or bracket, which overhangs a pedestrian sidewalk, shall not project more than six (6) feet from the structure face. Height clearance between the sign bottom and average grade at the base of the sign shall not be less than eight (8) feet. Signs attached to the structure without the use of overhanging frames or brackets shall not extend or project more than (12) Inches from the structure surface. Cut out letters shall not project more than six (6) inches from the building.

6. Sponsor Signs within Sporting Complexes

Sponsor signs shall be permitted in sporting complexes such as ball fields along fences to be viewed only from the complex area. Sponsor signs shall not exceed 24 sq. ft. in size.

7. Illumination

Internal-illumination fixtures are prohibited. Lighting fixtures shall be hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Illumination of signs shall be permitted only between the hours of 7:00 a.m. and 11:00 p.m., except that this time restriction shall not apply to the illuminated signs of emergency facilities and retail, commercial and industrial establishments during such hours as the establishments are lawfully open to the public or work hours are regularly in effect. Illuminating signs whose specific purpose is outlining any part of a building, such as a gable, roof, sidewalk or corner, are prohibited.

8. Prohibited Signs and Sign Parts

- a. There shall be no moving signs or signs with moving parts.
- b. No sign or sign parts shall be illuminated with changeable, flashing, moving, or animated-type lights.
- c. No sign shall be internally illuminated.
- d. No sign shall be located off the site of the lot on which the related services are located, except as provided for in this Ordinance and except for directional signs

9. Exempt Signs

Notwithstanding anything herein to the contrary, the following signs shall be permitted without limitation:

- a. Flags and insignia of any government, not to exceed 64 square feet.

b. Legal notices, identification, information, or directional signs erected or required by governmental bodies.

c. Signs, not to exceed 3 square feet, directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification.

d. Yard and garage sale signs posted for less than three (3) days.

e. Non-illuminated, temporary advertisements in windows or an exterior bulletin board, of goods, services and events not sold on the premises. A bulletin board shall not exceed more than one per premises or 24 sq. ft.; and

f. Internally illuminated, changeable signs located within the I-295 Commercial-industrial District, if constructed in accordance with 23 M.R.S.A. § 1914 (11-A) and compliant with all other applicable requirements contained in the Ordinance.

10. Signs With Message Boards

Signs with changeable message boards shall be permitted, but must conform to all other sections within this section and Ordinance.

11. Official Business Directional Signs

Any business may erect off-premises business directional signs in accordance with State Law and the standards of the Maine Department of Transportation. No official business directional signs shall be located along Main Street within the Commercial District.

12. Portable Signs and Sandwich Board Signs

Any business may use a single portable, free-standing sign, not to exceed ten (10) square feet, to place along the road-side to advertise daily specials or announcements during business hours, such sign must be removed at the end of the daily business. Such sign shall not inhibit or impede vehicular or pedestrian traffic and must conform to all State and local laws and ordinances.

13. Calculation of Sign Area

Double faced signs shall be counted as one (1) sign and the area of only one (1) face shall be included in the total sign area.

14. Temporary Signs

Temporary signs, not to exceed 16 sq. feet in size, may be erected in conjunction with, subject to the following limitations:

a. Signs may be erected no sooner than thirty (30) days prior to the activity.;

b. Signs must be maintained in good condition and solidly affixed, and

c. Signs must be removed within seven (7) days following the event or activity.

X. STORAGE OF MATERIALS

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means.

Exposed nonresidential storage areas, exposed machinery, and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse shall have sufficient setbacks and screenings (such as a stockade fence or a dense evergreen hedge) to provide a visual buffer sufficient to minimize their impact on abutting residential uses and users of public streets.

All dumpsters or similar receptacles shall be located on level surfaces, which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping. The lids or openings shall be kept in a closed position except when the container is being filled or emptied.

Where a potential safety hazard to children is likely to arise, physical screening sufficient to deter small children from entering the premises shall be provided and maintained in good condition.

Y. TRAILERS

1. Maintenance and Use of Recreational Trailers

Recreational trailers are not required to meet the requirements under this ordinance for manufactured housing units. However, occupancy for over four (4) months in a 12-month period is prohibited.

2. Office Trailers

Office trailers located in Richmond for more than fifteen (15) days shall require a building permit and shall be removed with thirty (30) days of completion of the project or expiration of the permit, whichever is sooner.

3. Construction Trailers

Construction trailers may be located on the construction site for length of the construction project and shall be removed after the construction is complete or terminated, whichever is sooner.

4. Agricultural Trailers

Agricultural trailers used for housing temporary or migrant workers are prohibited.

Z. WILDLIFE HABITAT

No building or structure shall be located in high value wildlife habitat areas, including deer wintering areas, as identified in the Comprehensive Plan or by Maine Inland Fisheries & Wildlife unless the applicant for a building permit can demonstrate that there is no suitable alternative location on the site for the building or structure.

The Board shall take into consideration that deer wintering areas as delineated by the Town of Richmond Deer Wintering Areas map, shift on a seasonal basis, and actual field determination by an IF&W Biologist or Game Warden should be made to verify that these areas are currently being used as deer wintering habitat, and this determination should be made part of the review.

AA. RETAIL MARIJUANA

These standards apply to retail marijuana establishments and retail marijuana social clubs, as those terms are defined in Article 3.

1. A retail marijuana establishment or retail marijuana social club may not be located within 1,000 feet of the lot lines of any of the following:
 - a. a church, synagogue or other house of religious worship;
 - b. a public or private elementary or secondary school;
 - c. a residence;
 - d. a day care facility;
 - e. a public park or public recreational facility; or
 - f. another retail marijuana establishment or retail marijuana social club.

For purposes of this requirement, the distance shall be measured between any structure used as a retail marijuana establishment or retail marijuana social club and the lot line of the site of the use listed in subparagraph (a) through (f) above at their closest points.

2. A retail marijuana establishment or retail marijuana social club must have a separate driveway entrance, parking area and signage at least 200 feet from any driveway entrance or signage of any of the following:
 - a. a church, synagogue or other house of religious worship;
 - b. a public or private elementary or secondary school;
 - c. a residence;
 - d. a day care facility;
 - e. a public park or public recreational facility; or
 - f. another retail marijuana establishment or retail marijuana social club.

3. A retail marijuana establishment or retail marijuana social club must have a continuous six (6) foot high solid fence along all boundary lines it has in common with any of the following:
 - a. a church, synagogue or other house of religious worship;
 - b. a public or private elementary or secondary school;
 - c. a residence
 - d. a day care facility;
 - e. a public park or public recreational facility; or
 - f. another retail marijuana establishment or retail marijuana social club.
4. All signage related to a retail marijuana establishment or retail marijuana social club shall meet the requirements of the Land Use Ordinance and shall not use any pictorial representations of any portion of a marijuana plant, products, by-products, or paraphernalia associated with the use or distribution of recreational retail marijuana. No advertising that is designed to appeal to minors.
5. No consumption of marijuana within a retail marijuana establishment.
6. No sale of any other products not containing marijuana (i.e., cigarettes, alcohol or edible products that do not contain marijuana, such as sodas, candies and baked goods). No retail marijuana products that resemble candy that would otherwise be consumed by children.
7. No automatic dispensing machines that contain marijuana.
8. Retail marijuana establishments/social clubs must be in a fixed location (i.e., no kiosks, trucks/carts or farm stands).
9. Odor management. For all retail marijuana establishments, the odor of marijuana must not be perceptible at the exterior of the building at the premises or at any adjoining use of the property. Retail marijuana cultivation facilities must implement appropriate ventilation and filtration systems to satisfy the odor standard contained herein. Retail marijuana stores, retail marijuana product manufacturing facilities, and retail marijuana testing facilities are not required to install filtration equipment on the licensed premises but must satisfy the same odor standard contained herein. While the Town does not mandate any particular equipment specifications with regard to filtration, all retail marijuana establishments are strongly encouraged to adopt best management practices with regard to implementing state-of-the-art technologies in mitigating marijuana odor, such as air scrubbers and charcoal filtration systems.
10. Enclosed locked facilities and enclosed outdoor areas must be locks sufficient to discourage theft and unauthorized entrance.

(END OF ARTICLE V)

ARTICLE 6. SUBDIVISION STANDARDS

In addition to complying with the general performance standards contained in Article 5 and the development review standards contained in Article 8, all projects which are subdivisions as defined by this Ordinance or which propose creating streets or private roads shall conform to the following additional standards of performance.

A. LOT LAYOUT

1. Subdividers shall be encouraged to orient lots to make maximum use of direct sunlight (for example, by running side lot lines due north and south, regardless of the resulting angle of incidence with the street line).
2. If a lot on one side of a stream, tidal water, road, or other similar barrier fails to meet the minimum lot size required by the Zoning Ordinance, it may be extended to the other side of the barrier to meet the minimum lot size or for the purposes of individual, on-site waste disposal.

B. STREET LAYOUT

1. Design. All streets shall be designed to harmonize with the topographic and natural features of the site. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.
 - a. Arterial Access. Where a proposed subdivision abuts or contains an existing or proposed arterial, the following provisions shall apply:
 1. Direct Arterial Access Prohibited. Direct access to any individual lot, or to a single place of business, shall be prohibited.
 2. Permitted Access. Access to the development may include one of the following;
 - A common frontage road running parallel to the arterial and intersecting a minor or collector street, provided that such frontage road shall be located at least 50 feet from the right-of-way of the arterial, or
 - A common driveway, which may intersect the arterial, and which serves the individual lots or businesses or a common parking lot adjacent to the individual lots or businesses.
 - Minor Road(s). One or more minor roads, to be constructed by the developer according to the standards of this Ordinance, which shall serve the development.
 - b. Streets shall be designed to provide for proper continuation of streets from adjacent development and for proper projection of streets into adjacent unsubdivided and open land. Where the developer owns substantial contiguous land that is not part of the proposed development,

the Planning Board may require a conceptual layout of streets to serve the contiguous land. This layout shall not be binding, but shall provide an indication of how the contiguous area can be served in relation to the proposed development.

- c. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.
 - d. Residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.
 - e. Cul-de-sacs and loop streets are encouraged so that through traffic on residential streets is minimized. Similarly, to the extent practicable, driveway access to collector or arterial streets shall be minimized to facilitate the free flow of traffic and avoid traffic hazards.
2. Where a development borders an existing narrow road (below standards set in this Ordinance for public streets) the applicant shall be required to show areas for widening or realigning such roads on the Plan, marked "Reserved for Road Realignment (or Widening) Purposes." It shall be mandatory to indicate such reservation on the Plan when a proposed widening or realignment is shown on the Official Map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the zoning districts.
3. Where a development abuts or contains an existing or proposed arterial street, the Board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage lots (frontage on a street other than the existing or proposed arterial street), with screen planting contained in a nonaccess reservation along the rear property line, or such other treatment(s) as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

C. STREET AND UTILITY STANDARDS

All streets, utilities, and drainage improvements shall conform to the requirements of the Town of Richmond's Street Design and Construction Standards Ordinance as it may be amended from time to time.

D. OPEN SPACE

The development plan shall provide for recreation areas and open space to meet the needs of residents and users of the development.

- 1. For subdivisions involving the construction of ten (10) or more new residential dwelling units, a portion of the site shall be set aside as permanent open space or recreational land.
- 2. The size of the area to be set aside for open space shall be an area equal to ten (10) percent of the minimum lot area required for the units on lots, 30% in the AG&FOR district.
- 3. No portion of the site used to meet the minimum lot size requirements for a subdivision, including a clustered residential development, shall be used toward meeting the open space set aside requirement of subsection 2.

4. The area to be set aside for open space shall be shown on the development plan and marked "Reserved for Recreation and/or Conservation Purposes."
5. The open space provided to meet this requirement shall be owned and managed by one of the following methods:
 - a. Continued ownership by the project owner for developments involving rental housing, mobile home parks and similar situations where the development remains under single ownership; or
 - b. Ownership by a condominium or lot owners association for developments involving the creation of separate lots, condominiums or other situations where the development is owned by a number of entities; or
 - c. Dedication of the land to the Town of Richmond as public park land; or
 - d. Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.
6. The Planning Board shall approve the arrangements for the ownership, control and maintenance of the open space as part of the approval of the final plan. No changes in the ownership or management of the open space shall be made without Planning Board approval. The arrangements for the ownership and management, if the open space is not be dedicated to the Town, shall provide for at least the following:
 - a. That the area shall be permanently maintained as open space;
 - b. That there shall be no transfer of the open space separately from the remainder of the development without approval of the Planning Board;
 - c. That there shall be no division of the property;
 - d. That no structures or buildings other than those shown on the approval plan shall be erected in the open space;
 - e. That any agricultural or forestry activity be carried out in accordance with an approval plan of action.
7. The land designated, as open space shall meet the following requirements:
 - a. The site shall have pedestrian access from a public street and shall be of such size, shape, and topography as to be useable for open space or recreation purposes;
 - b. Parcels which can be combined with existing Town owned property, dedicated open space on adjacent parcels, or with possible future land dedications shall be given priority; and
 - c. The land will be maintained in a useable condition and retained in a natural state to the maximum extent possible. All clearing, grading, and material placement or removal shall be carried out in accordance with the approved plan and under the supervision of the CEO.

E. PLANNED UNIT DEVELOPMENT AND CLUSTER DEVELOPMENT

1. Purpose

The purposes of these provisions are:

- a. to allow for new concepts of housing development where maximum variations of design may be allowed, provided that the net residential density shall be no more than 10% greater than is permitted in the district in which the development is proposed; and
- b. to require that certain subdivisions be clustered so as to avoid or minimize the development of agricultural land, to retain significant natural resources and wildlife habitats, promote rural character, retain scenic areas, and preserve undeveloped buffers along road corridors which are especially scenic such as the River Road and the western portion of the County Road.

2. Cluster Development Required

Subdivisions of 10 or more lots shall be designed as cluster developments when the site to be developed contains one or more of the following features as identified in the Comprehensive Plan:

- a. 5 or more acres of prime farmlands;
- b. 5 or more acres of deer wintering areas;
- c. 5 or more acres of moderate to high value waterfowl areas;
- d. Significant scenic resources of a public nature;
- e. 500 feet or more of frontage on the River Road and that portion of Main Street lying west of westerly; boundary of the Abagadasset River
- f. Open fields along Main Street/County Road and the Alexander Reed Road west of the village. Development shall be designed to preserve to the maximum extent possible the scenic character of these areas and to maintain, to the maximum extent possible, a transition from a rural to a village environment.

The Planning Board may permit a non-cluster development only upon a finding that a cluster development would not preserve or protect the above- listed resources or that the above-listed resources will be protected or preserved through other means, or that the topography of the site, combined with other site constraints, precludes a cluster development.

3. Basic Requirements

Planned unit developments and cluster developments shall meet all of the following criteria:

- a. The minimum area of land in a planned unit development or cluster Development shall be ten (10) acres, 20 acres in the AG& FOR district.

- b. Any lot abutting a public road shall have a frontage and area no less than that normally required in the district. On other than public roads, lot area and road frontage may be reduced by not more than thirty (30) percent from the requirements of the district in which the proposed development is located provided that:
 - 1. no building lot shall have an area of less than ten thousand (10,000) square feet
 - 2. all lots except those abutting a circular turn-around shall have a minimum frontage of seventy-five (75) feet. The frontage of lots abutting a circular turn-around may be reduced to fifty (50) feet, provided that the minimum lot width at the face of the building shall be seventy-five (75) feet.
- c. In no case shall shore frontage be reduced below the minimum shore frontage normally required in the district.
- d. Lots in a planned unit development or cluster development shall meet all other dimensional requirements for the district in which they are located.
- e. 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, that would be required in the district with the density bonus (see paragraph m). In the case of a cluster development in the AG&FOR district, 30% or more of the total parcel shall be permanently set aside as open space to be used for low intensity recreational, natural resource, agricultural or forestry purposes.
- f. Every building lot that is reduced in area below the amount normally required shall abut such common land for a distance of at least fifty (50) feet.
- g. All common land for recreational or conservation purposes only shall be owned jointly or in common by the owners of the building lots, by a trust or association which has as its principal purpose the conservation or preservation of land in essentially its natural condition, or by the municipality.
- h. Further subdivision of common land or its use for other than noncommercial recreation or conservation, except for easements for underground utilities, shall be prohibited. Structures and buildings accessory to noncommercial recreational or conservation uses may be erected on the common land.
- i. Where a planned unit development or cluster development abuts a water body, a portion of the shoreline, as well as reasonable access to it, shall be a part of the common land.
- j. All dwelling units in a planned unit development or cluster development shall be connected to a common water supply and distribution system, either public or private, at no expense to the municipality.
- k. All structures with required plumbing in a planned unit development or cluster development shall be connected to a public sanitary sewer

system, if available, or to a central collection and treatment system in accordance with the sanitary provisions of this Ordinance.

- l. Buildings shall be oriented with respect to scenic vistas, natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development.
- m. Notwithstanding other provisions of this Ordinance, there shall be a density bonus for cluster subdivisions as follows:
 - 1. There shall be a density bonus of 5 percent for all cluster developments, to be calculated by subtracting five percent of the lot size normally required in the district from the lot size requirement, to arrive at the overall density requirement of the subdivision.
 - 2. There shall be a density bonus of an additional 5 percent, to be calculated by the method set forth in paragraph 1) above, for cluster developments served by public water and sewer where the developer submits evidence and the Planning Board determines that at least 25% of the housing units can be afforded by households at or below 80% of the Town's median household income (per figures published by the State Planning office or National Planning Data Corporation). In making a determination on the affordability of the units, the Planning Board shall find that "shelter expenses" do not exceed 30% of the 80% median household income figure. Shelter expenses shall include the following: mortgage and/or rental costs, taxes, homeowners/tenant insurance, heat and utilities.

(END ARTICLE VI)

ARTICLE 7 DEVELOPMENT REVIEW (Applicability, Waivers, Pre-Application and Administrative Procedures)

A. APPLICABILITY

For structures and uses, which specifically require Development Review as, set forth in Article 4, Table of Land Uses, and a change of use when the new use is subject to Development Review.

Development Review shall also be required for:

- 1. The construction or placement of a structure or building intended for any of the following uses:**
 - a. commercial
 - b. industrial
 - c. public, semipublic, and institutional
 - d. multifamily dwellings

- 2. The establishment of any of the following new uses whether or not a building or structure is involved:**
 - a. commercial
 - b. industrial
 - c. public, semipublic, and institutional
 - d. multi-family use

- 3. In the Shoreland Zone** , No person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the Shoreland Zone; or expand change, or replace an existing use or structure; or renew a discontinued nonconforming use-

A permit is not required in the Shoreland District for the replacement of an existing road culverts as long as:

- (1) The replacement culvert is not more than 25% longer than the culvert being replaced;
- (2) The replacement culvert is not longer than 75 feet; and
- (3) Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

4. Automobile Graveyard Automobile Recycle Business or Junk Yard.

A development review and a permit pursuant to Article 7 and 8 is required from the Planning Board to operate, or maintain an automobile graveyard, automobile recycling business or junkyard. The permit is valid for 5 years

A permit may not be granted for an automobile graveyard or automobile recycling business that is not in compliance with all applicable provisions of the automobile dealer

or recycler licensing provisions of Title 29-A, chapter 9.. A limited-term permit may be granted for 90 days, within which time the state license

5. **The filling, grading, lagooning, dredging or earth moving activity unless** as provided in Article 5, the CEO issues a determination in writing , that a permit is not required.
6. **Subdivision as Defined in Article 3 of this Ordinance**
7. **The change of the use of the parcel, building, or structures** from one category of use to another category of use
8. **The expansion, in any five-year period**, of any commercial industrial public, semipublic, or institutional structure or building in excess of 25% of its gross floor area or one thousand (1,000) square feet of gross floor area¹ whichever is less.
9. **The expansion of any multifamily dwelling** which increases the number of dwelling units on the parcel.
10. **The creation of two thousand five hundred (2,500 square feet) or more of impervious surface** or the expansion, in any five-year period, of any existing use which increases the-amount of impervious surface by more than 25% or two thousand five hundred (2,500) square feet, whichever is less, within five hundred (500) feet of a water body or within the watershed of Pleasant Pond.
11. **The establishment or expansion of a campground.**
12. **The establishment or expansion of a mobile home- park.**
13. **The establishment or expansion of extraction industries** and activities including gravel pits where topsoil, loam, sand, gravel, rock, peat, and similar materials may be removed, excavated, screened, crushed, graded, processed, or stored unless exempted in Article 5.
14. **The installation of electronic, telephonic or similar transmission facilities** outside of the rights-of-way of public streets and roads and private ways including transmission lines and corridors which do not provide service directly to a consumer, switchyards, substations, transformer yards and accessory structures.(See Article 10 of this Ordinance)
15. **The construction or installation of inter-municipal, intrastate or interstate pipeline facilities** including pipeline corridors and rights-of-way located outside of the

right-of-way of public streets, pumping stations and accessory structures.

16. The creation of Residential uses within existing buildings within the Main Street Commercial District

Exempt Activities

The following activities shall not require the owner to obtain development review approval from the Planning Board provided that the use is a permitted use in the district in which it is located. (See Land Use Tables in Article 4) Certain of these activities will, however, require the owner to obtain a building permit from the Code Enforcement Officer and may require other local or state approvals.

1. The construction, alteration, or enlargement of a single-family or two-family dwelling and accessory structures thereto which is not located in a Resource Protection or Shore Land District.
2. The conversion of a single-family dwelling to a two-family dwelling or two-family to a single-family dwelling which is not located in a Resource Protection or Shore Land District.
3. The establishment of home occupations meeting the performance standards of this Ordinance which are not located in a Resource Protection or Shore Land District.
4. The execution of forest management activities in accordance with the performance standards of this Ordinance which are not located in a Resource Protection District.
5. The conduct of commercial agricultural activities including the erection, alteration, and expansion of agricultural buildings which are not located in a Resource Protection District.
6. Filling, excavation and other earth materials activities involving:
 - a. The removal or filling of less than ten (10) cubic yards of material from or onto a lot or any portion of a lot located in the Resource Protection or Shore Land District in any one (1) year.
 - b. The removal or filling of less than one hundred (100) cubic yards of material from or onto a lot located in the Agricultural District, village District, Residential District or Commercial Industrial District in any one (1) year.
 - c. The removal or transfer of material incidental to construction, alteration, or repair of a building, in the grading and landscaping incidental thereto, or in the repair, maintenance, or installation of an approved subsurface sewage disposal system, provided that the required approvals and permits have been obtained and performance standards met.
 - d. The removal or transfer of material within the right-of-way of a public street or private road incidental to the construction, alteration, or repair of a public or private way or essential service, provided that any deposition of material outside of the right-of-way complies with this Ordinance.

- e. The removal, filling or transfer of material incidental to agricultural, timber harvesting, and forest management activities.

B. WAIVERS

The Planning Board may modify or waive a component of the Site Inventory and Analysis or Application submission requirements (as listed in Section A and B of Article 8 of this Ordinance.) , when it determines that because of the size of the project or circumstances of the site, such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety, and welfare of the Town.

All requests for waivers must be made in writing and submitted to the Planning Board at a meeting of the Board. Requests for waivers from the submission requirements for minor projects or for the site inventory and analysis for major projects must be made at the pre-application conference. Requests relating to major development applications must be made at the site inventory and analysis stage.

C. PREAPPLICATION

Prior to submitting a formal application, the applicant shall communicate directly either by telephone or in person with the CEO about the project and inform him or her to receive guidance as to whether the Planning Board approval is required and assistance in preparing a complete application for Development Revenue. The burden of preparing an application for the Development Revenue shall remain fully with the applicant. Schedule a pre-application meeting with the Planning Board, which shall be informal in nature and shall not cause the plan to be a pending application. In a case where the CEO is not available please contact the Town Office who can then assist applicant in contacting the Planning Board.

1. Purpose

The purposes of the preapplication conference are to:

- a. allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal,
- b. allow the applicant to understand the development review process and required submissions,
- c. identify issues that need to be addressed in future submissions, and
- d. classify the project as a minor or major development.

The applicant's oral presentation and written materials about the scope, location and nature of the project must provide adequate information to allow the Board to classify the project as a minor or major development.

2. Classification of Project

The Board shall classify the project as a major or minor development. During the pre-application conference. Minor developments are smaller scale, less complex projects for which a less complex review process is adequate to protect the Town's interest. Major developments are larger, more complex projects for which a more detailed review process and additional information are necessary.

- a. Minor developments: the construction or addition of less than five thousand (5,000) square feet of gross nonresidential floor area; the creation of less than five (5) dwelling units or lots in a five-year period, or the conversion of existing buildings or structures from one use to another without enlargement of the gross floor area; extractive industries involving less than five hundred (500) cubic yards; and the installation of only impervious surfaces, such as parking lots over 2,500 square feet in size.
- b. Major developments: the construction or addition of five thousand (5,000) or more square feet of gross nonresidential floor area, the creation of five (5) or more dwelling units or lots in a five-year period; the establishment or expansion of a campground or mobile home park; extractive industries involving more than five hundred (500) cubic yards, or other projects requiring review which are not classified as a minor development.

D. ADMINISTRATIVE PROCEDURES

1. Minor Developments

Minor developments shall go through a simplified review process. Applicants shall not be required to submit a site inventory and analysis and may proceed directly to preparing and submitting a formal development review application meeting the requirements of Development Review Application, Article 8, Section B of this Ordinance. This material shall be submitted to the Chairman of the Planning Board, c/o the Town Hall.

2. Major Developments

Applicants for major developments shall first submit a Site inventory and Analysis in accordance with Article 8, Section A of this ordinance for Planning Board review. The Board shall review the Site Inventory and Analysis and if it finds that the Site Inventory and Analysis is complete, shall authorize the submission of the formal development review application pursuant to Article 8, Section A, The site inventory and analysis shall be submitted to the Chairman of the Planning Board, c/o the Town Hall.

3. Review of Site Inventory and Analysis (Major Developments Only)

Within thirty (30) days of the receipt of a site inventory and analysis the Planning Board shall review the material and determine whether or not the submission is complete. If the submission is determined to be incomplete, the Board shall notify the applicant in writing the additional material required to make the submission complete, and shall advise the applicant that the application will not be considered by the Board until the additional information is submitted. When the submission is determined to be complete, the Board shall notify the applicant in writing of this finding and place the item on the agenda for informal review by the Board.

The review of the site inventory and analysis shall be informational and shall not result in any formal approval or disapproval of the project by the Board. The outcome of the review process shall be a determination by the Board of the issues and constraints that must be addressed in the formal development review application.

4. Review of Development Review Application

- a. Receipt. Upon receipt of a formal development review application, the Planning Board shall inform applicant of such receipt.
- b. Review for Completeness. Within thirty (30) days of the receipt of a formal development review application, the Planning Board shall review the material and determine whether or not the submission is complete. If the application is determined to be incomplete, the Board shall notify the applicant in writing of the additional materials required to make the application complete.
- c. Complete application. When the Board determines that the application is complete, the Board shall notify the applicant in writing of this finding, and may place the item on the agenda for public hearing with substantive review to begin within thirty (30) days of this finding.
- d. Hearing Notice. The Planning Board shall give written notice of any public hearing by mail to all property owners within five hundred (500) feet of the parcel on which the proposed development is located. Including the clerk and State of Maine if they are an owner of record. The notice shall specify the location of the proposed development and provide a general description of the project, and shall give the date, time and place of the public hearing. Notice of the hearing shall be mailed to the Selectmen, Town Manager, Fire Chief, Police Chief, Road Commissioner, Building Inspector, Plumbing Inspector, Superintendent of Schools, Chairman of the Appeals Board, Conservation Commission and Recreation Committee, Superintendent of the Utilities District, The Kennebec Journal or The Times Record, in

general circulation in Richmond. The owners of the property shall be considered to be those against whom taxes are assessed. Failure of any property owner to receive a notice of the application or public hearing shall not necessitate another hearing or invalidate any action by the Planning Board.

- e. The Board may hold an on-site inspection of the site. Before or after the Public Hearing if an application is pending during a period when there is snow cover, the Board will request that the applicant agree to extend the review period to allow an on-site inspection. The inability of the Board to hold a site inspection due to snow cover shall be sufficient grounds for denial of an application.

5. Public Hearing on Development Review Applications

- a. The chairman of the Planning Board or his/her replacement shall chair the public hearing. Persons attending the Public Hearing and the applicants should address all comments, information, and questions or rebuttals answers through the Chairman of the Public Hearing.
- b. The purpose of the public hearing is to allow the applicant and affected property owners to provide information as part of the record that the Board will use in considering its action on the application. Testimony presented at the hearing should be related to factual information about the application and related submissions and the project's compliance with the review standards of Section G, the performance standards of Article 5, and other regulations and requirements of this Ordinance or other Town ordinances.
- c. The chairman shall provide the applicant or their representative with an opportunity to make any statement or presentations at the beginning of the hearing. The chairman shall then allow the members of the Planning Board to ask questions of the applicant and for the applicant to answer those questions. Following Board questions, the chairman shall open the public hearing to the public for statements, information submissions, or questions about the project. At the close of public comment, the chairman shall afford the applicant an opportunity to answer any questions raised by the public, rebut any statements or information submitted, and cross-examines anyone offering testimony on the application. The chairman may allow the applicant this opportunity after each member of the public testifies if that is deemed to be desirable. At the conclusion of the applicant's response, the hearing shall be closed and no additional information added to the record.

6. Final Action

The Planning Board shall within thirty (30) days of the public hearing act to deny, to approve, or to approve the application with such conditions as are deemed advisable to assure compliance with this Ordinance.

In issuing its decision, the Planning Board shall make written findings of fact.

The Board shall notify the applicant of the action of the Board including the findings of fact and any conditions of approval and copy of such findings shall be maintained as part of the application file.

All time limits provided for in this section may be extended by mutual agreement of the applicant and Planning Board.

Upon approval vote by the Planning Board, and notation to that effect upon the Plan, the application shall be deemed to have final approval and shall be properly signed by a majority of the members of the Planning Board. Such found action shall be considered a final judgment by the Planning Board and may be reconsidered only upon a majority vote of the Board or upon the request of the applicant. Any subdivision Plan shall then be filed with the Sagadahoc County Registry of Deeds by the applicant and in the form of a Mylar copy.

The Planning Board may permit the plan to be divided into two (2) or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the plan.

Any approval secured under the provisions of this section, by vote of the Planning Board, shall expire unless the work, so authorized, is commenced within one year of the date of approval, and substantially completed within two years, unless other provisions are made, as part of the approval of the project. This provision shall not apply to subdivisions.

7. Fees

a. Site Inventory and Analysis Fee (Major Developments Only)

Prior to submitting a site inventory and analysis if required for a major development project, the applicant shall pay a processing fee to the Town Office, and evidence of payment of the fee shall be included with submission.

b. Application Fee (For All Development Review Projects)

An application fee shall accompany an application for development review. Evidence of payment of the fee shall be included with the application.

c. Professional Review Fee (Major Developments only)

In addition to the application fee, the applicant for development review shall also pay a fee to defray the Town's legal and technical costs of application review. This fee shall be paid to the Town Office and shall be deposited in the Planning Board Development Review Trust Account, which shall be separate from other accounts.

The Planning Board may reduce the amount of the professional review fee if it determines that the scale or nature of the project will not require extensive outside review.

The professional review fees may be used by the Planning Board for expenses, which relate directly to the review of the application. Such services may include, but need not be limited to, clerical costs, consulting engineering fees, fees relating to on-site inspection or evidence gathering activities, architectural fees, attorney fees, recording fees, and appraisal fees.

The Town shall provide the applicant, upon written request, with a quarterly accounting of his or her account and shall refund all of the remaining moneys, including accrued interest, no later than 90 days after final action on the application. Such refund shall be accompanied by a final accounting of expenditures from the fund.

d. Establishment of Fees

The Board of Selectmen shall, from time to time after consultation with the Planning Board, establish the foregoing fees.

(END ARTICLE VII)

ARTICLE 8. DEVELOPMENT REQUIREMENTS

A. SITE INVENTORY AND ANALYSIS – REQUIRED CONTENTS

The site inventory and analysis is intended to provide both the applicant and the Planning Board with an understanding of the site and the opportunities and constraints to its use created by both the natural environment and the built environment. It is anticipated that by requiring this analysis, that the resulting development plan will reflect the conditions of the site and that those areas most suitable for the proposed use will be utilized, while those that are not suitable or with significant constraints will be avoided to the maximum extent possible. Therefore, the submission requirements provide that both basic information about the site and an analysis of that information be submitted. The site inventory and analysis submission shall contain, at a minimum, the following information:

1. The names and addresses of the record owner and the applicant
2. The names and addresses of all consultants working on the project
3. Payment for all abutter mailings and for two (2) notices in a local paper. The town will notify all abutters within five hundred (500) feet of all property boundaries.
4. Evidence of right, title, or interest in the property.
5. Evidence of payment of the processing fee and evidence of full payment or of arrangements for payment of the utilities impact fee.
6. Eight (8) copies of an accurate scale inventory plan of the parcel at a scale of not more than one hundred (100) feet to the inch showing as a minimum:
 - a. the name of the development, north arrow, date and scale;
 - b. the boundaries of the parcel;
 - c. the relationship of the site to the surrounding area;
 - d. the percentage of slope of the property and at which direction
 - e. major natural features of the site and within one thousand (1,000) feet of the site, including wetlands, streams, ponds, flood plains, groundwater aquifers, significant wildlife habitats, including deer wintering areas, or other important natural features (if none, so state);
 - f. existing buildings, structures, or other improvements on the site (if none, so state);
 - g. existing restrictions or easements on the site (if none, so state);
 - h. the location and size of existing utilities or improvements servicing the site (if none, so state);
 - i. a class B high intensity soil survey if on-site sewage disposal is proposed or any portion of the site is located in a resource protection district or wetland, or a class D medium intensity soil survey for other uses.

7. Eight (8) copies of a narrative describing the existing conditions of the site, the proposed use and the constraints or opportunities created by the site. This submission should include any traffic studies, utility studies, market studies or other preliminary work that will assist the Planning Board in understanding the site and the proposed use.
8. Eight (8) copies of a site analysis plan at the same scale as the inventory plan (see [4] above) highlighting the opportunities and constraints of the site. This plan should enable the Planning Board to determine which portions of the site are unsuitable for development or use, which portions of the site are unsuitable for on-site sewage disposal if public sewerage is not available, which areas of the site have development limitations (steep slope, flat, soil constraints, wetlands, aquifers, wildlife habitat, scenic vistas, flood plains, drainage, etc.) which must be addressed in the development plan, areas where there may be off-site conflicts or concerns (i.e., noise, lighting, traffic, etc.) and areas well suited to the proposed use.
9. Any requests for waivers from the submission requirements for the development review application.

B. DEVELOPMENT REVIEW APPLICATION SUBMISSION REQUIREMENTS

Applications for development review shall be submitted to the Planning Board on application forms provided by the Town. The submission shall contain at least the following exhibits and information unless specifically waived in writing by the Planning Board, in accordance with Article 7, Section B of this Ordinance.

1. Requirements of All Applications

All applications for development review shall contain the following information:

- a. Eight (8) fully executed and signed copies of the completed application form.
- b. The name of the proposed development.
- c. Payment for all abutter mailings and for two (2) public notices in a local paper. The town will notify all abutters within five hundred (500) feet of all property boundaries.
- d. A copy of the Town of Richmond Tax Map showing the parcel to be developed.
- e. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
- f. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared the plan for a major development.

2. Existing Conditions

Describe existing characteristics of the site:

- a. District and Subdistrict designation of the property and the location of district boundaries.
- b. The bearings and length of all property lines of the property to be developed and the source of this information.
- c. Location, size, and assessment of the adequacy and condition of on-site sewer and water mains, on-site sewage disposal systems, wells, culverts and drains, power and telephone lines, utility poles, public water and sewer service from abutting streets, to meet the needs of the proposed use.
- d. Location, names, and present widths of existing streets and rights-of-way public and/or private within or adjacent to the proposed development.
- e. The location and dimensions of all existing buildings and ground floor elevation drawings. Photographs may be submitted for ground floor elevation drawings. Ground floor elevation drawings must visually represent at least two sides of the building(s) on a vertical plane: front and side view preferred.
- f. The location and dimensions of existing driveways, parking and loading areas and walkways.
- g. Location of intersecting roads or driveways within two hundred (200) feet of the site.
- h. The location of open drainage courses, wetlands, stonewalls, graveyards, fences, and stands of trees, other buffering. Also other important or unique natural areas and site features, including but not limited to, floodplains, deer wintering areas, significant wildlife habitats, fisheries, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers, historic and/or archaeological resources, together with a description of such features.
- i. The direction of existing surface water drainage across the site with degree of slope.
- j. The location, front view and dimensions of existing signs.
- k. The location and dimensions of any existing easements and copies of existing covenants or deed restrictions, including any from The State of Maine or Utility Companies.
- l. All other information about the site and existing conditions and or surrounding the site as required by the submission requirements for the site inventory and analysis if the application required a site inventory and analysis.

3. Proposed Development Activity

A narrative statement including at least the following information:

- a. The location and dimensions of all provisions for water supply and wastewater disposal. Soil test information shall be provided on an HHE-200 form. The applicant shall show evidence of suitable soils for the future replacement or expansion of any on-site sewage disposal system.
- b. The direction of proposed surface water drainage across the site and from the site with an assessment of impacts on downstream properties.

- c. Provisions for handling all solid wastes including hazardous and special wastes and the location and proposed treatment of any on-site collection or storage facilities.
- d. The location and dimensions and materials to be used in the construction of proposed driveways, parking and loading areas, and walkways if any and any changes in traffic flow onto or off-site.
- e. Proposed landscaping and buffering, if applicable.
- f. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks in accordance with the Street Design and Construction Standards Ordinance.
- g. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- h. Copies of applicable State and Federal permits (application, approvals and correspondences relative thereto), provided , however , that the Board may approve development plans subject to the issuance of specified State and Federal approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.

4. Approval Block

Spaces shall be provided on the plan for the signatures of the Planning Board and date together with the following words, "Approved: Town of Richmond Planning Board."

5. Minor Developments Not Involving the Creation of Individual Lots or Parcels

In addition to the information required of all applicants minor developments and which do not involve the creation of new lots shall include the following additional information:

- a. The location of all building setbacks, yards and buffers required by this Ordinance.
- b. The location and dimensions of all proposed buildings or expansion on the site.
- c. Front and side view of ground floor elevation drawings of all proposed buildings or expansion on the site. Computer Image elevation may be submitted for drawing.
- d. Location, front view, materials, and dimensions of proposed signs together with the method for securing the sign.
- e. Location and type of exterior lighting.

6. Minor Developments Involving Only the Creation of Individual Lots or Parcels

In addition to the information required of all applicants, projects, minor developments which only involve the creation of new lots shall include the following additional information:

- a. A subdivision plan prepared by a registered land surveyor and meeting the standards of the Maine Association of Land Surveyors and showing at a minimum:
 - i. the location of all existing and proposed lot lines include bearings and distances.
 - ii. street lines including the bearings and distances of all lines, the deflection of angles, radius, length of curves, central angles of all curves, and the tangent distances.
 - iii. the area in square feet of each lot.
 - iv. the street frontage of each lot.
 - v. lot numbers in accordance with the prevailing policy on existing tax maps.
 - vi. the location, dimensions, and purposes of all easements, areas reserved for or dedicated to public use and areas reserved by the applicant.
 - vii. The location and description of permanent markers.
- b. Written copies of easements, restrictions, covenants or offers of dedication.
- c. Any other information required of major developments identified by the Planning Board as being necessary for adequate review of the project.

7. Extractive Activities

Applications involving the extraction of earth materials shall submit the following information in addition to the information required of all developments:

- a. The development plan prepared by a registered land surveyor or registered professional engineer and showing:
 - i the existing contours of the land within and extending beyond the above boundaries for two hundred (200) feet at intervals not to exceed five (5) feet referred to Mean Sea Level;
 - ii the contours as proposed following completion of the operation at intervals not to exceed five (5) feet referred to Mean Sea Level;
 - iii the location of all proposed access roads and temporary structures;
 - iv the proposed provisions for drainage and erosion control, including drainage calculations; and
 - iv other information necessary to indicate the physical characteristics of the proposed operation.
- b. A closure plan showing how the site will be reclaimed in accordance with the performance standards of Article 5 of this Ordinance and State Law 38MRS 490-A
- c. Written evidence that the appropriate Soil and Water Conservation District has reviewed the plans and finds them in conformance with their standards.

If less than five hundred (500) cubic yards of material is involved, if all slopes affected have less than a ten (10) percent grade, AND if the area under consideration is not subject to erosion or excessive storm water run-off, a written plan prepared by an agent of a qualified professional agency (such as the U.S. Soil Conservation Service or the Cobbossee Watershed District) may be submitted as the required plan.

The Board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

8. Major Developments

In addition to the information required for all applicants and the information required for minor developments in, the application for a major development shall contain the following additional information.

- a. Existing and proposed topography of the site at two (2) foot contour intervals, or such other interval as the Planning Board may determine.
- b. A stormwater drainage and erosion control program showing:
 - i. the existing and proposed method of handling stormwater run-off.
 - ii. the direction of flow of the run-off through the use of arrows.
 - iii. the location, elevation, and size of all catch basins, dry wells, drainage ditches, swells, retention basins, and storm sewers.
 - iv. engineering calculations used to determine drainage requirements based upon the 25-year 24-hour storm frequency, if the project will cover more than five percent (5%) of the total lot area with impervious surface.
 - v. methods of controlling erosion and sedimentation during and after construction.
- c. A hydrogeologic assessment prepared by a geologist licensed by the State of Maine for projects involving common on-site water supply or sewage disposal facilities with a capacity of two thousand (2,000) gallons or more per day.
- d. A utility plan showing provisions for water supply and wastewater disposal, the location and nature of electrical, telephone, and any other utility services to be installed on the site.
- e. A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs, and other plants to be planted on the site.
- f. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.

- g. A written statement from the Richmond Utilities District as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows and capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.
- h. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the Town.
- i. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.
- j. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the Town Attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.
- k. If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Ordinance pertaining to clustered development have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways serving the development after the developer has legally relinquished that responsibility and until such time as the Town may accept them as public ways.
- l. Cost of the proposed development and evidence of non-proprietary financial capacity to complete it. This evidence should be in the form of a letter from a bank or other source of financing, including self-financing, indicating the name of the project, amount of financing proposed, and interest in financing the project. This requirement shall not be waived.
- m. A narrative and/or plan describing how the proposed development scheme relates to site inventory and analysis if the application is for a major development.

9. Requests for Additional Information

Prior to its final decision, the Planning Board may request evidence and documentation in addition to that required in the application as provided for in this section. This additional information may include:

a. Impact on Community Services

The Planning Board may request information regarding the development's effect upon existing services and facilities; a list of construction items that will be completed by the developer prior to the sale of lots; and the list of construction and maintenance items that must be borne by the municipality, which shall include, but not be limited to:

- Schools, including busing
- Road maintenance and snow removal
- Police and fire protection
- Solid waste disposal
- Recreation facilities
- Runoff water disposal drainage ways and/or storm sewer enlargement with sediment traps

The Board may further request the developer to provide accurate cost estimates to the Town for the above services and the expected tax revenue of the development.

b. Recreation Area

Depending on the size, nature and location of the development, the Planning Board may request the developer to propose a plan for the provision of land area for recreational use.

Land reserved for park and/or recreational purposes shall be of a character, configuration and location suitable for the particular use intended. A site to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. Sites selected primarily for scenic or passive recreation purposes shall have suitable access. The configuration of such sites shall be adequate with regard to scenic attributes to be preserved, together with sufficient areas for trails, lookouts, etc. where necessary and appropriate.

C. APPROVAL STANDARDS AND CRITERIA

1. Compliance with State Law and Richmond Ordinances. The Planning Board shall determine that the application meets each of the following criteria. In all instances the burden of proof shall be on the applicant and such burden shall include the project evidence sufficient to support a find that the proposed development.

- a. complies fully with applicable performance standards of Articles 5, and 8 of this Ordinance.

- b. complies fully with all other requirements and standards of this Ordinance and any other applicable Town ordinances, and
- c. for subdivisions, complies fully with the standards of 30-A M.R.S.A. § 4404 as currently written as may be amended from time to time.

2. Shoreland District and Resource Protection District Permit Standards

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

- a. Will maintain safe and healthful conditions;
- b. Will not result in water pollution, erosion, or sedimentation to surface waters;
- c. Will adequately provide for the disposal of all waste water;
- d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat
- e. Will conserve shore cover and visual, as well as actual points of access to inland and coastal waters;
- f. Will protect archaeological and historic resources as designated in the comprehensive plan
- g. Will not adversely affect existing commercial fishing or maritime activities
- h. Will avoid problems associated with flood plain development and use; and
- i. Is in conformance with the special performance standards as listed in Article 4, Shoreland District.

3. Special Exception Standards in the Resource Protection District

The Planning Board may approve a permit for a single family residential structure in a Resource Protection District, provided that the applicant demonstrates that all of the following conditions are met:

- a. There is no location on the property, other than a location within the resource Protection District, where the structure can be built
- b. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District
- c. The proposed location of all buildings, sewage disposal systems and other improvements are
 - i. Located on natural ground slopes of less than 20%
 - ii. Located outside the floodway of the 100 year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in

areas subject to tides, based on detailed flood insurance studies and as delineated on the FEMA Maps; all buildings including basements, are elevated at least one foot above the 100-year floodplain elevation; and the development is otherwise in compliance with any applicable municipal floodplain ordinance

If the floodway is not shown on the FEMA map it is deemed to be ½ the width of the 100 year floodplain

- d. The total ground-floor area of all principal and accessory structures is limited to a maximum of 1,500 sq feet.
- e. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than 75 feet.

4. Utilization of the Site

The plan for the development shall reflect the natural capabilities of the site to support development. Buildings and support facilities shall be placed in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas including but not limited to wetlands, steep slopes, flood plains, significant wildlife habitats, fisheries, habitat for rare and endangered plants and animals, unique natural communities and natural areas, sand and gravel aquifers and natural drainage areas shall be maintained and preserved to the maximum extent. The development shall include appropriate measures for protecting these resources, including but not limited to, modification of the proposed design of the site, timing of construction and limiting the extent of excavation.

5. Access to the Site

- a. Vehicular access to the site shall be on roads, which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one-half (1/2) mile of any entrance road which are functioning at a Level of Service of C or better prior to the development will function at a minimum Level of Service C after development. If any intersection is functioning at a Level of Service D or lower prior to the development, the project will not reduce the current level of service.

No development shall increase the volume to capacity ratio of street providing access to the site to more than 0.80, nor reduce the streets' Level of Service to ('D' or below).

The Planning Board may approve a development not meeting this requirement if the applicant demonstrates that:

- i A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
- ii The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee

the completion of the improvements within one (1) year of approval of the project.

- b. Wherever possible, vehicular access to the site shall be arranged to avoid the need to use local residential streets.

6. Access into the Site

Vehicular access into the development shall provide for safe and convenient access.

- a. Sight distance. any exit driveway or proposed street shall provide the minimum sight distance recommended by the Maine Department of Transportation.
- b. Hazards. points of access shall be located to avoid hazardous conflicts with existing turning movements and traffic flows.
- c. Grade. the grade of any exit driveway or proposed street for a distance of 100 feet from its intersection with any existing street shall be a maximum of 3 percent.
- d. Driveways. projects generating 400 or more vehicle trips per 24-hour period shall provide 2 or more separate points of vehicular access into and out of the site.
 - i. No use, which generates less than 100 vehicle trips per day, shall have more than 1 two-way driveway onto a single roadway.
 - ii. No use, which generates 100 or more vehicle trips per day, shall have more than 2 two-way driveways or 3 driveways in total onto a single roadway.
- e. Corner Lots. where a lot has frontage on 2 or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians.
- f. Turning Lanes, etc. where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.
- g. Driveway Depth. access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

7. Access Design

The design of driveways or streets providing access to the site shall comply with the standards contained in the Maine Highway Design Manual, 1990; as may be amended from time to time, prepared by the Maine Department of Transportation and provide for safe and efficient movement of vehicles into and out of the development.

8. Accessway Location and Spacing

- a. Private access ways shall be located at least fifty (50) feet from the closest unsignalized intersection and one hundred fifty (150) feet from the closest signalized intersection as measured from the point of tangency for

the corner to the point of tangency for the accessway. The Planning Board may reduce this requirement if the layout of the site does not allow conformance with this standard.

- b. Public streets shall be located at least one hundred fifty (150) feet from the closest intersection as measured from the point of Tangency for the corner to the point of tangency for the new street.
- c. Private accessways into a development shall be separated by a minimum of seventy-five (75) feet where possible.

9. **Construction Materials/Paving**

- a. All driveways entering a curbed street shall be curbed with materials matching the street curbing at point of entry. Curbing is required around all raised channelization islands or medians.
- b. All commercial driveways regardless of driveway volume may be required by the Planning Board to be paved with bituminous or stet pavement within thirty (30) feet of the street right-of-way.

10. **Internal Vehicular Circulation**

The layout of the site shall provide for the safe movement of passenger, service and emergency vehicles through the site.

- a. Nonresidential projects shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for WB-40 vehicles.
- b. Clear routes of access shall be provided and maintained for emergency vehicles to all portions of the site and shall be posted with appropriate signage.
- c. The layout and design of parking areas shall provide for safe and convenient circulation of vehicles throughout the lot and shall prohibit vehicles from backing out onto a street.
- d. The road network shall provide for vehicular and pedestrian safety, all season emergency access, snow storage, and delivery and collection services.

11. **Pedestrian Circulation**

The development plan shall provide for a system of pedestrian circulation within and to the development. This system shall connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system shall be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops and existing sidewalks in the neighborhood.

12. **Stormwater Management**

Adequate provisions shall be made for a stormwater drainage system, which shall not have adverse impacts on abutting or downstream properties:

- a. To the extent possible, the plan shall dispose of stormwater on the land. Stormwater run-off systems shall infiltrate, detain, or retain water falling on the site such that the rate of flow from the site does not exceed that, which would occur in the undeveloped state for a storm of intensity equal to at least a 25-year storm, with a duration equal to the time of concentration.
- b. If the outflow volume is greater than that for the undeveloped site, the developer shall demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects, or shall be responsible for the improvements to provide the required increase in capacity.
- c. All natural drainage ways shall be preserved at their natural gradients and shall not be filled or converted to a closed system except as approved by the Planning Board and appropriate state agencies.
- d. At the Planning Board's discretion, rights-of-way or easements shall be designated and offered to the Town for all significant components of the stormwater run-off system lying outside of established street lines. The rights-of-way or easements shall have a minimum width of thirty (30) feet for open ditches, streams, or natural drainage courses, conforming substantially to the lines of such watercourse, provided that where a watercourse or detention area is wider than thirty (30) feet, the Planning Board may require a width adequate for maintenance purposes.
- e. The system shall be designed to pass upstream flows from the land, as fully developed, generated by a 25-year storm, without surcharging the system.
- f. The developer shall maintain all components of the stormwater run-off system unless the system is formally accepted by the Town, or is placed under the jurisdiction of a legally created property owners association whose charter and powers require maintenance of the system, with adequate financing to carry out this responsibility.
- g. The biological and chemical properties of the receiving waters shall not be degraded by the storm water run-off from the development site. The use of oil and grease traps in utility hole covers, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required.
- h. The filling of wetlands shall be avoided. Where filling cannot be avoided, the replacement of wetlands and wetland functions (storm damage prevention, flood control, groundwater recharge, filtering of pollutants, protection of fisheries and wildlife habitat) on other parts of the site shall be provided.

13. Erosion Control

For all projects, building and site designs shall fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earth moving activity shall be kept to a minimum. Parking lots on sloped areas shall be terraced to avoid undue cuts and fills, and the need for

retaining walls. Natural vegetation shall be preserved and protected wherever possible.

During construction, soil erosion and sedimentation of watercourses and water bodies shall be minimized by employing the following practices:

- a. The area disturbed by stripping of vegetation, soil removal, and regrading shall be limited in area at any one time.
- b. The duration of exposure of the disturbed area shall be kept to a practical minimum.
- c. Permanent soil erosion measures for all slopes, channels, or disturbed land area shall be completed within fifteen (15) calendar days after final grading has been completed.
- d. When it is not possible to permanently stabilize disturbed land within fifteen (15) days of final grading, temporary soil erosion control measures (plants, seeding, and/or mulch) shall be implemented within thirty (30) calendar days of exposure of the soil.
- e. Until a disturbed area is stabilized, sediment in run-off shall be trapped by the use of debris basins, sediment basins, silt traps, or other acceptable methods.
- f. Temporary or permanent watercourses traversing, bordering, or leaving the site shall be designed to limit the water flow to a non erosive velocity.
- g. Storage of fill materials within fifty (50) feet of the banks of any stream, intermittent or perennial, or water body shall not be allowed.
- h. The top of a cut or the bottom of a fill shall not be closer than ten (10) feet from a property line.

14. **Water Supply**

The development shall be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water.

- a. A public water supply system with fire hydrants shall be installed at the expense of the developer for any development within the service area of the Richmond Utilities District.
- b. If a public water supply system is to be used, the developer has secured in writing a statement from the Utilities District that the proposed water supply system conforms with its design and construction standards, will not result in an undue burden on the source or distribution system, and will be installed in a manner adequate to serve domestic water and fire protection needs.

- c. Evidence of payment of the Utilities District Impact Fee shall be provided by the developer.

15. Utilities

The development shall be provided with electrical and telephone service adequate to meet the anticipated use of the project.

- a. Each utility system has adequate capacity to service the proposed development.
- b. All utilities shall be placed underground. The Planning Board may waive this requirement if this is not possible due to unique topographic or geological features of the site, or within the village district.
- c. Transformer boxes, meters, pumping stations and other components of the utility system which must be located aboveground shall be located so as not to be unsightly or hazardous to the public and will be landscaped or otherwise buffered so as to screen the components from public view.

16. Natural Features

The landscape shall be preserved in its natural state as much as is practical by minimizing tree removal, disturbance and compaction of soil, and by retaining existing vegetation as much as is practical during construction.

- a. Extensive grading and filling shall be avoided as much as possible.
- b. Cutting of trees on the northerly borders of the development shall be avoided to the extent possible to retain a natural wind buffer.
- c. The Planning Board may require a shadow study if it believes the proposed development may interfere with the solar access of adjacent properties.

17. Groundwater Protection

The proposed site development and use shall not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of two thousand (2,000) gallons per day or greater have demonstrated that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

18. Water and Air Pollution

The proposed development shall not result in undue water or air pollution.

19. Exterior Lighting

The proposed development shall provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

- a. Lighting shall be provided in the following areas:
 - i entrances to facilities and recreation areas;
 - ii street intersections;
 - iii pedestrian crossings; and
 - iv entrance roads, unnecessary lighting is discouraged
 - v

20. Waste Disposal

The proposed development shall provide for adequate disposal of solid wastes and hazardous wastes.

- a. All solid waste shall be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
- b. All hazardous wastes shall be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility has been submitted.

21. Landscaping

The development plan shall provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development. The landscaping plan shall comply with general performance standards of this Ordinance.

22. Shoreland Relationship

The development shall not adversely affect the water quality or shoreline of any adjacent water body. The development plan shall provide for access to abutting navigable water bodies for the use of residents of the development.

23. Technical and Financial Capacity

The applicant shall demonstrate that he or she has the financial and technical capacity to carry out the project in accordance with this Ordinance and the approved plan.

- a. The applicant shall submit evidence from a financial institution or other source of project funding that demonstrates that adequate resources are available to complete the project in accordance with the approved plans.

24. Buffering

The development shall provide for the buffering of adjacent uses where there is a transition from one type of use to another use and to screen service and storage areas. The buffer areas required by the district regulations shall be improved and maintained in accordance with the standards set forth in the general performance standards of this Ordinance.

Required parking and loading spaces for nonresidential uses and multifamily housing, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than eight (8) feet in width containing evergreen shrubs, trees, fences, walls, beams, or any combination thereof forming a visual barrier not less than six (6) feet in height along exterior lot lines adjoining all residential properties, except that driveways shall be kept open to provide visibility for vehicles entering and leaving. The Planning Board may reduce or waive this requirement when it determines that such buffering is not necessary or desirable.

25. Off-Street Parking

No off-street parking or loading shall be located in the required front setback unless specifically authorized by this Ordinance. The Planning Board may waive this requirement if it finds that the visual environment will not be adversely impacted by parking or loading in the setback area.

26. Historic and Archaeological Resource.

If any portion of the site has been identified as containing historic or archaeological resources, the development shall include appropriate measures for protecting these resources, including but limited to, modification of the proposed design of site, timing of construction, limiting extent of excavation.

D. PROJECT INSPECTION FEE

For all developments involving the construction of public or private streets, water systems serving more than one (1) unit, public or collective sewer systems or stormwater collection systems, the Planning Board may require the posting of a project inspection fee with the Town.

This fee shall be used by the Town to hire outside professional help to assure that the project is constructed as approved through a program of regular inspections. The fee shall be equal to one (1) percent of the estimated construction costs of the roads, utilities, drainage and other sight improvement costs.

This fee shall be collected at the town office and deposited in the Planning Board Development Review Trust Account and handled as set forth in subsection 8.D.7.c.

E. PERFORMANCE GUARANTEE

The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements, taking into account the time span of the construction schedule and the inflation rate for construction costs.

The conditions and amount of the performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner, Municipal Officers, and/or Town Attorney.

- a. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;
- b. A performance bond payable to the Town issued by a surety company, approved by the Municipal Officers or Town Manager;
- c. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision, from which the Town may draw if construction is inadequate, approved by the Municipal Officers or Town Manager; or
- d. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

1. Contents of Guarantee

The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default and the Town shall have access to the funds to finish construction.

2. Escrow Account

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or CO-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the sub-divider unless the municipality has found it necessary to draw on the account, in which case the interest earned shall be proportionately divided between the amount returned to the applicant and the amount withdrawn to complete the required improvements.

3. Performance Bond

A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the sub-divider, and the procedures for collection by the municipality. The bond documents shall specifically reference the development for which approval is sought.

4. Letter of Credit

An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivisions and may not be used for any other project or loan.

5. Conditional Agreement

The Board, at its discretion, may provide for the applicant to enter into a binding agreement with the municipality in lieu of the other financial performance

guarantees. Such an agreement shall provide for approval of the plan on the condition that no more than four (4) lots may be sold or built upon until either:

- a. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- b. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the plan, which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained below.

6. Phasing of Development

The Board may approve plans to develop a project in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed street, which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.

7. Release of Guarantee

Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, in part upon the report of the Town Engineer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.

8. Default

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

9. Improvement Guarantees

Performance guarantees shall be tendered for all improvements involving facilities to be dedicated to the Town, for public and private streets, for water systems serving more than one (1) unit, for public or collective sewer systems and for storm-water collection systems involving more than one (1) lot or unit or any of the above facilities which occur off the site of the proposed development.

F. PLAN REVISIONS AFTER APPROVAL

No changes, erasures, modifications, or revisions shall be made in any plan after approval has been given by the Planning Board and endorsed in writing on the plan, unless the plan is first resubmitted and the Planning Board approves any modifications. In the event that the applicant records a plan, without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the Municipal Officers and the Registry of Deeds. Plan revisions shall be considered new applicants for the purpose of gathering complete materials and holding Public Hearings, so that the proper notice is once again offered to the public and Town officials.

The following language shall be part of the application:

The property shown on this plan may be developed and used only as depicted on this approved plan. All elements and features of the plan and all representations made by the applicant in the record of the Planning Board proceedings are conditions of the approval. No change from the conditions of approval is permitted unless an amended plan is first submitted to and approved by the Planning Board.

G. AMENDMENTS TO APPROVED PLANS Before Adoption Of This Ordinance

Any proposed revision to, or expansion of, a project that received development approval in accordance with this article or any subdivision approved by the Planning Board prior to the adoption of this section shall be required to be reviewed by the Planning Board in accordance with the requirements of Article 8, of this Ordinance.

H. PUBLIC ACCEPTANCE OF STREETS, RECREATION AREAS

The approval by the Planning Board of a development plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan, approval of the plan shall not constitute an acceptance by the municipality of such areas. The plan shall be endorsed with appropriate notes to this effect. The Planning Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such recreation area.

I. INSPECTION OF REQUIRED IMPROVEMENTS

At least ten (10) days prior to commencing construction of required improvements, the subdivided shall notify the Town Manager in writing of the time when he proposes to commence construction of such improvements so that the Municipal Officers can cause inspection to be made to assure that all municipal specifications and requirements shall

be met during the construction of required improvements, and to assure the satisfactory completion of improvements and utilities required by the Planning Board.

J. CERTIFICATE OF COMPLIANCE

No parcel, lot or structure shall be conveyed, leased, or occupied or offered for sale, conveyance, lease or occupancy without certification from the Planning Board that all the terms of the approval have been complied with by the applicant."

K. ENFORCEMENT

This Ordinance shall be enforced by the Building Inspector/Code Enforcement Officer appointed by the Municipal Officers.

L. POWERS AND PROCEDURES IN ENFORCING ORDINANCE

1. It shall be the duty of the Building Inspector/Code Enforcement Officer to enforce the provisions of this ordinance and the provisions of any permits issued pursuant to it. If the Building Inspector/Code Enforcement Officer finds any violations, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and inform the person of what steps may be taken to avoid this violation. If the Building Inspector/Code Enforcement Officer is not satisfied that reasonable action has been undertaken within seven days of the notice of violation to correct the violation, he may order the person responsible for the violation in writing to discontinue the violation and may further order the discontinuance of other uses of the land, buildings, or structures; and order removal of illegal buildings, structures, or additions or make other orders necessary to avoid damages that may be caused by the violation or that may be necessary to achieve the purposes of this ordinance and to protect the general public health, safety and welfare.
2. If the violation continues or is not corrected after the written order, the Building Inspector/Code Enforcement Officer shall report the violation to the Board of Selectmen who are charged with the further enforcement of this ordinance and the provisions of permits issued pursuant to it. The Board of Selectmen is authorized to take whatever enforcement action it deems necessary and appropriate including but not limited to instituting any legal proceedings to restrain, correct, remove or punish such violations.
3. Any person or corporation who violates any provision of this ordinance or the provision of any permit issued pursuant to this ordinance shall be fined for a civil violation and the fine shall be not less than \$50.00 nor more than \$125.00. Each day such violation continues may constitute a separate violation. Such person or corporation shall also be liable for court costs and reasonable attorney fees incurred by the municipality.

M. CONFORMANCE PRIOR TO BUILDING PERMIT

No Building Permit for a building or structure on any lot shall be issued to the owner of record thereof, or his authorized agent, until the proposed construction or alteration of a building or structure shall comply in all respects with the provisions of this Ordinance or with a decision rendered by the Board of Appeals or the Planning Board.

N. APPEALS

1. Any person shall have the right to appeal to the Board of Appeals for an administrative appeal from a decision of the Building Inspector in the administration of this code. The basis for such appeal shall be that there is an error in an order, requirement, decision or determination of the Building Inspector may be modified or reversed by the Board of Appeals.
2. Any party aggrieved by a decision of the Planning Board may appeal to the Board of Appeals within thirty (30) days of the date of the Planning Board's written decision, notwithstanding any contrary provision of the Board of Appeals Ordinance. The appeal shall be an administrative appeal and shall not be *de novo*. The Board of Appeals review shall be limited to the Planning Board decision, record and evidence presented to the Planning board. The Appellant's notice of appeal to the Board of Appeals must list the parts of the Planning board decision that are being appealed and the Board of Appeals shall be limited to the issues listed. The Board of Appeals may grant the appeal only if the Planning Board's decision is clearly contrary to the Ordinance and/or is not supported by substantial evidence. The Board of Appeal may uphold, reverse or modify the Planning Board Decision or remand it with directions for additional Planning Board action. The Board of Appeals shall issue a written decision with Finding of Facts and Conclusions.

3. Variance Appeals

Any property owner shall have the right to appeal to the Board of Appeals for a variance allowing a relaxation in the terms of this Ordinance when the applicant believes that the enforcement of the terms of this Ordinance will result in an undue hardship as defined by this Ordinance.

4. Appeal Procedure

The procedure for an administrative appeal or variance appeal shall be in accordance with the Board of Appeals Ordinance of the Town of Richmond, Maine.

(END ARTICLE VIII)

ARTICLE 9. SEXUALLY ORIENTED BUSINESSES

A. FINDINGS

There is convincing documented evidence that sexually oriented businesses, because of their very nature, have negative secondary effects on surrounding areas. Research and studies of municipalities throughout this country indicate that the presence of sexually oriented businesses is consistently and strongly associated with perceived decreases in value of both residential and commercial properties and the facilitation of illicit and undesirable activities. This evidence is relevant to issues facing the Town. It is recognized that sexually oriented businesses can adversely affect the character and quality of life of a town and can be incompatible with surrounding uses, particularly when the sexually oriented businesses are concentrated within a limited geographic area or are located in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. A police power ordinance is a proper and reasonable means of controlling the negative secondary effects of sexually oriented businesses.

B. PURPOSE

The regulations of this Article are not directed at the content of speech, but are directed at the negative secondary effects of sexually oriented businesses. The purpose of this Article is to regulate the time, place and manner of operation of sexually oriented businesses. It is intended to regulate and to annually license sexually oriented businesses; and to prevent their location in proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another sexually oriented business. Regulations of these uses is necessary to insure that the negative secondary effects will not contribute to the blighting or downgrading of the surrounding areas or the Town at large. The purpose of this Article is not to prohibit sexually oriented businesses from operating in the Town, but to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

C. DEFINITIONS

The following terms as used in this Article and for the purpose of this Article have the meanings ascribed to them below:

1. Adult amusement store – An establishment having as a substantial or significant portion of its sales or stock in trade, sexual devices or printed material including pictures and photographs or films for sale or viewing on premises that are distinguished or characterized by their emphasis on matter depicting, describing or relating to “specified sexual activities” or “specified anatomical areas,” or an establishment with a portion of the premises devoted to the sale or display of such material, or an establishment that holds itself out to the public as a purveyor of such materials based upon its signage, advertising, displays, actual sales, presence of video preview or coin-operated booths, the exclusion of minors from the establishment’s premises, or any other factors showing that the establishment’s primary purpose is to purvey such material.
2. Adult motion picture theater – An enclosed building used regularly and routinely for presenting motion picture or video material having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specific sexual activities” or “specified anatomical areas,” for observation by patrons therein.

3. **Adult entertainment cabaret** – A Public or private establishment which: (i) features topless dancers, strippers, male or female impersonators, or erotic dancers; (ii) features entertainers who display “specified anatomical areas”; (iii) features entertainers who by reason of their appearance or conduct perform in a manner which is designed primarily to appeal to the prurient interest of the patron or entertainers who engage in, or engage in explicit simulation of, “specified sexual activities,” or (iv) offers Sadoomasochistic acts or Bondage and discipline to patrons.
4. **Adult spa** – An establishment or place primarily in the business of providing a steam bath or sauna, bathing or hot tub services, or “rub-down” or other massage services, and at which (1) person’s specified anatomical areas are not touched, rubbed, massaged or manipulated in any manner by another person with or without aid of any instrument or device, or (2) a person’s specified anatomical areas are exposed while that person touches, rubs, massages or manipulates any part of the body of another person, with or without the aid of any instrument or device, or (3) specified sexual activities are permitted to occur.
5. **Sexually oriented business** – Adult entertainment store, Adult movie theater, Adult entertainment cabaret, or Adult spas, as defined herein, or any business where specified sexual activities are displayed, depicted, described or simulated as a regular and substantial part of its operation.
6. **Erotic dance** – A form of dance, which seeks, through one or more dancers, to arouse or excite the sexual desire of a patron or patrons.
7. **Residence** – Any structure, which is principally used as a dwelling including, without limitation, a single family or multi0family house, an apartment, a condominium, or a mobile home.
8. **Sadoomasochistic acts or Bondage and discipline** – Respectfully, flagellation, torture or punishment by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained while so clothed or by a person so clothed.
9. **Sexual device** – A device or object the primary purpose of which is to provide direct sexual stimulation to male or female genitals or anus.
10. **Specified criminal activity** – A criminal conviction for any of the following offenses: prostitution or promotion of prostitution; decimation of obscenity; sale, distribution, or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar sex-related offences to those described above under the Maine Criminal Code or statutes of other states, the United States or any other nation or province, and for which:
 - a. less than two (2) years have elapsed since the date of conviction or the date of release form confinement imposed for the conviction, whichever is the later date, if the conviction is for an offense punishable by a maximum term of imprisonment of less than one (1) year;
 - b. less than five (5) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if

the conviction is for an offense punishable by a maximum term of imprisonment of one (1) year or more;

- c. less than five (5) years have elapsed since the date of the last conviction or the date of release from confinement imposed for the last conviction, whichever is the later date, if the convictions are for two or more offenses or combination of offenses occurring within any twenty-four (24) hour period, and all such offenses are punishable by maximum term of imprisonment of less than one (1) year.

11. Specified sexual activities – means:

- a. Human genitals in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, any sexual act or sexual contact as defined by Maine law, or sodomy;
- c. Fondling or other touching of human genitals, pubic region, buttock or female breast.

12. Specified anatomical areas – means:

- a. Less than completely and opaquely covered: (1) human genitals, pubic region, (2) buttocks or (3) female breast below a point immediately above the top of the areola: and
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

D. LICENSE REQUIRED

A person wishing to operate a sexually oriented business shall obtain an annual license (a) prior to opening the person's establishment, (b) prior to expiration of the person's current annual license.

E. APPLICATION; INVESTIGATION AND ISSUANCE OF LICENSE

1. Application. An applicant for sexually oriented business license shall:

- a. Complete and file an application prescribed by the Richmond Planning Board;
- b. Deposit a license fee of \$250.00 and a \$50.00 processing fee in advance with the Planning Board;
- c. Submit the completed application to the Planning Board, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers and directors;
- d. File an sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;
- e. File the release authorized by 16 M.R.S.A. § 620(6) (Criminal History Record Information Act) with the application, for the applicant and each officer, owner, manager or partner of the applicant;

- f. Submit evidence of right, title or interest in the premises in which the sexually oriented business will be sited, along with the written consent of the owner of the premises for such use if the applicant is not the owner;
 - g. State the date of initiation of the sexually oriented business and the nature of the business with a description of the nature of all products and services to costumers.
 - h. Submit evidence of compliance with Section I. of this Article and evidence that there is no basis for denial of a license to the applicant under the standards listed in Section F. of this Article.
2. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:
- a. The Planning Board, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town officials referenced in paragraphs B through F below. The Planning Board shall also immediately consult with the Chairman of the Planning Board and then arrange for public notice of a public hearing on the application in a newspaper of general circulation and by mail to owners of lots within 1,000 feet of the proposed location of the structure, at least ten days prior to the public hearing before the Planning Board. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the processing fee. After receipt of required reports from Town officials, the Planning Board shall forward the application and other documents to the Planning Board for public hearing and final decision. The hearing shall be held within thirty (30) days after receipt of a complete application by the Planning Board and a decision shall be made within three (3) business days thereafter.
 - b. The Health Officer, within fifteen (15) days of notice, shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and then report findings in writing to the Planning Board;
 - c. The Fire Chief, within fifteen (15) days of notice, shall inspect the location or proposed location of the business to determine if applicable State and fire and safety regulations have been satisfied and then report findings in writing to the Planning Board;
 - d. A constable or other law enforcement officer shall investigate the applicant, including the criminal history record information required under Section E.2.e, and then report findings in writing to the Planning Board; and
 - e. The Code Enforcement Officer, within fifteen (15) days of notice shall verify that the proposed premises of the establishment will comply with Section J. and with all other applicable State and Town laws and land use codes of the Town and then report findings in writing to the Planning Board.
 - f. The Board of Selectmen.
3. Issuance of license. The Planning Board, after notice and public hearing, shall determine whether the application and documents submitted comply with all requirements of this Article. The license shall be issued by the Planning Board, based upon the record, including evidence and testimony at the public hearing, that the application meets the requirement of this Article. The license may not be transferred or assigned.

F. STANDARDS FOR DENIAL

An application for a sexually oriented business license shall be denied by the Planning Board in the following circumstances:

- a. the applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;
- b. the applicant is an individual who is less than 18 years of age;
- c. the applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Planning Board that is reasonably necessary to determine whether the license is issuable;
- d. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a sexually oriented business license for knowingly making an incorrect statement of a material nature within the immediately preceding five years;
- e. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to this Article or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five years;
- f. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has committed any Specified Criminal Activity as defined herein;
- g. the site on which the sexually oriented business is proposed is a prohibited site under Section I.; or
- h. the application in any other way fails to meet the requirements of this Ordinance.

G. STANDARDS FOR SUSPENSION; REVOCATION

No sexually oriented business license may be suspended or revoked by the Board of Selectmen after notice and hearing upon a finding that the license has violated any provision of this Article.

H. AGE RESTRICTION

No sexually oriented business may permit any person under the age of 18 years on the premises in which the sexually oriented business is located.

I. DISPLAY OF LICENSE; (Prices charged and names of owners or officers to be prominently displayed)

A sexually oriented business license must display the sexually oriented business license at all times in an open and conspicuous place in the sexually oriented business for which the license has been issued. Sexually oriented business licenses must also display at all times in an open and conspicuous place in the sexually oriented business a complete list of the names of owners and officers of the sexually oriented business and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

J. PROHIBITED SITES, SITE REQUIREMENTS

1. A sexually oriented business may not be sited within 1,000 feet of the lot lines of any of the following:
 - a. a church, synagogue or other house of religious worship;
 - b. a public or private elementary or secondary school;
 - c. a residence
 - d. a day care facility;
 - e. a public park or public recreational facility;
 - f. another sexually oriented business.

The distance cited in this section shall be measured between any structure used as a sexually oriented business and the lot line of the site of the use listed in (a) through (f) above at their closest points.

2. A sexually oriented business must have a separate driveway entrance, parking area and signage at least 200 feet from any driveway entrance or signage of any of the following:
 - a. a church, synagogue or other house of religious worship;
 - b. a public or private elementary or secondary school;
 - c. a residence
 - d. a day care facility;
 - e. a public park or public recreational facility;
 - f. another sexually oriented business.
3. A sexually oriented business must have a continuous 6 foot high solid fence along all boundary lines it has in common with any of the following:
 - a. a church, synagogue or other house of religious worship;
 - b. a public or private elementary or secondary school;
 - c. a residence
 - d. a day care facility;
 - e. a public park or public recreational facility;
 - f. another sexually oriented business.

K. INTERIOR LAYOUT OF SEXUALLY ORIENTED BUSINESS

1. Any sexually oriented business having available for customers, patrons or members, any booth, room or cubical for any private viewing of any adult entertainment shall comply with the following requirements:

- a. Access. Each booth, room or cubical shall be totally accessible to and from aisles and public areas of the sexually oriented business, and shall be unobstructed by any door, lock or other control-type device.
 - b. Construction. Every booth, room or cubical shall meet the following construction requirements:
 1. Each booth, room or cubical shall be separated from adjacent booths, rooms, and cubicles and any non-public areas by a wall.
 2. Each booth, room or cubicle must have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room or cubicle.
 3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six feet and be light-colored, non-absorbent, smooth textured and easily cleanable.
 4. The floor must be light-colored, non-absorbent, smooth textured and easily cleanable.
 5. The lighting level of each booth, room or cubicle, when not in use shall be a minimum of ten foot candles at all times, as measured from the floor.
 - c. Occupants. No more than one individual shall occupy a booth, room or cubicle at any time. No occupant of a booth, room or cubicle shall engage in any type of sexual activity, cause any bodily discharge or litter while in the booth. No individual shall damage or deface any portion of the booth.
2. Any adult motion picture theater shall comply with the following requirements:
 - a. Aisle lights and overhead lights in the theater shall be kept on during business hours and shall illuminate to a minimum of ten-foot candles except when motion pictures are being shown;
 - b. No standing shall be allowed in the theater;
 - c. Signs shall be posted warning patrons that sexual activity is prohibited in the theater, and informing them of the presence of surveillance cameras; and
 - d. Theater employees shall regularly patrol the theater during business hours and eject persons found to be engaged in sexual intercourse, a sexual act, sexual contact or any criminal activity. Incidents of sexual intercourse, sexual acts, sexual contact or criminal activity in the theater shall be immediately reported to a law enforcement officer.
 3. Rest room must be individual rooms and shall not contain facilities for more than one person at a time. No more than one person may be in the rest room with the door closed at any time.

L. PROHIBITED ACTIVITIES

1. All acts of public indecency, as defined in 17-A M.R.S.A. §854, are prohibited in sexually oriented businesses.
2. Dancers, performers, employees, owners or officers of a sexually oriented business shall not fondle or caress any patron or client, and patrons and clients shall not fondle or caress dancers, performers, employees, owners or officers of the sexually oriented business.
3. Dancers, performers, employees, owners or officers of a sexually oriented business shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with each other or any patron or client of the sexually oriented business; and
4. Patrons and clients of sexually oriented businesses shall not commit or perform, or offer or agree to commit or perform, any specified sexual activity either alone or with any dancer, performer, employee, owner, patron or client of the sexually oriented business.

M. DANCERS, AND OTHER PERFORMERS

A sexually oriented business must observe the following restrictions on dancers and the performers:

1. All dancing or other performances must occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.
2. No dancing or other performances shall occur closer than ten feet from any patron, and no patron shall be allowed to be closer than ten feet from any dancer or other dancer or other performer.

N. ENFORCEMENT

A violation of this Article is a civil violation and the civil penalties and remedies under Section 9.L of this Ordinance shall apply. The owner of the premises on or in which the sexually oriented business is located, who is not the licensee of the sexually oriented business, is jointly and severally liable with the licensee for any violation of Sections J. through M. The Article shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectmen. If court action is required to enforce this Article, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

O. SEVERABILITY

If any section, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

P. APPEALS

An appeal from any final licensing, denial, suspension or revocation decision of the Planning Board or Board of Selectmen may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

(END OF ARTICLE IX)

ARTICLE 10. WIRELESS TELECOMMUNICATIONS FACILITY (WTF) ORDINANCE

A. PURPOSE

In order to establish clear guidelines, standards and time frames for the exercise of municipal authority to regulate wireless telecommunications facilities: to encourage the co-location of wireless telecommunications facilities thus helping to minimize adverse visual impacts on the community, and to further the goals and policies of the comprehensive plan, the following Wireless Telecommunications Facilities (WTF) regulations and procedures are adopted pursuant to 30-A M.R.S.A. Sections 3001 and 4312 et. Seq.

B. APPLICABILITY

This ordinance applies to any construction, expansion and co-location of any WTC except as provided in section 1.

1. The following are exempt from the provisions of this ordinance:
 - a. Temporary WTF's erected for emergency communications by public officials.
 - b. Amateur (ham) radio stations licensed by the Federal Communications Commission (FCC).
 - c. Parabolic antennas less than seven (7) feet in diameter that are an accessory use of the property.
 - d. Maintenance, repair or reconstruction of a WTF and related equipment, provided that there is no change in the height or any other dimension of the facility.
 - e. Temporary WTF's in operation for a maximum period of ninety (90) days and promptly removed.
 - f. An antenna that is an accessory use to a residential dwelling unit.
2. Any tower constructed shall be designed to collapse upon itself and no habitable structure shall be located within the height of the tower plus 75 feet.

C. APPLICATION PROCESS

All persons seeking approval of the Planning Board under this ordinance shall meet with the CEO no more than thirty (30) days before filing an application. At this meeting, the CEO shall explain to the applicant the ordinance provisions, as well as application forms and submissions that will be required under this ordinance.

The application must include the following information:

1. Documentation of the applicant's right, title, or interest in the property on which the facility is to be sited, including name and address of the property owner and the applicant.

2. A copy of the FCC license for the facility or a signed statement from the owner or operator of the facility attesting that the facility complies with current FCC regulations.
3. A USGS 7.5 minute topographic map or maps showing the location of all structures and wireless telecommunications facilities above 150 feet in height above ground level, except antennas located on rooftops, within a five (5) mile radius of the proposed facility. This requirement may be met by submitting current information (within thirty days of the date the application is filed) from the FCC Tower Registration Database.
4. A site plan including:
 - a. A plan prepared and certified by a professional engineer registered in Maine indicating the location, type, and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines, and all applicable American National Standards Institute (ANSI) technical and structural codes;
 - b. A boundary survey performed by a land surveyor by the State of Maine.
5. A scenic assessment, consisting of the following:
 - 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 conference. Each photo must be labeled with the line of sight, elevation, and with the date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.
 - d. A narrative discussing:
 - i. The extent to which the proposed facility would be visible from or within a designated scenic resource;
 - 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 resource's noted viewpoints.
6. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

7. Evidence demonstrating that no existing building site or structure can accommodate the applicant's proposed facility. The evidence may consist of any one or more of the following:
 - a. Evidence that no existing facilities are located within the targeted market coverage area that meet the applicant's engineering requirements;
 - b. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost so as to meet the applicant's engineering requirements;
 - c. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:
 - i. Planned, necessary equipment would exceed the structural capacity of existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.
 - ii. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.
 - iii. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.
 - d. For facilities existing prior to the effective date of this ordinance, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after the passage of this ordinance;
 - e. Evidence that the applicant has made diligent good faith efforts to negotiate co-location on an existing facility, building, or structure, and has been denied access;
8. Identification of districts, sites, buildings, structures or objects, significant in American history, architecture, archaeology, engineering or culture, that are listed, or eligible for listing, in the National Register of Historic Places.
9. To encourage co-location, a signed statement binding the owner of the WTF and his or her successors and assigns to:
 - a. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;
 - b. Negotiate in good faith for shared use of the WTF by third parties;
 - c. Allow shared use of the WTF if an applicant agrees in writing to pay reasonable charges for co-location;

- d. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principals. This charge may include, but not limited to, a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.
- 10. A bond or other form of surety approved by the Planning Board in the amount of 150% of the estimated demolition cost of the tower and the removal of all accessory facilities. Such cost is to be determined by an independent Registered Professional Engineer in the State of Maine. The bond or other financial surety shall be in effect for as long as the tower is in place.
 - 11. Evidence that a notice of the application has been published in a local newspaper of general circulation in the community, at the applicant's expense.
 - 12. The names and mailing addresses of all property owners within five hundred (500) feet of the proposed facility.

(END ARTICLE X)

DRAFT LAND USE ORDINANCE CHANGES

Article 11: SHORELAND ZONING

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Shoreland Zoning for the Municipality of
RICHMOND, MAINE

1. **Purposes.** The purposes of this Ordinance are to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

2. **Authority.** This Ordinance has been prepared in accordance with the provisions of Title 38 sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.).

3. **Applicability.** This Ordinance applies to all land areas within 250 feet, horizontal distance, of the
 - normal high-water line of any great pond or river,
 - upland edge of a coastal wetland, including all areas affected by tidal action, 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. **Effective Date**

A. Effective Date of Ordinance and Ordinance Amendments. This Ordinance, which was adopted by the municipal legislative body on June 2, 2009 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment, within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

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

5. **Availability.** A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

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

7. **Conflicts with Other Ordinances.** Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.
8. **Amendments.** This Ordinance may be amended by majority vote of the legislative body. Copies of amendments, attested and signed by the Municipal Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment, if such amendment is approved by the Commissioner.
9. **Districts and Zoning Map**
 - A. **Official Zoning Map.** The areas to which this Article of the Ordinance is applicable to, are hereby divided into the following districts as shown on the Official Zoning Map which is made a part of this Ordinance:
 - (1) Resource Protection
 - (2) Limited Residential
 - (3) Commercial Fisheries/Maritime Activities
 - (4) Stream Protection
 - B. **Scale of Map.** The Official Shoreland Zoning Map shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.
 - C. **Certification of Official Shoreland Zoning Map.** The Official Shoreland Zoning Map shall be certified by the attested signature of the Municipal Clerk and shall be located in the municipal office. In the event the municipality does not have a municipal office, the Municipal Clerk shall be the custodian of the map.
 - D. **Changes to the Official Shoreland Zoning Map.** If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.
10. **Interpretation of District Boundaries.** Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.
11. **Land Use Requirements.** Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with

all of the regulations herein specified for the district in which it is located, unless a variance is granted.

12. Non-conformance.

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

B. General

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

C. Non-conforming Structures

- (1) **Expansions.** A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and is in accordance with subparagraphs (a), and (b) below.
 - (a) Legally existing non-conforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.
 - i. Expansion of any portion of a structure within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream or wetland setback requirement.
 - ii. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body or wetland setback requirement.
 - iii. For structures located less than 75 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total floor area for all portions of those structures within that 75-foot distance

is 1,000 square feet, and the maximum height of any portion of a structure that is within 75 feet, horizontal distance, of a water body, tributary stream or upland edge of a wetland is 20 feet or the height of the existing structure, whichever is greater.

- iv. For structures located less than 100 feet, horizontal distance, from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total floor area for all portions of those structures within that 100-foot distance is 1,500 square feet, and the maximum height of any portion of a structure that is within 100 feet, horizontal distance, of a great pond is 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet, horizontal distance from the normal high-water line of a water body, tributary stream, or the upland edge of a wetland must meet the floor area and height limits of division (iii). For the purposes of Section 12(C)(1)(a), a basement is not counted toward floor area.
- (b) Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Section 12(C)(2) Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure 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, it shall not be considered to be an expansion of the structure.
- (1-A) Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits set in Section 12(C)(1)(a)(iii) and Section 12(C)(1)(a)(iv) above, may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met.
- (a) The principal structure is set back at least 50 feet, horizontal distance, from the normal high-water line of a water body, tributary stream or upland edge of a wetland.
 - (b) A well-distributed stand of trees and other natural vegetation as defined in Section 15(P)(2)(b), extends at least 50 feet, horizontal distance, in depth as measured from the normal high-water line or upland edge for the entire width of the property.

If a well-distributed stand of trees and other vegetation meeting the requirements of Section 15(P)(2)(b) is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, by the property owner, and approved by the Planning Board or its designee, to reestablish a buffer of trees, shrubs, and other ground cover within 50 feet, horizontal distance, of the shoreline or tributary stream.

- (c) Adjacent to great ponds classified GPA and rivers flowing to great ponds classified GPA, except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch and plantings of native shrubs, and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.

- (d) A written plan by the property owner, including a scaled site drawing, is approved by the Planning Board and is developed, implemented, and maintained to address the following mitigation measures for the property within the shoreland zone.
 - (i) Unstabilized areas resulting in soil erosion must be mulched, seeded, or otherwise stabilized and maintained to prevent further erosion and sedimentation to water bodies, tributary streams, and wetlands.
 - (ii) Roofs and associated drainage systems, driveways, parking areas, and other nonvegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a water body, tributary stream or wetland, Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.
- (1-B) Planting requirements. Any planting or revegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional, be implemented at the time of construction, and be designed to meet the rating scores contained in paragraph (b) and the ground cover requirements of paragraph (c) when the vegetation matures within the 50 foot strip. At a minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one sapling per 80 square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six feet tall for deciduous species. The planting plan must include a mix of at least three native tree species found growing in adjacent areas, with no one species making up more than 50% of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.
- (1-C) Filing and reporting requirements. Written plans required pursuant to Section 12(C)(1-A)(d) must be filed with the registry of deeds of the county in which the property is located. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the department within 14 days of the issuance of the permit.
- (2) Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board or its designee, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

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

to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- (a) Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

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

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

- (3) Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Planning Board or its designee in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the non-conforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

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

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board or its designee shall consider, in addition to the criteria in Section 12(C)(2) above, the physical condition and type of foundation present, if any.

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

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

D. Non-conforming Uses

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

E. Non-conforming Lots

- (1) Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.
- (2) Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

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

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

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

13. Establishment of Districts

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

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
- (2) Floodplains along rivers and floodplains along artificially formed great ponds along rivers, defined by the 100 year floodplain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils. This

district shall also include 100 year floodplains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

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

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

C. Commercial Fisheries/Maritime Activities District. The Commercial Fisheries/Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Section 14, and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

- (1) Shelter from prevailing winds and waves;
- (2) Slope of the land within 250 feet, horizontal distance, of the shoreline;
- (3) Depth of the water within 150 feet, horizontal distance, of the shoreline;
- (4) Available support facilities including utilities and transportation facilities; and
- (5) Compatibility with adjacent upland uses.

D. 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 or coastal 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.

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

Key to Table 1:

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

Abbreviations:

- RP - Resource Protection
- LR - Limited Residential
- SP - Stream Protection
- CFMA - Commercial Fisheries/Maritime Activities

TABLE 1. LAND USES IN THE SHORELAND ZONE

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

- ¹In RP not allowed within 75 feet horizontal distance, of the normal high-water line of great ponds, except to remove safety hazards.
- ²Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
- ³In RP not allowed in areas so designated because of wildlife value.
- ⁴Provided that a variance from the setback requirement is obtained from the Board of Appeals.
- ⁵Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page).
- ⁶See further restrictions in Section 15(L)(2).
- ⁷Except when area is zoned for resource protection due to floodplain criteria in which case a permit is required from the PB.
- ⁸Except as provided in Section 15(H)(4).
- ⁹Single family residential structures may be allowed by special exception only according to the provisions of Section 16(E), Special Exceptions. Two-family residential structures are prohibited.
- ¹⁰Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.
- ¹¹Excluding bridges and other crossings not involving earthwork, in which case no permit is required.
- ¹²Permit not required but must file a written "notice of intent to construct" with CEO.

NOTE: Item 17, in its entirety, should be deleted from Table 1 if a municipality elects not to regulate "piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland".

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

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

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

A. Minimum Lot Standards	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft.)
(1)(a) Residential per dwelling unit		
(i) Within the Shoreland Zone Adjacent to Tidal Areas	30,000	150
(ii) Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200
(b) Governmental, Institutional, Commercial or Industrial per principal structure		
(i) Within the Shoreland Zone Adjacent to Tidal Areas, Exclusive of Those Areas Zoned for Commercial Fisheries and Maritime Activities	40,000	200
(ii) Within the Shoreland Zone Adjacent to Tidal Areas Zoned for Commercial Fisheries and Maritime Activities	NONE	NONE
(iii) Within the Shoreland Zone Adjacent to Non-tidal Areas	60,000	300
(c) Public and Private Recreational Facilities		
(i) Within the Shoreland Zone Adjacent to Tidal and Non-Tidal Areas	40,000	200

- (2) Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.
- (3) Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.
- (4) The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.
- (5) If more than one residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

B. Principal and Accessory Structures

- (1) All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development I District the setback from the normal high-water line shall be at least twenty five (25) feet, horizontal distance, and in the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

In addition:

- (a) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (b) All principal structures along Significant River Segments as listed in 38 M.R.S.A. section 437 (see Appendix B), shall be set back a minimum of one hundred and twenty-five (125) feet, horizontal distance, from the normal high-water line and shall be screened from the river by existing vegetation. This provision does not apply to structures related to hydropower facilities.
- (c) For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at

his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the board of appeals.

- (d) On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (2) Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (3) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood-plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
- (4) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to tidal waters and rivers that do not flow to great ponds classified GPA, and in the Commercial Fisheries/Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.
- (5) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (a) The site has been previously altered and an effective vegetated buffer does not exist;
 - (b) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (c) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (d) The total height of the wall(s), in the aggregate, are no more than 24 inches;

- (e) Retaining walls are located outside of the 100-year floodplain on rivers, streams, coastal wetlands, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
- (f) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
- (g) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - (i) The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - (ii) Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - (iii) Only native species may be used to establish the buffer area;
 - (iv) A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - (v) A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;
- (6) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

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

- (1) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (2) The location shall not interfere with existing developed or natural beach areas.
- (3) The facility shall be located so as to minimize adverse effects on fisheries.

- (4) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
- (5) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (6) New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
- (7) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (8) Except in the General Development Districts and Commercial Fisheries/Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure.

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.

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

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

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

- (1) One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA,

and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational 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.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

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

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms

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

- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing

- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

G. Parking Areas

- (1) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Commercial Fisheries/Maritime Activities District parking areas shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas serving public boat launching facilities in Districts other than the General Development I District and Commercial Fisheries/Maritime Activities District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (2) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (3) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (a) Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.
 - (b) Internal travel aisles: Approximately twenty (20) feet wide.

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

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

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

Section 15 (H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational

uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(H)(1) except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream or wetland.
- (3) New permanent roads are not allowed within the shoreland zone along Significant River Segments except:
 - (a) To provide access to structures or facilities within the zone; or
 - (b) When the applicant demonstrates that no reasonable alternative route exists outside the shoreland zone. When roads must be located within the shoreland zone they shall be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (4) New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (5) Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(Q).
- (6) Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.
- (7) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (8) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

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

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

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

I Signs. All Signs must also comply with the provisions contained in Article 5 section X. The following provisions shall also govern the use of signs in the Resource Protection, Stream Protection, and Limited Residential Districts:

- (1) Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises
- (2) Name signs are allowed, provided such signs shall not exceed two (2) signs per premises, and shall not exceed twelve (12) square feet in the aggregate.
- (3) Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.
- (4) Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
- (5) Signs relating to public safety shall be allowed without restriction.
- (6) No sign shall extend higher than twenty (20) feet above the ground.

(7) Signs may be illuminated only by shielded, non-flashing, exterior lights.

J. Storm Water Runoff

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

K. Septic Waste Disposal

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

L. Essential Services

- (1) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (2) The installation of essential services, 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.

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

Mineral extraction may be permitted under the following conditions:

- (1) A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15 (M)(4) below.

- (2) No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within fifty (50) feet, horizontal distance, of any property line without written permission of the owner of such adjacent property.
- (3) Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.
- (4) Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:
 - (a) All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.
 - (b) The final graded slope shall be two and one-half to one (2 1/2:1) slope or flatter.
 - (c) Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.
- (5) 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.

N. Agriculture

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

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

O. Timber Harvesting

- (1) In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:
 - (a) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - (1) The ground is frozen;
 - (2) There is no resultant soil disturbance;
 - (3) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;
 - (4) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and
 - (5) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.
 - (b) Beyond the 75 foot strip referred to in Section 15(O)(1)(a) above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.
- (2) Except in areas as described in Section 15(O)(1) above, timber harvesting shall conform with the following provisions:
 - (a) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:
 - (i) Within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of

other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

- (ii) At distances greater than one-hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten-thousand (10,000) square feet in the forest canopy. Where such openings exceed five-thousand (5000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.
- (b) Timber harvesting operations exceeding the 40% limitation in Section 15(O)(2)(a) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.
- (c) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.
- (d) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - (i) Surface waters are frozen; and
 - (ii) The activity will not result in any ground disturbance.
- (e) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.
- (f) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.
- (g) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral

soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

O-1. Timber Harvesting –

- (1) Shoreline integrity and sedimentation. Persons conducting timber harvesting and related activities must take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of water body and tributary stream banks, water body and tributary stream channels, shorelines, and soil lying within water bodies, tributary streams and wetlands occurs, such conditions must be corrected.
- (2) Slash treatment. Timber harvesting and related activities shall be conducted such that slash or debris is not left below the normal high-water line of any water body or tributary stream, or the upland edge of a wetland. Section 15(O-1)(2) does not apply to minor, incidental amounts of slash that result from timber harvesting and related activities otherwise conducted in compliance with this section.
 - (a) Slash actively used to protect soil from disturbance by equipment or to stabilize exposed soil, may be left in place, provided that no part thereof extends more than 4 feet above the ground.
 - (b) Adjacent to great ponds, rivers and wetlands:
 - (i) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line or upland edge of a wetland; and
 - (ii) Between 50 feet and 250 feet, horizontal distance, of the normal high-water line or upland edge of a wetland, all slash larger than 3 inches in diameter must be disposed of in such a manner that no part thereof extends more than 4 feet above the ground.
- (3) Timber harvesting and related activities must leave adequate tree cover and shall be conducted so that a well-distributed stand of trees is retained. This requirement may be satisfied by following one of the following three options:
 - (a) Option 1 (40% volume removal), as follows:
 - (i) Harvesting of no more than 40 percent of the total volume on each acre of trees 4.5 inches DBH or greater in any 10 year period is allowed. Volume may be considered to be equivalent to basal area;
 - (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
 - (iii) Within 75 feet, horizontal distance, of the normal high-water line of rivers, streams, and great ponds, and within 75 feet, horizontal distance, of the upland edge of a freshwater or coastal wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or

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

(b) Option 2 (60 square foot basal area retention), as follows:

- (i) The residual stand must contain an average basal area of at least 60 square feet per acre of woody vegetation greater than or equal to 1.0 inch DBH, of which 40 square feet per acre must be greater than or equal to 4.5 inches DBH;
- (ii) A well-distributed stand of trees which is windfirm, and other vegetation including existing ground cover, must be maintained; and,
- (iii) Within 75 feet, horizontal distance, of the normal high-water line of water bodies and within 75 feet, horizontal distance, of the upland edge of wetlands, there must be no cleared openings. At distances greater than 75 feet, horizontal distance, of the normal high-water line of a river or great pond, or upland edge of a wetland, timber harvesting and related activities must not create single cleared openings greater than 14,000 square feet in the forest canopy. Where such openings exceed 10,000 square feet, they must be at least 100 feet, horizontal distance, apart. Such cleared openings will be included in the calculation of the average basal area. Volume may be considered equivalent to basal area.

(c) Option 3 (Outcome based), which requires: An alternative method proposed in an application, signed by a Licensed Forester or certified wildlife professional, submitted by the landowner or designated agent to the State of Maine Department of Conservation's Bureau of Forestry (Bureau) for review and approval, which provides equal or better protection of the shoreland area than this rule.

Landowners must designate on the Forest Operations Notification form required by 12 M.R.S.A. chapter 805, subchapter 5 which option they choose to use. If landowners choose Option 1 or Option 2, compliance will be determined solely on the criteria for the option chosen. If landowners choose Option 3, timber harvesting and related activities may not begin until the Bureau has approved the alternative method.

The Bureau may verify that adequate tree cover and a well-distributed stand of trees is retained through a field procedure that uses sample plots that are located randomly or systematically to provide a fair representation of the harvest area.

(4) Skid trails, yards, and equipment operation. This requirement applies to the construction, maintenance, and use of skid trails and yards in shoreland areas.

(a) Equipment used in timber harvesting and related activities shall not use river, stream or tributary stream channels as travel routes except when surface waters are frozen and snow covered, and the activity will not result in any ground disturbance.

(b) Skid trails and yards must be designed and constructed to prevent sediment and concentrated water runoff from entering a water body, tributary stream, or wetland. Upon termination of their use, skid trails and yards must be stabilized.

(c) Setbacks:

(i) Equipment must be operated to avoid the exposure of mineral soil within 25 feet, horizontal distance, of any water body, tributary stream, or wetland. On slopes of 10 percent or greater, the setback for equipment operation must be increased by 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent. Where slopes fall away from the resource, no increase in the 25-foot setback is required.

(ii) Where such setbacks are impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

(5) Land Management Roads. Land management roads, including approaches to crossings of water bodies, tributary stream channels, and freshwater wetlands, ditches and other related structures, must be designed, constructed, and maintained to prevent sediment and concentrated water runoff from directly entering the water body, tributary stream or wetland. Surface water on or adjacent to water crossing approaches must be diverted through vegetative filter strips to avoid sedimentation of the watercourse or wetland. Because roadside ditches may not extend to the resource being crossed, vegetative filter strips must be established in accordance with the setback requirements in Section 15(O-1)(7) of this rule.

(a) Land management roads and associated ditches, excavation, and fill must be set back at least:

(i) 100 feet, horizontal distance, from the normal high-water line of a great pond, river or freshwater or coastal wetland;

(ii) 50 feet, horizontal distance, from the normal high-water line of streams; and

(iii) 25 feet, horizontal distance, from the normal high-water line of tributary streams

- (b) The minimum 100 foot setback specified in Section 15(O-1)(5)(a)(i) above may be reduced to no less than 50 feet, horizontal distance, and the 50 foot setback specified in Section 15(O-1)(5)(a)(ii) above may be reduced to no less than 25 feet, horizontal distance, if, prior to construction, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (c) On slopes of 10 percent or greater, the land management road setback must be increased by at least 20 feet, horizontal distance, plus an additional 10 feet, horizontal distance, for each 5 percent increase in slope above 10 percent.
- (d) New land management roads are not allowed within the shoreland area along Significant River Segments as identified in 38 M.R.S.A. section 437, nor in a Resource Protection District, unless, prior to construction, the landowner or the landowner's designated agent makes a clear demonstration to the Planning Board's satisfaction that no reasonable alternative route exists outside the shoreland zone, and that the new road must be set back as far as practicable from the normal high-water line and screened from the river by existing vegetation.
- (e) Ditches, culverts, bridges, dips, water turnouts and other water control installations associated with roads must be maintained on a regular basis to assure effective functioning. Drainage structures shall deliver a dispersed flow of water into an unscarified filter strip no less than the width indicated in the setback requirements in Section 15(O-1)(7). Where such a filter strip is impracticable, appropriate techniques shall be used to avoid sedimentation of the water body, tributary stream, or wetland. Such techniques may include the installation of sump holes or settling basins, and/or the effective use of additional ditch relief culverts and ditch water turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.
- (f) Road closeout and discontinuance. Maintenance of the water control installations required in Section 15(O-1)(5)(e) must continue until use of the road is discontinued and the road is put to bed by effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to avoid surface water flowing over or under the water bar, and extending a sufficient distance beyond the traveled way so that water does not reenter the road surface.
- (g) Upgrading existing roads. Extension or enlargement of presently existing roads must conform to the provisions of Section 15(O-1). Any nonconforming existing road may continue to exist and to be maintained, as long as the nonconforming conditions are not made more nonconforming.
- (h) Exception. Extension or enlargement of presently existing roads need not conform to the setback requirements of Section 15(O-1)(5)(a) if, prior to extension or enlargement, the landowner or the landowner's designated agent demonstrates to the Planning Board's satisfaction that no reasonable alternative exists and that appropriate techniques will be used

to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed to avoid sedimentation of the water body, tributary stream, or wetland. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (i) Additional measures. In addition to the foregoing minimum requirements, persons undertaking construction and maintenance of roads and river, stream and tributary stream crossings must take reasonable measures to avoid sedimentation of surface waters.
- (6) Crossings of waterbodies. Crossings of rivers, streams, and tributary streams must allow for fish passage at all times of the year, must not impound water, and must allow for the maintenance of normal flows.
- (a) Determination of flow. Provided they are properly applied and used for the circumstances for which they are designed, methods including but not limited to the following are acceptable as a means of calculating the 10 year and 25 year frequency water flows and thereby determining water crossing sizes as required in Section 15(O-1): The United States Geological Survey (USGS) Methods; specifically: Hodgkins, G. 1999. Estimating the Magnitude of Peak Flows for Streams in Maine for Selected Recurrence Intervals. U.S. Geological Survey. Water Resources Investigations Report 99-4008. 45 pp.
 - (b) Upgrading existing water crossings. Extension or enlargement of presently existing water crossings must conform to the provisions of Section 15(O-1). Any nonconforming existing water crossing may continue to exist and be maintained, as long as the nonconforming conditions are not made more nonconforming; however, any maintenance or repair work done below the normal high-water line must conform to the provisions of Section 15(O-1).
 - (c) Other Agency Permits. Any timber harvesting and related activities involving the design, construction, and maintenance of crossings on waterbodies other than a river, stream or tributary stream may require a permit from the Land Use Regulation Commission, the Department of Environmental Protection, or the US Army Corps of Engineers.
 - (d) Any timber harvesting and related activities involving the design, construction, and maintenance of crossings of freshwater wetlands identified by the Department of Inland Fisheries and Wildlife as essential wildlife habitat require prior consultation with the Department of Inland Fisheries and Wildlife.
 - (e) Notice to Bureau of Forestry. Written notice of all water crossing construction maintenance, alteration and replacement activities in shoreland areas must be given to the Bureau prior to the commencement of such activities. Such notice must contain all information required by the Bureau, including:
 - (i) a map showing the location of all proposed permanent crossings;
 - (ii) the GPS location of all proposed permanent crossings;
 - (iii) for any temporary or permanent crossing that requires a permit from state or federal agencies, a copy of the approved permit or permits; and
 - (iv) a statement signed by the responsible party that all temporary and permanent crossings will be constructed, maintained, and closed out in accordance with the requirements of this Section.

(f) Water crossing standards. All crossings of rivers require a bridge or culvert sized according to the requirements of Section 15(O-1)(6)(g)) below. Streams and tributary streams may be crossed using temporary structures that are not bridges or culverts provided:

- (i) concentrated water runoff does not enter the stream or tributary stream;
- (ii) sedimentation of surface waters is reasonably avoided;
- (iii) there is no substantial disturbance of the bank, or stream or tributary stream channel;
- (iv) fish passage is not impeded; and,
- (v) water flow is not unreasonably impeded.

Subject to Section 15(O-1)(6)(f)(i-v) above, skid trail crossings of streams and tributary streams when channels of such streams and tributary streams are frozen and snow-covered or are composed of a hard surface which will not be eroded or otherwise damaged are not required to use permanent or temporary structures.

(g) Bridge and Culvert Sizing. For crossings of river, stream and tributary stream channels with a bridge or culvert, the following requirements apply:

(i) Bridges and culverts must be installed and maintained to provide an opening sufficient in size and structure to accommodate 10 year frequency water flows or with a cross-sectional area at least equal to 2 1/2 times the cross-sectional area of the river, stream, or tributary stream channel.

(ii) Temporary bridge and culvert sizes may be smaller than provided in Section 15(O-1)(6)(g)(i) if techniques are effectively employed such that in the event of culvert or bridge failure, the natural course of water flow is maintained and sedimentation of the water body or tributary stream is avoided. Such crossing structures must be at least as wide as the channel and placed above the normal high-water line. Techniques may include, but are not limited to, the effective use of any, a combination of, or all of the following:

- 1. use of temporary skidder bridges;
- 2. removing culverts prior to the onset of frozen ground conditions;
- 3. using water bars in conjunction with culverts;
- 4. using road dips in conjunction with culverts.

(iii) Culverts utilized in river, stream and tributary stream crossings must:

- 1. be installed at or below river, stream or tributary stream bed elevation;
- 2. be seated on firm ground;
- 3. have soil compacted at least halfway up the side of the culvert;
- 4. be covered by soil to a minimum depth of 1 foot or according to the culvert manufacturer's specifications, whichever is greater; and
- 5. have a headwall at the inlet end which is adequately stabilized by riprap or other suitable means to reasonably avoid erosion of material around the culvert.

(iv) River, stream and tributary stream crossings allowed under Section 15(O-1), but located in flood hazard areas (i.e. A zones) as identified on a community's Flood Insurance Rate Maps (FIRM) or Flood Hazard Boundary Maps (FHBM), must be designed and constructed under the stricter standards contained in that community's

National Flood Insurance Program (NFIP). For example, a water crossing may be required to pass a 100-year flood event.

- (v) Exception. Skid trail crossings of tributary streams within shoreland areas and wetlands adjacent to such streams may be undertaken in a manner not in conformity with the requirements of the foregoing subsections provided persons conducting such activities take reasonable measures to avoid the disruption of shoreline integrity, the occurrence of sedimentation of water, and the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands. If, despite such precautions, the disruption of shoreline integrity, sedimentation of water, or the disturbance of stream banks, stream channels, shorelines, and soil lying within ponds and wetlands occurs, such conditions must be corrected.

- (h) Skid trail closeout. Upon completion of timber harvesting and related activities, or upon the expiration of a Forest Operations Notification, whichever is earlier, the following requirements apply:
 - (i) Bridges and culverts installed for river, stream and tributary stream crossings by skid trails must either be removed and areas of exposed soil stabilized, or upgraded to comply with the closeout standards for land management roads in Section 15(O-1)(6)(i) below.
 - (ii) Water crossing structures that are not bridges or culverts must either be removed immediately following timber harvesting and related activities, or, if frozen into the river, stream or tributary stream bed or bank, as soon as practical after snowmelt.
 - (iii) River, stream and tributary stream channels, banks and approaches to crossings of water bodies and tributary streams must be immediately stabilized on completion of harvest, or if the ground is frozen and/or snow-covered, as soon as practical after snowmelt. If, despite such precautions, sedimentation or the disruption of shoreline integrity occurs, such conditions must be corrected.

- (i) Land management road closeout. Maintenance of the water control features must continue until use of the road is discontinued and the road is put to bed by taking the following actions:
 - (i) Effective installation of water bars or other adequate road drainage structures at appropriate intervals, constructed to reasonably avoid surface water flowing over or under the water bar, and extending sufficient distance beyond the traveled way so that water does not reenter the road surface.
 - (ii) Water crossing structures must be appropriately sized or dismantled and removed in a manner that reasonably avoids sedimentation of the water body or tributary stream.
 - (iii) Any bridge or water crossing culvert in roads to be discontinued shall satisfy one of the following requirements:
 1. it shall be designed to provide an opening sufficient in size and structure to accommodate 25 year frequency water flows;
 2. it shall be designed to provide an opening with a cross-sectional area at least 3 1/2 times the cross-sectional area of the river, stream or tributary stream channel; or

3. it shall be dismantled and removed in a fashion to reasonably avoid sedimentation of the river, stream or tributary stream.

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

(7) Slope Table

Filter strips, skid trail setbacks, and land management road setbacks must be maintained as specified in Section 15(O-1), but in no case shall be less than shown in the following table.

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

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

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

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

- (2) Except in areas as described in Section P(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 classified GPA or a river flowing to a great pond classified GPA, 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 shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a 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) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 in. or greater	8

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

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

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

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

The following shall govern in applying this point system:

- (i) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- (ii) Each successive plot must be adjacent to, but not overlap a previous plot;
- (iii) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;
- (iv) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by is Ordinance;
- (v) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of Section 15(P)(2)(b) "other natural vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until 5 saplings have been recruited into the plot.

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

- (c) In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a) above.
- (d) Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
- (e) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (3) At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

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

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

Q. Erosion and Sedimentation Control

- (1) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - (a) Mulching and revegetation of disturbed soil.
 - (b) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

- (c) Permanent stabilization structures such as retaining walls or rip-rap.
 - (2) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
 - (3) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
 - (4) Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:
 - (a) Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - (b) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - (c) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
 - (5) Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a twenty five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.
- R. Soils.** All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.
- S. Water Quality.** No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.
- T. Archaeological Site.** Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of

Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

16. Administration

A. Administering Bodies and Agents

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

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

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

C. Permit Application

- (1) Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
- (2) All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

- (3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
- (4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

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

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

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

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

If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the

structure would be located in an unapproved subdivision or would violate any other local ordinance, or regulation or statute administered by the municipality.

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

- (1) There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.
- (2) The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.
- (3) All proposed buildings, sewage disposal systems and other improvements are:
 - (a) Located on natural ground slopes of less than 20%; and
 - (b) Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be 1/2 the width of the 100-year flood-plain.

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

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

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

officials or other written arrangements have been made between the municipal officials and the utility.

H. Appeals

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

- (a) Administrative Appeals: To hear and decide administrative appeals, on an appellate basis, where it is alleged by an aggrieved party that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Planning Board in the administration of this Ordinance; and to hear and decide administrative appeals on a de novo basis where it is alleged by an aggrieved party that there is an error in any order, requirement, decision or determination made by, or failure to act by, the Code Enforcement Officer in his or her review of and action on a permit application under this Ordinance. Any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals.
- (b) Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

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

- (a) Variances may be granted only from dimensional requirements including, but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.
- (b) Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.
- (c) The Board shall not grant a variance unless it finds that:
 - (i) The proposed structure or use would meet the provisions of Section 15 except for the specific provision which has created the non-conformity and from which relief is sought; and
 - (ii) The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:
 - a. That the land in question cannot yield a reasonable return unless a variance is granted;
 - b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - c. That the granting of a variance will not alter the essential character of the locality; and
 - d. That the hardship is not the result of action taken by the applicant or a prior owner.
- (d) Notwithstanding Section 16(H)(2)(c)(ii) above, the Board of Appeals may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling

accessible to a person with a disability who resides in or regularly uses the dwelling. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The term "structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

- (e) The Board of Appeals shall limit any variances granted as strictly as possible in order to ensure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.
- (f) A copy of each variance request, including the application and all supporting information supplied by the applicant, shall be forwarded by the municipal officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

(3) Administrative Appeals

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

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

(4) Appeal Procedure

(a) Making an Appeal

- (i) An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party from any decision of the Code Enforcement Officer or the Planning Board, except for enforcement-related matters as described in Section 16(H)(1)(a) above. Such an appeal shall be taken within thirty (30) days of the date of the official, written decision appealed from, and not otherwise, except that the Board, upon a showing of good cause, may waive the thirty (30) day requirement.

- (ii) Applications for appeals shall be made by filing with the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why the appeal or variance should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.
- (iii) Upon receiving an application for an administrative appeal or a variance, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
- (iv) The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

(b) Decision by Board of Appeals

- (i) A majority of the full voting membership of the Board shall constitute a quorum for the purpose of deciding an appeal.
 - (ii) The person filing the appeal shall have the burden of proof.
 - (iii) The Board shall decide all administrative appeals and variance appeals within thirty five (35) days after the close of the hearing, and shall issue a written decision on all appeals.
 - (iv) The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board's decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.
- (5) Appeal to Superior Court. Except as provided by 30-A M.R.S.A. section 2691(3)(F), any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five (45) days from the date of any decision of the Board of Appeals.
- (6) Reconsideration. In accordance with 30-A M.R.S.A. section 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, planning board, code enforcement officer, and other parties of interest, including abutters and those who testified at the original hearing(s). The Board may conduct additional hearings and receive additional evidence and testimony.

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

I. Enforcement

(1) Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

(2) Code Enforcement Officer

(a) It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

(b) The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

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

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

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

17. Definitions.

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

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

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

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

Basal Area - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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

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

Bureau – State of Maine Department of Conservation’s Bureau of Forestry

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

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

Coastal wetland - all tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

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

Cross-sectional area – the cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical

distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH – the diameter of a standing tree measured 4.5 feet from ground level.

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

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

Disability - 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.

Disruption of shoreline integrity - the alteration of the physical shape, properties, or condition of a shoreline at any location by timber harvesting and related activities. A shoreline where shoreline integrity has been disrupted is recognized by compacted, scarified and/or rutted soil, an abnormal channel or shoreline cross-section, and in the case of flowing waters, a profile and character altered from natural conditions.

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

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

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

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

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

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

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

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

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

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

Forest Stand - a contiguous group of trees sufficiently uniform in age class distribution, composition, and structure, and growing on a site of sufficiently uniform quality, to be a distinguishable unit.

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

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

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

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

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

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

Great pond classified GPA - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

Ground cover – small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

Harvest Area - the area where timber harvesting and related activities, including the cutting of trees, skidding, yarding, and associated road construction take place. The area affected by a harvest encompasses the area within the outer boundaries of these activities, excepting unharvested areas greater than 10 acres within the area affected by a harvest.

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

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

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

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

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

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

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

Licensed Forester - a forester licensed under 32 M.R.S.A. Chapter 76.

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

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

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

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

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

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

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

Native – indigenous to the local forests.

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

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

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

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

Normal high-water line (non-tidal waters) - that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. 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.

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

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

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

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

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

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

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

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

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

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

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

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

Residential dwelling unit - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes and rental units that

contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

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

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

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

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

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

Salt marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is saltmarsh cordgrass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

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

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

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

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

Shoreland zone - the land area located within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within 250 feet 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 or coastal wetland.

Significant River Segments - See Appendix B or 38 M.R.S.A. section 437.

Skid Road or Skid Trail - a route repeatedly used by forwarding machinery or animal to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

Slash - the residue, e.g., treetops and branches, left on the ground after a timber harvest.

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

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

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

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

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

Tidal waters – all waters affected by tidal action during the maximum spring tide.

Timber harvesting - the cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Section 15 (P), *Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting*.

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

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

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

Upland edge of a wetland - the boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

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

Velocity zone - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

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

Water body - any great pond, river or stream.

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

Wetland - a freshwater or coastal wetland.

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

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

STATUTORY AUTHORITY: 38 M.R.S.A. Section 438-A(5)

EFFECTIVE DATE:

June 2, 2009

AMENDED:

March 24, 1990 (Filed as 06-096, Ch. 1000)

June 19, 1991 - Sections 15 and 17

July 14, 1992 - Sections 4, 8, 9, 12, 15, 16 & 17

August 7, 1994 - Sections 3, 14 & 16

ARTICLE 12 . RETAIL MARIJUANA

A. PURPOSE

The purpose of this Article is to provide for and regulate the issuance of local licenses for retail marijuana establishments and retail marijuana social clubs as permitted and licensed by the State of Maine under the Marijuana Legalization Act, 7 M.R.S.A. §§ 2441–2454, as may be amended. The purpose of this Article is also to prevent the location of such facilities in close proximity to residences, day care centers, schools, houses of worship, public parks or recreational areas, or another retail marijuana establishment or retail marijuana social club. The purpose of this Article is not to prohibit retail marijuana establishments and retail marijuana social clubs from operating in the Town, but rather to regulate their location and manner of operation, while providing a reasonable opportunity for such businesses to exist.

B. AUTHORITY

This Article is adopted pursuant to the authority granted by 7 M.R.S.A. § 2449, as may be amended from time to time.

C. DEFINITIONS

For purposes of this Article, the terms “retail marijuana establishment” and “retail marijuana social club” shall have the same definitions as set forth in 7 M.R.S.A. § 2442, as may be amended. The term “retail marijuana establishment” shall include any “retail marijuana store,” “retail marijuana cultivation facility,” “retail marijuana products manufacturing facility,” and “retail marijuana testing facility,” as defined in 7 M.R.S.A. § 2442, as may be amended.

D. LICENSE REQUIRED

1. A retail marijuana establishment or retail marijuana social club shall not operate until it (a) is licensed by the State licensing authority pursuant to the requirements of 7 M.R.S.A. § 2447, as may be amended; (b) receives Development Review approval from the Planning Board under Article 8; and (c) is licensed under this Article. An applicant may not operate a retail marijuana establishment without a State license, local license and all other necessary Town approvals.
2. A person or entity wishing to operate a retail marijuana establishment or retail marijuana social club shall obtain an annual license (a) prior to opening the person or entity's establishment, and (b) prior to the expiration of the person or entity's current annual license. An application for the renewal of an expired license shall be treated as a new license application.
3. Subject to inspection by the CEO, Police Department and Fire Department for initial license and any renewal of license.
4. The application processing fee and annual license fee under this Article shall be as set forth in the Fee Schedule established by order of the Board of Selectmen. All license fees shall be paid annually.

E. APPLICATION; INVESTIGATION AND ISSUANCE OF LICENSE

1. Application. An applicant for a retail marijuana establishment or retail marijuana social club license shall:
 - a. Complete and file an application prescribed by the Richmond Board of Selectman;
 - b. Deposit the annual license fee along with a processing fee in advance with the Town Clerk;
 - c. Submit the completed application to the Town Clerk, together with attested copies of the articles of incorporation and bylaws, if the applicant is a corporation or limited liability company, evidence of partnership, if a partnership, or articles of association and bylaws, if the applicant is an association, as well as a list of all officers, directors, managers and employees;
 - d. File a sworn affidavit, which states the names of all owners, officers, managers or partners of the applicant, and their places of residence at the time of the application and for the immediately preceding three (3) years;
 - e. Furnish information with the application (i.e. date of birth and social security number) necessary to allow the Town to perform criminal background checks on the applicant and each officer, owner, manager or partner of the applicant;
 - f. Submit evidence of right, title or interest in the premises in which the retail marijuana establishment or retail marijuana social club will be sited, along with the written consent of the owner of the premises for such use if the applicant is not the owner;
 - g. Submit proof of insurance with coverage limits meeting the requirements set forth in the application form; and
 - h. State the date of initiation of the retail marijuana establishment or retail marijuana social club and the nature of the business with a description of the nature of all products and services that will be offered to customers.
 - i. Provide development review approval from the Planning Board under Article 8
2. Investigation of applicant, officers. Upon receipt of an application or notice of a change of the owners, officers, managers or partners of the applicant:
 - a. The Town Clerk, upon receipt of a completed application, shall immediately send a copy of the complete application to the Town officials referenced in subparagraphs (b) through (f) below. The Town Manager shall also immediately consult with the Chairman of the Select Board and then arrange for public notice of a public hearing on the application in a newspaper of general circulation in Sagadahoc County and by mail to owners of lots within 1,000 feet of the proposed location of the structure, at least ten (10) days prior to the public hearing before the Board of Selectmen. Notice of the public hearing shall also be posted on a sign in a conspicuous place on the premises identified in the local license application. The costs of publication, certified mail postage, and other expenses related to the hearing shall be paid from the application processing fee. After receipt of required reports from Town officials, the Town Manager shall forward the application and other documents to the Select Board for public hearing and final decision. The hearing shall be held within thirty (30) days

after receipt of a complete application by the Board of Selectmen and a decision shall be made within three (3) business days thereafter.

- b. The Health Officer, within fifteen (15) days of notice, shall inspect the location or proposed location to determine whether the applicable laws relating to health and safety have been satisfied and then report findings in writing to the Board of Selectmen;
- c. The Fire Chief, within fifteen (15) days of notice, shall inspect the location or proposed location of the business to determine if applicable State and fire and safety regulations have been satisfied and then report findings in writing to the Board of Selectmen;
- d. A constable or other law enforcement officer shall investigate the applicant, including the criminal history record information required under Section E.1.e, and then report findings in writing to the Board of Selectmen; and
- e. The Code Enforcement Officer, within fifteen (15) days of notice, shall verify that the proposed premises of the establishment will comply with Section J of this Article and with all other applicable State and local laws and regulations and then report findings in writing to the Board of Selectmen.

3. Issuance of license.

- a. The Board of Selectmen, after notice and public hearing, shall determine whether the application and documents submitted comply with all requirements of this Article. The license shall be issued by the Board of Selectmen, based upon the record, including evidence and testimony at the public hearing, that the application meets the requirement of this Article.
- b. Any licenses issued under this Article may not be transferred or assigned to a new owner. Any change in ownership or change in the officers of an owner shall require a new license.
- c. Licenses are limited to the location of the premises for which they are issued and shall not be transferable to a different location. A licensee who seeks to operate in a new location shall acquire a new license for that location.
- d. The Board of Selectmen shall have the authority to impose any conditions on a license that may be necessary to ensure compliance with the requirements of this Article or to address concerns about operations that may be resolved through the conditions. Such conditions may include, but are not limited to, restrictions on the hours of operation and requirements for security measures such as security cameras, locks, etc. The failure to comply with such conditions shall be considered a violation of the license.

F. STANDARDS FOR DENIAL

An application for a retail marijuana establishment or retail marijuana social club license shall be denied by the Board of Selectmen in the following circumstances:

1. the applicant is a corporation or other legal entity that is not authorized to do business in the State of Maine;
2. the applicant is an individual who is less than 21 years of age;
3. the applicant has submitted an incomplete application, knowingly made an incorrect statement of a material nature, or failed to supply additional information required by the Board of Selectmen that is reasonably necessary to determine whether the license is issuable;
4. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been denied a retail marijuana establishment or retail marijuana social club license for knowingly making an incorrect statement of a material nature within the immediately preceding five (5) years;
5. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has had a license granted pursuant to this Article or a similar ordinance provision in any other municipality revoked for any reason during the immediately preceding five (5) years;
6. the applicant, if an individual, or any person having an ownership or management interest, if a corporation or other legal entity, has been convicted of a disqualifying drug offense. For purposes of this subparagraph, "disqualifying drug offense" means a conviction for a violation of a State or federal controlled substance law that is a crime punishable by imprisonment for five (5) years or more. "Disqualifying drug offense" does not include an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten (10) or more years prior to application for licensure or an offense that consisted of conduct that is permitted under this Article;
7. the site on which the retail marijuana establishment or retail marijuana social club is proposed is a prohibited site under Section J of this Article;
8. the applicant has failed to acquire all necessary State approvals and other required local approvals; or
9. the application in any other way fails to meet the requirements of this Article.

G. STANDARDS FOR SUSPENSION; REVOCATION

A license for a retail marijuana establishment or retail marijuana social club may be suspended or revoked by the Board of Selectmen after notice and hearing upon a finding that the license has violated any provision of this Article.

H. AGE RESTRICTION

No retail marijuana establishment or retail marijuana social club may permit any person less than 21 years of age on the premises in which the retail marijuana establishment or retail marijuana social club is located. All managers and all employees of any retail marijuana establishment or retail marijuana social club must also be at least 21 years of age.

I. DISPLAY OF LICENSE

A retail marijuana establishment or retail marijuana social club license shall display the retail marijuana establishment or retail marijuana social club license at all times in an open and

conspicuous place in the retail marijuana establishment or retail marijuana social club for which the license has been issued. A retail marijuana establishment or retail marijuana social club shall also display at all times in an open and conspicuous place in the retail marijuana establishment or retail marijuana social club a complete list of the names of owners and officers of the retail marijuana establishment or retail marijuana social club and a complete list of fees, prices and charges for all food, beverages, goods, wares, merchandise or services offered by the business.

J. PROHIBITED SITES, SITE REQUIREMENTS

1. The location of any proposed retail marijuana establishment or proposed retail marijuana social club shall comply with the zoning requirements set forth in Article 4 of the Land Use Ordinance.
2. The location and operation of any retail marijuana establishment or retail marijuana social club shall comply with the performance standards set forth in Article 5(AA) of the Land Use Ordinance.

K. ENFORCEMENT

The owner of the premises on or in which the retail marijuana establishment or retail marijuana social club is located, who is not the licensee of the retail marijuana establishment or retail marijuana social club, is jointly and severally liable with the licensee for any violation of this Article. The Article shall be enforced by the Code Enforcement Officer, in conjunction with the Board of Selectmen. In any court action, the Town may seek injunctive relief in addition to penalties. If court action is required to enforce this Article, the Town shall be awarded its enforcement costs, including its reasonable attorney's fees.

L. VIOLATIONS AND PENALTIES

The operation of any retail marijuana establishment without the required local license or in violation of any of the requirements of this Article shall be a violation of this Article. Violations shall be subject to fines in the amount of \$1,000.00 per violation. Each day of a violation shall constitute a separate violation. Any such fine may be in addition to any suspension or revocation imposed in accordance with the provisions of this Article.

M. SEVERABILITY

If any section, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, district and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

N. INDEMNIFICATION

1. By accepting a license issued pursuant to this Article, the licensee waives and releases the Town, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that may result from any arrest or prosecution of business owners, operator, employees, clients or customers for a violation of State or federal laws, rules or regulations.
2. By accepting a license issued pursuant to this Article, all licensees, jointly and severally if more than one, agree to indemnify, defend and hold harmless the Town, its officers,

elected officials, employees, attorneys, agents and insurers against all liability, claims and demands on account of any injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in any manner connected with the operation of the retail marijuana establishment or retail marijuana social club that is the subject of the license.

O. OTHER LAWS

Except as otherwise specifically provided herein, this Article incorporates the requirements and procedures set forth in the Marijuana Legalization Act, 7 M.R.S.A. §§ 2441-2454, as may be amended, and regulations promulgated thereunder. In the event of a conflict between the provisions of this Article and the provisions of the Marijuana Legalization Act or any other applicable State law or regulation, the more restrictive provision shall control.

P. APPEALS

An appeal from any final licensing, denial, suspension or revocation decision of the Planning Board or Board of Selectmen may be taken by an aggrieved party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

Q. EFFECTIVE DATE

This Article shall take effect as of November 8, 2017. However, no application for any license shall be accepted by the Town until the effective date of regulations promulgated and adopted by the State pursuant to 7 M.R.S.A. § 2444(2).

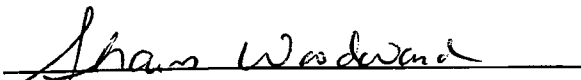
(END OF ARTICLE 12)

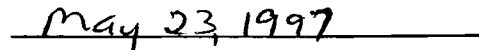
Town of Richmond

Section 1400

LOITERING ORDINANCE

ATTEST: This is a true copy of the Loitering Ordinance of the Town of Richmond as certified to me by the Richmond Board of Selectmen on May 22, 1997 for posting with the Town Warrant for the June 3, 1997 Annual Town Budget Meeting.


Sharon Woodward, Town Clerk


Date

TOWN OF RICHMOND

Section 1400

LOITERING ORDINANCE

Section 1401- Definitions

For the purpose of this Loitering Ordinance, the terms, phrases, words, and their derivations shall have the meaning given herein.

1401.1 *Loitering* shall mean remaining idle in essentially one location and shall also include the colloquial expression “hanging around”.

1401.2 *Public Place* shall mean any place to which the general public has access and a right to resort for business, entertainment, recreation or other lawful purpose. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, area or parks.

Section 1402 - Violation ~ Police Order to Disperse

1402.1 It shall be unlawful for any person to loiter, either alone or in consort with others in a public place in such manner so as to obstruct or hinder any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or intending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians, or to hinder or impede the operation of any store, shop, restaurant, tavern, or other place of business, to include public grounds, area or parks.

1402.2 When any person causes or commits any of the conditions enumerated in *Section 1402.1*, a police officer or any law enforcement officer shall order that person or persons to stop causing or committing such conditions and to move on or to disperse. Any person who fails or refuses to obey such orders, shall be guilty of a violation of this ordinance.

Section 1403 - Penalties

A violation of the loitering ordinance may include either a warning to the violator or a summons. A second violation shall result in a summons to the violator to the district court for violation of the loitering ordinance, and shall be subject to a fine of one-hundred dollars (\$100.00). Every violation resulting in a citation and a summons to court after the issuance of the first citation, and summons shall carry an additional fine of fifty- dollars (\$50.00) up to a maximum of five-

hundred dollars (\$500.00). Thereafter, each citation and summons shall carry a fine of not less than five-hundred dollars (\$500.00) to be paid by the individual charged. Alternate sentencing may be applicable, to include, but not limiting to, attendance by the violators to training, classroom, and counseling relative to the prevention of future violations. Other means of sentencing may be applied if agreed too and approved by the Board of Selectmen, and the Chief of Police. Fines, prosecution costs, and town attorney's fees are to be recovered for the use of the Town upon complaint and conviction.

Section 1404 - Savings Clause

If any section or part thereof of this ordinance shall be held invalid, the remaining provisions thereof shall remain in full force and effect.

Section 1405 - Repeal Clause

This ordinance hereby repeals Chapter 6, Section 6., "Loitering" , on page 44 of the Town of Richmond Municipal Ordinances (November 1, 1991) enacted June 27, 1977. All parts of existing ordinances inconsistent with this ordinance are hereby repealed.

Section 1406 - Effective Date

This ordinance shall become effective upon adoption by any affirmative majority vote at a legally called Richmond Town Meeting.

Certified: The Richmond Board of Selectmen being the Municipal Officers hereby certify to the Municipal Clerk that this is a true copy of the Loitering Ordinance of the Town of Richmond, Maine.

Given under our hand this 22nd day of May, 1997

Sandra Wing

David Peppard

H. Kenneth Smith

James S. Yorkell

Richmond Board of Selectmen

Certified:

I hereby certify that this ordinance became effective on

JUNE 4, 1997

at a Town Meeting held at Richmond High School

Nancy E. Margetts

NANCY E. MARGETTS, Town Clerk

JUNE 4, 1997

Date

Town of Richmond

Section 1900

MASS GATHERING ORDINANCE

ATTEST: This ordinance is a true copy of the Mass Gathering Ordinance of the Town of Richmond as certified to me by the Richmond Board of Selectmen on May 16, 1996, for posting with the Town Warrant for the June 4, 1996 Annual Town Budget Meeting.

Sharon Woodward
Sharon Woodward, Town Clerk

May 17, 1996
Date

SECTION 1900
MASS GATHERING ORDINANCE

Enacted June 5, 1996

Section 1901 - PURPOSE AND AUTHORITY

This ordinance is adopted pursuant to the Home Rule powers under the Maine Constitution and 30-A MRSA Section 3001.

WHEREAS, the inhabitants of the Town of Richmond are concerned that public health and safety problems may result when crowds assemble for any event.

WHEREAS, matters relating to waste disposal, potable water, first aid, public sanitation, traffic safety, law enforcement, adherence to alcohol and controlled substance laws, obstruction and damage to public and private ways, and destruction of public and private property are a concern to the citizens of Richmond.

Section 1902 - ADMINISTRATION OF ORDINANCE

The Town of Richmond Code Enforcement Officer (CEO) shall be responsible for the administration and enforcement of this ordinance.

Section 1903 - PERMIT ISSUED BY THE MUNICIPAL OFFICERS REQUIRED

No person, corporation, partnership, association or group of any kind shall sponsor, promote or conduct any pageant, festival, concert, parade, amusement show, theatrical performance, or other outdoor event where more than 400 people gather for three (3) or more hours in total within a twenty four (24) hour period up to a maximum of twenty four (24) hours continuous hours without first obtaining an assembly permit, hereafter referred to as "permit", from the Richmond Board of Selectmen hereafter referred to as "Board". Activities sponsored by the Town of Richmond or by the Richmond School System, and public assemblies for purposes of Town government are expressly excluded from the permitting requirements of this ordinance.

Section 1904 - APPLICATION

Any person or entity seeking issuance of an assembly permit must make an application to the CEO on a form(s) provided by the CEO or Town Office, that contains plans and documentation relating to all items in applicable Sections below no later than forty (40) days prior to the event. The CEO shall accept the application as complete or reject the application within 21 days of the date of the signed application and forward the application, with recommendations, to the Board for their next scheduled meeting.

Section 1905 - PERMIT FEES

The applicant must pay a \$500 fee when submitting the application for permit, plus all costs for advertising and technical and professional review deemed necessary by the CEO. This fee shall be non-refundable.

Section 1906 - CONTENTS OF THE APPLICATION

- A. The applicant shall furnish a plan accurately drawn to scale showing the actual dimensions and distances from each, of each separate area to be used with designated locations for drinking water, rest room and sanitation facilities, waste containers, dumpsters, first-aid facilities, parking, placement of any stages or entertainments areas, seating areas, food service areas and sleeping and/or camping areas if an overnight event is proposed.
- B. The applicant shall provide a detailed plan for seating the estimated number of attendees. The plan shall include methods to be used to discourage the presence of persons not holding tickets or invited to attend. The applicant shall further provide assurances that all event promotion and publicity will immediately cease when all tickets have been sold.
- C. The applicant shall provide assurances and detail methods to be used to insure that individuals not invited or holding tickets will not be permitted to use parking, toilet, or camping facilities under the control of the applicant and that no food or beverage will be sold to non-ticket holders or non-invited individuals on premises under the control of the applicant except persons employed or authorized to provide support service for the event.
- D. Applicant shall submit to the CEO, in writing, detailed assurances relating to each standard in Section 1907 below.

Section 1907 - STANDARDS FOR PERMIT ISSUANCE

The Board shall issue a permit to the applicant upon finding that the applicants has the ability and financial resources to comply with the following standards, considering the size, duration and nature of the proposed event as these standards shall be met for each separate location at which the event or parts thereof take place as follows:

- A. One (1) gallon of potable water per person per 12 hour period shall be available and reasonably spaced throughout the event area, and;
- B. portable toilets and sanitation facilities, at a rate of 1 toilet for every 30 persons per 24 hour period, shall be available and reasonably spaced throughout the event area, and;
- C. the area to be used is adequately equipped with suitable containers for disposal of solid waste and/or garbage and that provisions are made for the removal and disposal of recycling of such waste and garbage, and;

- D. adequate first aid facilities and qualified medical personnel shall be provided, and;
- E. parking facilities shall allow for no less than one car space (computed at 9' X 19' or 171 square feet per car within any lot designated for parking or 8' X 22' per car for any Town approved on-street parallel parking) for every 3 tickets sold for the event within or in close proximity to the areas or sites in which event is to be held, and;
- F. the event will not impair the safety and orderly flow of traffic on public ways and that adequate provision has been made for the control of traffic before, during and after the event, and;
- G. adequate police protection by state certified officers be provided, and;
- H. adequate fire protection is provided, and;
- I. adequate sleeping and/or camping areas are provided if an overnight or continuous event is held, and;
- J. adequate seating capacity for maximum attendance and/or number of tickets to be sold, and;
- K. impose any condition reasonably necessary to insure that the event complies with the standards set forth above for issuance of the permit as of the date of the event.

Section 1908 - NUMBER OF TICKETS SOLD

No more than the number of tickets specified in the application shall be issued for a single event. A "ticket" includes any receipt or token of eligibility to attend the event whether or not a piece of paper or other physical evidence of payment is issued to the attendee. Persons not holding valid tickets for an event for which tickets have been sold or given away shall not be permitted to attend. Promptly after all the tickets have been sold or the occurrence of the event, which ever occurs first, the applicant shall furnish to the CEO a sworn statement as to the number of tickets sold or otherwise distributed.

Section 1909 - PUBLIC HEARING

No permit shall be granted by the Board unless the applicant satisfies the Board that proper facilities will be available for the proposed event in the areas to be used and that adequate precautions have been taken to ensure the public health, safety and welfare of attendees and the general public.

Upon receipt of the application for permit from the CEO, the application must be scheduled for a public hearing which may be part of a regularly scheduled meeting of the Board. The Board shall issue the permit when satisfied that adequate provisions have been made to protect the health and safety of the residents of the Town and the persons attending the event. All

assurances made and obligations assumed by the applicant in the application shall be deemed to be conditions upon issuance of the permit. In issuing the permit, the Board may impose such additional conditions as may be reasonably required to assure compliance with the terms of the application or the provisions of this ordinance. The Board may decline to issue the permit if the event is scheduled on a holiday when so many non-residents will be present in Town for reasons having nothing to do with the event that the public and private facilities will be insufficient to meet the needs of the persons attending the event as well as other persons who are present because of the holiday. The Board shall issue or deny the permit no more than seven (7) days after the application is reviewed at public hearing. If permit is denied, the reasons will be given to the applicant in writing.

Section 1910 - WAIVER

In any case in which strict compliance with the terms of this ordinance will cause, in the opinion of the Board, the applicant to suffer unreasonable costs or inconvenience in the interest of protecting the public's health, safety and welfare and the Board has reasonably determined that waiving strict compliance with the terms of this ordinance will not compromise its enforcement or the accomplishment of its purposes in protecting the health, safety and welfare of the community, they may issue a waiver specifying, in writing, the terms of the waiver and why it has been granted.

Section 1911 - LIABILITY INSURANCE

Prior to receiving a valid permit from the Board, the applicant shall furnish to the CEO a Certificate of Insurance, issued by a company licensed by the State of Maine, with the Town of Richmond named as co-insured providing coverage of no less than \$500,000 with respect to the death or injury of one or more persons in connection with the event. Such insurance policy shall also provide coverage for property damage of no less than \$100,000. The insurance policies in question shall contain a provision requiring at least ten (10) days notice be given to the Town prior to cancellation of all or part of the policy. If such cancellation occurs prior to the event, the permit issued by the Town shall be void.

Section 1912 - SECURITY BOND

In the event that the CEO determines that a surety bond is necessary to assure the applicant's compliance with the standards and conditions of the issuance of the permit, the applicant shall be advised by the CEO of the value of the bond required to satisfy any valid claims for damage to real or personal property caused by the permittee, his/her agents and/or employees or by persons attending the event and to reimburse expenses incurred in cleaning up or otherwise incurred as a direct result of the mass gathering for which the permit was issued. The permittee shall make an irrevocable designation of an agent within the State of Maine to receive notices in connection with filing of claims against the security bond or to receive notices of permit issuance or revocation. Any person, including the Town, having such a claim shall file notice of a claim upon the bond with the applicant or his/her agent within 90 days after the claim arose. Such a bond shall be received by the CEO with the final application.

Section 1913 - PRIVATE LANDOWNER AUTHORITY

In the event that private property is to be used in connection with such event, the applicant shall file the CEO a notarized affidavit signed by the land owner(s) that applicant has authority to use such private property and that police officers are authorized to enter property owned or under the control of the applicant in the vicinity of the event at reasonable times.

Section 1914 - DUTIES OF PERMITTEE

The permittee shall comply with all conditions of any permit issued and with all applicable local, state and federal laws and ordinances as well as Maine Department of Health and Human Services rules and regulations and further insure that attendees and/or vendors comply with applicable laws, ordinances and regulations.

Section 1915 - VIOLATIONS AND PENALTIES

- A. Whoever violates any provision of this ordinance or fails to comply with any stated permit condition or restriction shall be fined not less than \$100 nor more than \$2,500 to be recovered, on complaint, to the use of the Town of Richmond pursuant to 30-A MRSA Subsection 4452. Each days violation shall constitute a separate offense. In addition, the Town may seek an injunction when necessary to prevent the applicant from promoting, publicizing or conducting the event.

- B If the Town is the prevailing party in any action brought to enforce this ordinance, the Town must be awarded reasonable attorney's fees, expert witness fees and costs.

Section 1916 - REVOCATION

The CEO shall have the authority to revoke any permit issued hereunder in consequence of a violation of any conditions of the permit or any noncompliance with the standards for issuance of permit.

Section 1917 - SAVINGS CLAUSE

If any section of part thereof of this ordinance shall be held invalid, the remaining provisions thereof shall remain in full force and effect.

Section 1918 - EFFECTIVE DATE

This ordinance shall become effective on adoption by any Richmond Town Meeting.

Certified: The Richmond Board of Selectmen being the Municipal Officers hereby certify to the Municipal Clerk that this is a true copy of the Mass Gathering Ordinance of the Town of Richmond, Maine.

Given under our hand this 16th day of May, 1996

David M Peppard

James A Pearson

H. Kenneth Plante

Richmond Board of Selectmen

Certified:

I hereby certify that this ordinance became effective on

June 5, 1996

at a Town Meeting held at Richmond High School

Sharon Woodward

Sharon Woodward, Town Clerk

June 5, 1996

Date

CHAPTER 4: PARKING AND TRAFFIC CONTROL

SECTION 1. GENERAL PARKING

**Enacted August 1, 1991 by the Board of
Selectmen**

Article 1. General

- A. No double parking on roads or streets.
- B. No parking within 15 feet of any intersection, any corner of any street or way.
- C. No parking will be permitted on sidewalks or crosswalks.
- D. No parking will be permitted on either side of street opposite to the flow of traffic.
- E. All parking in the Town Of Richmond upon all streets, highways, ways and roads shall be parallel parking only and such parking shall be within eighteen inches from the curb.
- F. Vehicles shall not park in front of the entrance of any public building used for public gatherings or entertainment so as to obstruct the passageway to the street from such entrance.
- G. All parking on streets, highways, ways and roads are for motor vehicles as defined by Title 29A, Chapter 1, §101-42. Parking of ATV's, snowmobiles, and/or recreational vehicles is not allowed.

Article 2. Fire Related

- A. Vehicles shall not park in front of any entrance to a fire engine hose company or ladder house, or any fire apparatus building.
- B. No parking within ten (10) feet of a fire hydrant.

- C. Parking shall not be permitted in the fire lane in front of the Richmond High School as designated by "no parking" signs.

Article 3. Specific Parking Prohibitions

1. **Alexander Reed Road.** There shall be no parking except in the designated areas from Main Street to Kimball Street.
2. **Arch Street.** There shall be no parking
3. **Baker Street.** Parking from Pleasant Street to Front Street shall be on Northside only.
4. **Beech Street.** Parking shall be on the Southside only.
5. **Boynton Street.** Parking on the Northside only.
6. **Bridge Street.** There shall be no parking.
7. **Center Street.** Parking on the Westside only.
8. **Church Street.** There shall be no parking on the South side except from 12 Church Street down to Pleasant Street.
9. **Cross Street.** There shall be no parking.

10. **Darrah Street.** There shall be no parking. Traffic shall be limited to one way in a southerly direction.
11. **Depot Street.** There shall be no parking.
12. **Front Street.** No parking from Tulip Street to Main Street on either side of street.
13. **Fuller Street.** Parking on the Westside only.
14. **Gardiner Street.** Parking on the Northside only.
15. **Gaubert Street.** There shall be no parking.
16. **Hatch Street.** There shall be no parking.
17. **Hathorn Street.** There shall be no parking.
18. **High Street.** There shall be no parking on the west side of High Street from Main Street to Gardiner Street. Parking on Eastside only.
19. **Hill Street.** There shall be no parking.
20. **Hinkley Street.** There shall be no parking.
21. **Kennebec Street.** There shall be no parking.
22. **Kimball Street.** There shall be no parking except in the designated area on the north side adjacent to Lane Field.
23. **Main Street.** No person shall allow, or permit, or suffer any vehicle, motor vehicle or self-propelled machinery under his control or registered in his name to be parked for a period of time longer than two hours between the hours of

8:00a.m. and 6:00p.m., on Main Street from the corner of Hathorn & Pleasant Street East to the intersection of Route #24.

24. **Maxwell Street**. There shall be no parking.
25. **Myrtle Street**. There shall be no parking.
26. **North Street**. There shall be no parking.

27. **Pleasant Street**. Parking shall be limited to the Westside only in the direction of traffic. There shall be no parking from Maxwell to Fuller.

28. **Sampson Street**. Parking on the Southside only.

29. **Southard Street**. There shall be no parking.

30. **Springer Street**. Parking shall be on the Eastside only.

31. **Spruce Street**. There shall be no parking.

32. **Tulip Street**. There shall be no parking.

33. **Water Street**. Parking on the Eastside only.

34. **Waterfront Park**. Vehicles and/or boat trailers shall park only in designated areas.

35. **Weymouth Street**. Parking on the south side only.

36. **Williams Street**. Parking on the East side only.

Article 4. All Night Parking

- A. All night parking on any street or way within the Town of Richmond is Prohibited from November 15th of each year through April 15th of the following.

- B. All night parking shall mean any parking between 11:00 P.M. to 6:00 A.M. and shall include the traveled and shoulder portions of every way or street.

Article 5. Handicapped Parking

- A. Parking in handicapped designated parking spaces shall be for the exclusive use of motor vehicles operated by handicapped persons.
- B. Handicapped parking spaces are designated at the town office, Richmond High School, Marcia Buker School and Waterfront Park.

Article 6. Traffic Control at Construction Sites

Any person, firm, corporation, or company in charge of any form of construction or other activity which causes any public way to be hazard to either pedestrians or motorists shall furnish traffic control in the area of construction or other activity for the purpose of reducing traffic congestion and promoting safe conditions for pedestrians and motorists. Such traffic control shall be furnished at the expense of the person or agency performing such construction or other activity and not the Town of Richmond.

Article 7. Weight Limit of Vehicles Traveling on Certain Public Ways

Vehicles in excess of 10,000 pounds gross vehicle weight are prohibited from traveling on Kimball, Williams and Boynton Streets except for pickups and deliveries to a residence on these streets.

Vehicles in excess of 20,000 pounds gross vehicle weight are prohibited from traveling on Weeks Road

except for pickups and deliveries to a residence on Weeks Road.

Article 8. Obstruction of Town Roads

No person shall park or leave any vehicle, trailer or other article in any way within the Town so as to obstruct or block the free movement of traffic or pedestrians upon such public way. When in the opinion of a Law Enforcement Officer, any vehicle, trailer or other article is found parked in violation of this section creating a substantial hazard that might lead to an accident, such-Law Enforcement Officer may have the said vehicle, trailer or article removed at the expense of the owner when such owner either refuses to move the said obstruction, cannot be located, or is unknown.

Article 9. Snow Removal Emergency Period

The period beginning November 15 and ending April 15 is hereby declared to be a snow removal emergency period. During this period, no vehicle shall be parked in such a manner as to hinder the plowing or removal of snow from the streets, ways or roads. In the event of inclement weather, the Chief of Police or Public Works Foreman may institute a parking ban upon any street, way or road and shall provide for temporary public notice and announcement by radio, television, or town website of such temporary ban.

Article 10. Snow Removal

No vehicle shall be parked at any time on any street, way or road so as to interfere with or hinder the plowing or removal of snow from any street, way or roadway. The police may cause any vehicle so parked on any street, way or road to be removed from the street in

accordance with the provisions of Article 11 of this Ordinance. No person shall lay, throw, place or plow any snow or ice from private property into any public way. If in the removal of snow or ice from private property it is necessary to temporarily place snow or ice on any public street, such snow or ice shall be immediately removed by and at the expense of the person that caused it to be placed thereon or caused the hiring of a person to remove said snow and ice.

Article 11. Obstruction in Street

Any vehicle of any kind or description parked upon a street, way or road at a place, in a manner, or for a length of time prohibited by ordinance of the Town of Richmond is hereby declared to be an obstruction in such street, way or road and a menace to the safe and proper regulation of traffic.

1. Authority to Remove or Immobilize

Any vehicle left parked or standing in a manner prohibited by Ordinance may be removed by or under the direction of, or at the request of the Police Chief or any police officer of the town to a garage or storage place. Such police officer may use such force as may be necessary to enter such vehicle and cause the same to be placed in a condition to be moved, and may employ any reputable person, engaged in the business of towing or storing vehicles for such purpose. Notwithstanding any language herein contained, the removal and storage of a vehicle pursuant to this Ordinance, and the payment of the charges specified herein, shall in no way relieve or prevent prosecution for the violation of any provision of the Ordinance.

2. Notice to Owner

The Police Department shall make reasonable effort to notify as promptly as possible the owner of any such vehicle of its removal from the streets, ways or roads, and as soon as possible a written notice that such vehicle has been impounded shall be sent by the Police Chief to the owner at his/her last known address as shown by the records of the Secretary of State. If the owner is unknown, the Police Chief shall cause to be published in the local newspaper, notice of such impounding, giving the registration number, owner of record, type and year of said vehicle.

3. Release of Vehicle

Before the owner of such vehicle or his/her representative may remove it from the possession of the person towing or storing it, he/she shall:

- a. Furnish satisfactory evidence of his/her identity and of his/her ownership of said vehicle to the Police Chief and to the person having possession of said vehicle;
- b. Pay, or arrange to pay, to the person having possession of said vehicle, reasonable towing and storage charges.

4. The Town assumes no responsibility for damages resulting from the towing of any vehicle under this Article.

Article 12. Fines and Penalties: Articles 1, 2, 3, and 4

- A. Whoever violates any provision of Articles 1, 2, 3 or 4 will pay to the Town Treasurer a fine of \$10.00.

- B. If this \$10.00 fine is not paid within two (2) business days, the fine will increase to \$25.00.
- C. If this increased fine (\$25.00) is not paid within 30 calendar days from the date of the violation, a summons will be served on the driver and/or the owner of the vehicle for failure to pay. The driver and/or operator of the vehicle shall be punished by a fine of not less than \$25.00 nor more than \$100.00 in addition to the \$25.00 increased fine.
- D. After three violations of Articles 1, 2, 3 or 4 or for non-payment of fines, the Chief of Police may authorize a vehicle to be towed at the owner's expense and impounded until said fines have been paid.
- E. In addition to the above penalties, the violator will reimburse the Town of Richmond for all reasonable costs and attorney's fees.
- F. If a summons is served, the town will waive all court action by payment of \$35.00 prior to the court date set in the summons.

Article 13. Fines and Penalties: Articles 5 thru 11.

- A. Whoever violates any provision of Articles 5 thru 11 will pay to the Town Treasurer a fine of \$25.00 for the first offense.
- B. Whoever subsequently violates any provision of Articles 5 thru 11 for a second time within 365 days of the first offense will pay to the Town Treasurer a fine of \$50.00 for this second offense.

- C. Whoever subsequently violates any provision of Articles 5 thru 11 for a third time within 365 days of the first offense will pay to the Town Treasurer a fine of \$100.00 for this third offense.
- D. If any of these fines are not paid within 10 business days from the date of the violation, the fines will double. A first offense paid after 10 business days of the offense becomes \$50.00; a second offense paid after 10 business days of the offense becomes \$100.00; and, a third offense paid after 10 business days of the offense becomes \$200.00.
- E. If this increased fine (\$50.00, \$100.00, or \$200.00) is not paid within 30 calendar days from the date of the violation, a summons will be served on the driver and/or the owner of the vehicle or the person or agency performing the construction for failure to pay. The driver and/or operator of the vehicle or the person or agency performing the construction shall be punished by a fine of not less than \$25.00 nor more than \$100.00 in addition to the \$50.00, \$100.00 or \$200.00 increased fine.
- F. In addition to the above penalties, the violator will reimburse the Town of Richmond for all reasonable costs and attorney's fees.
- G. If a summons is served, the town will waive all court action by payment of \$75.00 (first offense), \$125.00 (second offense) and \$225.00 (third offense) prior to the court date set in the summons.

Article 14. Temporary Traffic Control Device

The police or other authorized persons are hereby authorized to place temporary no parking signs, detour signs, and to route traffic by personal direction of police officers of the Town of Richmond in circumstances of emergency or congestion such as, but not limited to, fires, funerals, church services, parades, sporting events, and also where the traffic generated by private business locations requires such directional control for public safety or convenience during a fire, accident, emergency or special event. A police officer may temporarily close a way to vehicular traffic or to vehicles of a certain description or divert pedestrian or vehicular traffic.

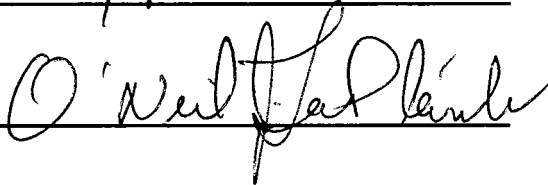
Enacted August 1, 1991 by the Board of Selectmen
Amended August 25, 2010 by the Board of Selectmen
Amended February 18, 2015 by the Board of Selectmen
Amended September 9, 2015 by the Board of Selectmen

Signed this 9th day of September, 2015


Peter Warner


David Thompson


Gary Poulin


O'Neil Laplante

11/28/90

TOWN OF RICHMOND

SIDEWALK SNOW REMOVAL ORDINANCE

A. REMOVAL OF SNOW FROM RESIDENCES AND BUSINESSES

When snow is removed from any residence or business, it shall not be placed on another's property, any sidewalks placed by the Town or on any fire hydrant. Additionally, no snow shall be placed so that it obstructs the vision of anyone operating a vehicle within the Town. The owner, tenant or any other person having control of the area where snow is placed and the person placing the snow shall be liable for any violation of this section.

B. REMOVAL OF SIDEWALK SNOW

The tenant or occupant of any store, shop, dwelling house, factory, hotel or other building, or any vacant lot of land, bordering upon any sidewalk placed by the Town, including but not limited to Main Street, South Front Street, Gardiner Street and North Front Street, and case there shall be no tenant, the owner or any person having the care or control of any building or lot of land bordering upon the aforementioned streets, shall cause snow to be removed from such sidewalk within the following times:

1. Within four (4) hours of the ceasing snowfall, if in the daytime.
2. Before 10:00 a.m. of the day following said snowfall if in the nighttime; provided that if the following day is Sunday, before 10:00 a.m. of the following Monday.

This provision shall be construed to extend to the removing of snow falling from any roof upon such sidewalk; but no person shall be required to remove any snow as aforesaid on Sunday. Such tenant or occupant, owner or agent, whenever ice shall have formed upon any sidewalk, as aforesaid, shall cause the same to be removed or to be properly covered or strewed with sand, ashes, or other suitable substance, in such a manner as to render said sidewalk safe and convenient for travelers on foot.

C. PENALTY

A fine of Twenty-Five Dollars (\$25.00) for the first offense, Fifty Dollars (\$50.00) for the second offense and One Hundred Dollars (\$100.00) for the third and subsequent offense in twelve months will be imposed for each violation.

Attest:
Dorothy Margott -
TOWN CLERK

TOWN SEAL