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Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - www.turnermaine.com

TOWN OF TURNER MAINE ADDRESSING ORDINANCE

ADOPTED APRIL 13, 1996

SECTION 1 - PURPOSE

The purpose of this Ordinance is to enhance the easy and radio location of properties by law enforcement, fire, rescue and emergency medical services personnel in the Town of Turner.

SECTION 2 - AUTHORITY

This Ordinance is adopted pursuant to and consistent with the Municipal Home Rule Powers as provided for in Article VIII, Part 2, Section 1 of the Constitution of the State of Maine and Title 30-A MRSA Section 3001.

SECTION 3 - ADMINISTRATION

This Ordinance shall be administered by the Planning Board, which is authorized to and shall assign road names and numbers to all properties, both on existing and proposed roads, in accordance with the criteria in Sections 4 and 5. The Planning Board shall also be responsible for maintaining the following official records of this Ordinance to include:

- a. A map of Turner showing road names and the numbering systems.
- b. An alphabetical list of all owners of record of all property showing their assigned numbers.
- c. An alphabetical list of all roads with property owners listed in order of their assigned numbers.

SECTION 4 - NAMING SYSTEM

All roads that serve two or more properties shall be named regardless of whether the ownership is public or private. "Road" refers to any highway, road, street, avenue, lane, private way, or similar paved, gravel, or dirt thoroughfare. "Property" refers to any property on which a more or less permanent structure has been erected or could be placed. A road name assigned by the Town of Turner shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- a. No two roads shall be given the same name (e.g., no Pine Road and Pine Lane).
- b. No two roads should have similar-sounding names (e.g., Beech, Beach).

c. Each road shall have the same name throughout its entire length.

SECTION 5 - NUMBERING SYSTEM

Numbers shall be assigned every fifty feet along both sides of the road, with even numbers appearing on the left side of the road and odd numbers appearing on the right side of the road, determined by the number origin.

The following criteria shall govern the numbering system:

- a. All number origins shall begin from Route 4, (Auburn Road), for roads in an East/West orientation and from the Auburn/Minot town line for roads in a North/South orientation except for dead end roads. The numbering of which shall originate at the intersection of the adjacent road and terminate at the dead end.
- b. The number assigned to each structure shall be that of the numbered interval falling closest to the front door. If the front door cannot be seen from the main road, the number shall be that of the interval falling closest to the driveway for said structure.
- c. Every structure with more than one principle use or occupancy shall have a separate number for each use or occupancy. (i.e. duplexes will have two separate numbers; apartments will have one road number with an apartment number, such as 235 Maple Street, Apt. 2).

SECTION 6 - COMPLIANCE

All owners of structures shall, by the date stipulated in Section 8, display and maintain in a conspicuous place on said structure, the assigned numbers in the following manner:

- a. NUMBER ON THE STRUCTURE OR RESIDENCE: Where the residence or structure is within fifty feet of the edge of the road right-of-way, the assigned number shall be displayed on the front of the residence or structure near the front door or entry.
- b. NUMBER AT THE STREET LINE: Where the residence or structure is over fifty feet from the edge of the road right-of-way, the assigned number shall be displayed on a post, fence, wall, mail box, or on some other structure at the property line next to the walk or access drive to the residence or structure.
- c. SIZE AND COLOR OR NUMBER: Numbers shall be located to be visible from the road and shall be a minimum of four inches tall and should be in a color contrasting to the color of the structure or object to which it is attached.
- d. Every person whose duty it is to display an assigned number shall remove any different number that might be mistaken for, or confused with the number assigned in conformance with this ordinance.
- e. INTERIOR LOCATION: All residents and other occupants are requested to post the assigned number and road name next to their telephone for emergency reference.

SECTION 7 - NEW CONSTRUCTION AND SUBDIVISIONS

All new construction and subdivisions shall be named and numbered in accordance with the provisions of this ordinance and as follows:

- a. **NEW CONSTRUCTION:** Whenever any residence or other structure is constructed, placed or developed, it shall be the duty of the new owner to obtain an assigned number from the Planning Board's designated agent. This shall be done at the time of the issuance of the building permit.
- b. **NEW SUBDIVISIONS:** An applicant for subdivision approval shall show a proposed road name and lot numbering system as required in Section 5 on the pre-application sketch plan submission to the Planning Board. On the final plan showing proposed roads, the applicant shall mark on the plan, lines or dots, in the center of the streets at intervals of every 50 (fifty) feet beginning at the intersection with the existing street to aid in assignment of numbers to structures subsequently constructed.

SECTION 8 - EFFECTIVE DATE

This ordinance shall become effective as of April 1996 and it shall be the duty of each property owner to comply with this ordinance including the posting of property numbers within thirty days following notification. On new structures, numbering is to be installed before final inspection or when the structure is first used or occupied, whichever comes first.

SECTION 9 - POSTING

The Board of Selectmen acting on behalf of the Town of Turner may post or cause to be posted in the right of way of any roads or on public property the numbers of property on publicly owned objects as the Board of Selectmen may determine to be appropriate to assist emergency personnel and individuals to find property. Removal or destruction of property numbers posted by the Town shall be punishable by a fine of not less than \$100 or more than \$500 for each offense.

SECTION 10 - ENFORCEMENT

- a. it shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance.
- b. Any person in violation of this Ordinance shall be penalized in accordance with Title 30-A Section 4452.



Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - www.turnermaine.com

Town of Turner, Maine Automobile Grave Yard and Junk Yard Ordinance

Adopted June 11, 1994

Amended April 8, 1995

Amended April 8, 2000

Amended April 7, 2001

Amended April 5, 2003

Amended April 3, 2004

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Section 1 - PURPOSE

A. The purpose of this ordinance is to provide adequate controls to insure that the establishment, operation and maintenance of automobile recycling businesses do not have a negative effect on public health, safety and general welfare or on the natural environment.

B. The purpose of this ordinance is to provide adequate controls to insure that the operation and maintenance of existing automobile graveyards, junkyards and automobile recycling businesses do not have a negative effect on public health, safety and general welfare or on the natural environment.

Section 2 - AUTHORITY

This ordinance is enacted pursuant to Title 30-A MRSA Section 3001 and Title 30-A MRSA Section 3751 et seq.

Section 3 - APPLICABILITY

A. This ordinance shall apply to any automobile graveyard junkyard or automobile recycling businesses now existing or to be established, all or part of which is within the Town of Turner.

B. This ordinance shall not apply to any Town of Turner waste handling facility.

C. This Ordinance shall not apply to bona fide farm and/or agricultural uses when- unserviceable vehicles- scrap metal and other items that may meet the definition of junk are stored for future use or to repair or maintain farm equipment used in connection with the owner's ongoing farm or agricultural operations. Should the farm or agricultural use cease, the provisions of this ordinance shall be met.

D. Farm or Agricultural operations shall provide proof of farming operations with a copy of their Schedule F Federal Form.

Section 4 - DEFINITIONS

Agricultural Operation: Operations that include, but are not limited to the harvest of agricultural products such as milk, hay, corn, fruit and other harvest type of items grown on the land and used for the continued agricultural operation.

Automobile Graveyard: A yard, field or other area used as a place of storage, other than temporary storage not to exceed ninety (90) days by an establishment or place of business which is engaged primarily in doing auto body repair work for the purpose of making repairs to render a motor vehicle serviceable, for three (3) or more unserviceable, discarded, worn out or junked motor vehicles as defined in Title 29-A MRSA, Section 101, subsection 42, or parts of such vehicles. Automobile graveyard includes an area used for dismantling, salvage and recycling of motor vehicles.

Automobile Recycling Business: A premise of a person who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component parts of the vehicles or rebuilding or repairing salvage for the purpose of resale or for selling the basic materials in the salvage vehicles, provided

that eighty (80) percent of the business premises specified in Section 7.C. is used for automobile recycling operations.

Junkyard: A yard, field or other area used to store discarded, worn out or junked plumbing, heating supplies, household appliance or furniture, scraped or junked lumber, rotten wood, scrap metal, rope, rags, batteries, paper trash, rubber debris or any other waste material, garbage dumps, waste dumps, and sanitary fills.

Road: State and Town maintained highways and streets and privately owned street designated for vehicular travel other than driveways.

Stream: Stream or brook means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the US Geological Survey 7.5 minute series topography map or if that is not available, 15-minute service topography map.
- B. It contains or is know to contain flowing water continuously for a period of at least three (3) months of the year in most years.
- C. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the streambed.
- E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

Stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Unserviceable Vehicle: Any motor vehicle which is wrecked, dismantled, unable to be operated legally on any public highway, such as, but not limited to unregistered or undisputed automobiles, or which is not being used for the purpose for which it was manufactured regardless of whether it is registered.

Water Body: Any great pond, river or stream.

Wetland: Swamps, marshes, bogs and similar areas, which are:

- A. 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 to life in saturated soils; and
- B. Not considered part of a great pond, river, stream or brook. These areas may contain small stream channels or inclusions of land that do not conform to these criteria.

Section 5 - PERMIT REQUIRED

- A. No person may establish, and the owner of property shall not permit the first time establishment, operation or maintenance of any automobile graveyard or automobile recycling

businesses without meeting the requirements of the Town of Turner Zoning Ordinance. Prior to the Municipal officers considering a permit application for the establishment of a first time automobile graveyard or automobile recycling business required by this ordinance site plan review approval as required by the Town of Turner Zoning Ordinance shall be obtained from the Planning Board. First time junkyards and automobile graveyards are prohibited in the Town of Turner.

B. No person may operate or maintain, and the owner of property shall not permit the operation or maintenance of a previously existing legal automobile graveyard, junkyard or automobile recycling business without each year re-applying and obtaining a permit renew under the standards herein set forth in this ordinance.

C. The currently approved permits issued shall remain in affect until October 1, 2005. Permits issued in 2005 and each succeeding year, in accordance with this ordinance shall be for a time frame not to exceed one (1) calendar year and shall expire on September 30th of each calendar year regardless of the date of issue, unless earlier suspended or revoked.

D. Permit Fees:

1. The annual fee for a permit for an automobile graveyard, automobile recycling business or junkyard of which no portion is within one hundred (100) feet of a road shall be fifty (\$50.00) dollars, plus the cost of posting and publishing the notice required in Section Six.

2. The annual fee for a permit for a new automobile recycling business shall be two hundred dollars (\$200), plus the cost of posting and publishing the notice required in

Section Six-APPLICATION PROCEDURES

A. Applications for a permit or renewal permit shall be made on forms provided that they shall be determined to be complete by the Code Enforcement Officer prior to processing.

B. Applications for renewal of existing automobile graveyards, junkyards or automobile recycling businesses shall not be required until October 1, 2005. Thereafter, the renewals shall be yearly on or before October 1st of any given year.

C Permits shall be granted by the Municipal Officers only after all required fees are paid in full and the automobile graveyard, junkyard or automobile recycling business is in compliance with all applicable Federal, State and local Ordinances and laws and the standards set out below and 30-A MRSA ss 3751 et seq. The Municipal Officers may impose restrictions, limitations and conditions in connections with the granting of any permit.

Section 6 - HEARINGS

A. The Municipal Officers shall hold a public hearing before granting a permit for operating or maintenance of an automobile graveyard, junkyard or establishing an automobile recycling business. Notice of the hearing shall be posted at least seven (7) days and not more than fourteen (14) days before the hearing in at least two (2) public

places in the municipality and published in a newspaper being generally circulated in the Municipality. Written notice of the application shall be mailed to the Department of Motor Vehicle Enforcement Division by the applicant.

Section 7 - SUBMISSION REQUIREMENTS

Any application for a first time automobile recycling business permit and all applications for a renewal permit for existing automobile graveyard, junkyard or automobile recycling business beginning with the year 2001 shall contain the following information.

- A. The property owner's name and address and the name and address of the person or entity that will operate the site. Size of the lot and percentage used by the business is to be presented.
- B. An area map (a copy of a USGS 7.5 minute topographical map or similar map with contour intervals) showing the area where the operations will be and the location of all roads within 1000 feet of the site.
- C. A set of site plans drawn to scale showing the following.
 1. The boundary lines of the property and setback requirements.
 2. Plans shall depict the specific location and size of all areas within the property boundary lines for the dismantling and storage of vehicles and parts.
 3. The specific location and size of all buildings and structures used in the business.
 4. The location of all adjacent properties and what they are used for within 1000 feet of the area where vehicles will be placed, or within 500 feet of the property line on the lot that the operation is located, whichever is the greater distance.
 5. The location of any water bodies and wetlands on the property or within 200 feet of the property lines.
 6. A description of the soil on the property
 7. The location of any sand and gravel aquifer as depicted on the current USGS Topographical Maps
 8. The boundaries and elevation of the 100-year flood plan as depicted on the current FEMA Flood Plain Maps
 9. The location, size and type of all existing or proposed screening
 10. A plan for the containment of fluids, containment and disposal of batteries and storage or disposal of tires.

Section 8 - STANDARDS

Before granting a new permit or a renewal permit the Municipal Officers shall find that the following standards have been met.

- A. All material in any previously legally existing automobile graveyard, junkyard or automobile recycling business between June, 1993 and April, 2003 shall be screened from view from any

portion of a road or any property not in the same ownership adjacent to the automobile graveyard, junkyard or automobile recycling business by natural or manmade object, plantings, properly constructed fences or building or combination thereof. Hills, gullies, embankments or berms constructed to form a screen must be constructed to blend with the landscape by loaming and seeding or other treatment so as to establish a natural appearance. Screening required by this paragraph must be well constructed and properly maintained at a minimum height of six (6) feet and acceptable to the Municipal Officers.

B. All material in any previously legally existing between June 1993 and April 2003, of any automobile graveyard, junkyard or automobile recycling business prior to January 1, 2013 shall be screened from view from any portion of a road or any property not in the same ownership adjacent to the automobile graveyard, junkyard or automobile recycling business by natural plantings, hills, gullies, embankments to form a natural screen that blends with the landscape, so as to establish a natural appearance. Man made fences will no longer be an acceptable screen.

C. All new automobile recycling businesses licensed after April 2003 shall be screened from view from any portion of a road or any property not in the same ownership adjacent to the automobile recycling business by natural plantings, hill, gullies, embankments to form a screen that blends with the natural landscape so as to establish a natural appearance.

D. No automobile graveyard or junkyard portion thereof shall be within three hundred (300) feet of any water body, sand and gravel aquifer, residence, public park or playground, school, cemetery or church or within a one hundred year floodplain, unless such automobile graveyard, junkyard or automobile recycling business was in legal existence prior to January 1, 1994.

E. No automobile graveyard or junkyard or automobile recycling business or any portion thereof shall be within one hundred (100) feet of a public or private water supply except a private water supply that serves only the yard or yard owners residence.

F. No automobile graveyard, junkyard or automobile recycling business or any portion; thereof shall be within one hundred (100) feet of any public road regardless of when the yard was established.

G. Upon receiving a motor vehicle, the fuel tank and battery shall be removed and fuel, engine ubricant, transmission fluid, brake fluid and engine coolant shall be drained from the vehicle and placed into watertight, covered containers. Written plans and copies of contracts to dispose of these items are to be part of an initial application and renewal statements for these items or new contracts and plans are to be submitted at renewal time.

H. All dismantling of motor vehicles with power tools shall take place within a building.

I. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property no in the same ownership

Section 9 - ENFORCEMENT, SUSPENSION AND REVOCATION

A. The Code Enforcement Officer shall enforce the requirements of this Ordinance.

B. The Code Enforcement Officer shall annually inspect each automobile graveyard, junkyard or automobile recycling business to determine compliance with its permit, at anytime during reasonable business hours.

C. Upon determination of the Code Enforcement Officer or complaint of an aggrieved party that the standards of this ordinance or applicable Federal, State or local ordinances are being violated and, after seven days notice sent by certified mail return receipt requested or delivered in person to the owner or operator of an automobile graveyard, junkyard or automobile recycling business, the Municipal Officers may hold a public hearing to determine whether a permit issued to establish, operate or maintain an automobile graveyard, junkyard, or automobile recycling business should be suspended or revoked. In determining whether a permit to establish, operate or maintain an automobile graveyard or junkyard should be suspended or revoked, the Municipal Officers will consider the legality of the issuance of the permit as well as the overall operating and compliance record of the automobile graveyard or junkyard in question. Whether or not junkyard is in compliance with all applicable laws and standards at the time of a suspension or revocation hearing shall not be the sole basis for determining whether or not to suspend or revoke a permit. A permit to establish, operate or maintain an automobile graveyard or junkyard may be suspended or revoked even if it is in compliance with all applicable laws and standards at the time of a hearing if it is determined that there has been repeated or serious violations of applicable laws and standards or damage to the environment such as noise, air, light, ground or surface water pollution.

Section 10 - PENALTIES

A. Any person, firm or corporation establishing operation or maintaining an automobile graveyard, automobile recycling business or junkyard in violation of this ordinance will be subject to a civil penalty of not less than one hundred (\$100) nor more than \$2,500, for each day the violation exists. The maximum penalty may exceed \$2,500 by may not exceed \$25,000 when it is shown that there has been a previous conviction by the same party within the past two (2) years of this ordinance. Each day a violation exists shall be considered a separate violation.

Section 11 - SEVER ABILITY

If a provision of this ordinance is declared invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to that provision of this ordinance directly involved in the controversy which gave rise to the judgment and shall not affect or impair the validity of any other provision of this ordinance.

Section 12 - APPEALS

An aggrieved party may take an appeal within forty-five (45) days from a decision of the Municipal Officers to Superior Court in accordance with Rule 800 B of the Maine Rules of Civil Procedure.



Town of Turner, Maine

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BARKING DOG ORDINANCE

ADOPTED APRIL 8, 1995

Section 1.

No owner or person having custody of any dog kept within the legal limits of the Town of Turner shall allow such dog to unnecessarily annoy or disturb any person by continued or repeated barking or other loud or unusual noises.

Section 2.

Upon written complaint by the person disturbed, signed and sworn to, any constable or Animal Control Officer of the Town of Turner or duly qualified law enforcement official may investigate and may give written notice to the owner or keeper or such dog that such annoyance or disturbance must cease. The warning shall be made a part of the complaint.

Section 3.

Thereafter, upon continuance of such annoyance or disturbance, such owner shall be guilty of civil violation and upon conviction thereof, shall be punished by a fine of \$25.00 for the first offense. Each additional conviction after the first conviction shall be punished by a fine of \$50.00. All fines so assessed shall be recovered for the use of the Town of Turner through District Court



Town of Turner, Maine

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FIRE DEPARTMENT SERVICE BILLING ORDINANCE

Adopted April 3, 2004

Amended March 31, 2007

Amended February 4, 2008

Amended June 7, 2010

Section 1: Statement of Purpose:

The Town of Turner is engaged in providing fire suppression, fire rescue and fire safety services and organized as a municipality under the laws of the State of Maine; and in consideration of services rendered hereby desires to set the following billing policy for Fire Department Services. This ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A MRSA, Section 3001.

Section 2: Definition of Services:

The Town of Turner will seek payment for the cost of services provided by the Town of Turner Fire Department. Services the Town of Turner shall seek payment for including, but are not limited to:

A - Scene and safety control at traffic accidents;

B - Disentanglement operations and assist rescue with Extrication from vehicles:

C - Fluid mitigation at traffic accidents;

D - Vehicle Fire;

E - Hazard Mitigation Operations

Section 3: Fees for Services:

Upon adoption of this Ordinance, the Board of Selectmen in there expressed authority shall be authorized to review and set the fees as they deem in the best interest of the Town of Turner.

Section 4: Explanation of Charges:

A - Command & Control Scene Safety:

Positioning of fire apparatus and personnel so as to protect the scene from other traffic and deny entry into the scene of unauthorized personnel. Police can the move traffic around the area the fire department has deemed as the safe zone for the occupants of the vehicles and the rescuers on the scene. Safely staging other incoming agencies responding to this incident and may also include a pulled hose line for protection of people on scene from possible fires and fumes or residue from such things as gasoline and air bag propellants. The most important function is establishing incident command of the scene, which is the fire departments responsibility at emergency incidents of this nature, and to coordinate with other responding agencies for their needs at the scene.

Patient care is the responsibility of Emergency Medical Service personnel but assistance may be requested by the EMS personnel.

B - Disentanglement / Extrication:

Anytime a person has to be lifted or taken out of an emergency situation or forcible entry is necessary to gain proper access to victims the fire department will assist ambulance or EMS (Emergency Medical Services) personnel in a coordinated effort on their own. This could include, but is not limited to: car accidents, industrial accidents, confined spaces, below grade rescues, or even high angle rescues to name just a few. Ropes, ladder devices, air monitoring equipment, self contained breathing apparatus,

hydraulic equipment, shoring, saws, cribbing, air bags are just a few of the types of equipment used in extrication issues.

C - Fire Suppression::

Fire suppression at a traffic accident is any time fire department personnel have to contain or extinguish a fire. It can also be the laying of hose lines and positioning a hand line for the protection of individuals at the scene because of fire, smoke, or leaking fluids, such as gasoline.

D - Hazard Mitigation:

Any time fire department personnel have to deal with any hazardous substances via containment or absorption with pads for carbon-based substances like gas or oil, or removal via pads and sand or other means permitted by the DEP (Department of Environmental Protection). This could be a car accident, trucking accident or a fixed facility. The mitigation of all hazardous material and substances is done in conjunction with the DEP.

E - Billing Procedures:

1 - First billing on or about the 15th of each month for all reports submitted for billing in the prior 30-day period.

a) Terms 30 days; with same billing to all parties involved in the same accident;

2 - Second Notice, if invoice has not been settled in 60 days.

3 - 90 day notice sent by certified mail.

4 - Collection Agency to be contacted after 120 days.

F - Considerations for Write Off:

1 - When the claim was not paid with a valid reason (insured not at fault, not covered)

2 - Not covered and failed to pay after 60 day notice.

3 - If all attempts to contact insurance companies and /or individuals failed by any common method available listed above.

Section 5: Administration and Enforcement:

It shall be the duty of the Town Clerk and the Town Manager to effectively pursue the requirements of this Ordinance for payment of services rendered by the Fire Department as specifically outlined above.

Section 6: Effective Date:

This ordinance shall take effect upon adoption by the Town of Turner at it's annual Town meeting of April 3, 2004.

Section 7: Validity and Serverability:

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.

Section 8: 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, by law, permit, or provision of law. Where this Ordinance imposes a greater restriction upon the use of Fire Department Services, the provisions of this Ordinance shall control.

A TRUE COPY OF THE ORDINANCE ENTITLED Fire Department Service Billing Ordinance.

ATTESTED: _____

Scott LaFlamme, Town Manager

FEES ESTABLISHED BY THE BOARD OF SELECTMEN APRIL 3, 2004 Amended February 2, 2008, June 7, 2010

Hourly rate for Engine Trucks: \$200.00/hr

Hourly rate for Squad Truck: \$100.00/hr

If the minimum call out fee for rolling to a scene when toned out exceeds \$500.00, these charges will be reviewed by the Fire Chief, on Scene Commander or Department Officer and forwarded to the Town Office for billing.

Town of Turner, Maine Floodplain Management Ordinance

Amended: April 6, 2013
Effective: July 7, 2013
Amended: April 5, 2014

Certified By: _____
Signature

Certified By: _____
Print Name

Title

Affix Seal

FLOODPLAIN MANAGEMENT ORDINANCE

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ARTICLE I - PURPOSE AND ESTABLISHMENT

Certain areas of the Town of Turner, 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 Turner, 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 Turner, 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 Turner 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 Turner 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 Turner, Maine.

The areas of special flood hazard, Zones A and AE for the Town of Turner, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Androscoggin County Maine" dated July 8, 2013 with panels: 082E, 084E, 085E, 091E, 092E, 093E, 094E, 101E, 102E, 103E, 104E, 108E, 111E, 112E, 113E, 114E, 116D, 118E, 180E, 181E, 182E, 183E, 184E, 201E, 202E, 203E, 204E, 206E, 211E, 212E, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Androscoggin County Maine," are hereby adopted by reference and declared to be a part of this Ordinance.

The effective date of this Ordinance shall be July 7, 2013.

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 Turner, 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 Zone AE, from data contained in the "Flood Insurance Study – Androscoggin 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, FEMA 265), 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, 03/09, 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 for all minor development and for all new construction or substantial improvements shall be paid to the Town Treasurer or Code Enforcement Officer and a copy of a receipt for the same shall accompany the application. The Selectmen shall have the authority to establish, review and revise the application fee.

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

ARTICLE V - REVIEW STANDARDS FOR FLOOD HAZARD DEVELOPMENT PERMIT APPLICATIONS

The Code Enforcement Officer shall: Town of Turner

- 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 – Androscoggin County, Maine," as described in Article I;
 - 2. in special flood hazard areas where base flood elevation and floodway data are not provided, the 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 in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

F. If the application satisfies the requirements of this Ordinance, approve the issuance of one of the following Flood Hazard Development Permits based on the type of development:

1. A two part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the Code Enforcement Officer with a second 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. Zone 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. Zone 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. Zone 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. Zone 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 AE and A, 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 AE and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Article VI.K.3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
 - a. will not increase the water surface elevation of the base flood more than one foot at any point within the community; and,
 - b. is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," *Flood Insurance Study - Guidelines and Specifications for Study Contractors*, (FEMA 37, as amended).
3. In Zones AE and A 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 AE and A that meets the development standards

of Article VI, including the elevation requirements of Article VI, paragraphs F, G, or H and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces 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 AE and A 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 AE and A 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 AE and A, in and over water and seaward of the mean high tide if the following requirements are met:

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

ARTICLE VII - CERTIFICATE OF COMPLIANCE

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

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

ARTICLE VIII - REVIEW OF SUBDIVISION AND DEVELOPMENT PROPOSALS

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

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

ARTICLE IX - APPEALS AND VARIANCES

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

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

- A. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances shall be granted only upon:
 - 1. a showing of good and sufficient cause; and,
 - 2. a determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances; and,
 - 3. a showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and,
 - 4. a determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:
 - a. that the land in question cannot yield a reasonable return unless a variance is granted; and,
 - b. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
 - c. that the granting of a variance will not alter the essential character of the locality; and,
 - d. that the hardship is not the result of action taken by the applicant or a prior owner.

- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.
- D. Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:
 - 1. other criteria of Article IX and Article VI.K. are met; and,
 - 2. the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- E. Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:
 - 1. the development meets the criteria of Article IX, paragraphs A. through D. above; and,
 - 2. the proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- F. Any applicant who meets the criteria of Article IX, paragraphs A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:
 - 1. the issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of insurance coverage;
 - 2. such construction below the base flood level increases risks to life and property; and,
 - 3. the applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.
- G. Appeal Procedure for Administrative and Variance Appeals

1. An administrative or variance appeal may be taken to the Board of Appeals by an aggrieved party within thirty days after receipt of a written decision of the Code Enforcement Officer or Planning Board.
2. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed from.
3. The Board of Appeals shall hold a public hearing on the appeal within thirty-five days of its receipt of an appeal request.
4. The person filing the appeal shall have the burden of proof.
5. The Board of Appeals shall decide all appeals within thirty-five days after the close of the hearing, and shall issue a written decision on all appeals.
6. The Board of Appeals shall submit to the Code Enforcement Officer a report of all variance actions, including justification for the granting of the variance and an authorization for the Code Enforcement Officer to issue a Flood Hazard Development Permit, which includes any conditions to be attached to said permit.
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 Section 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances.

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

Elevated Building - means a non-basement building

- a. built, in the case of a building in Zones AE or A, 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 AE or A, **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), 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 earth's 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)



Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - www.turnermaine.com

HOLDING TANK ORDINANCE

ADOPTED NOVEMBER 15, 1995

AMENDED APRIL 12, 1997

SECTION I. TITLE:

This ordinance shall be known and cited as the Town of Turner, Maine Holding Tank Ordinance, and will be referred to as "this Ordinance."

SECTION II. PURPOSE:

The purpose of this Ordinance is to establish the requirements for the use and maintenance of holding tanks utilized as first time disposal systems designed to receive and retain wastewater from 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 general welfare of the inhabitants of the Town of Turner, Maine.

SECTION III. AUTHORITY AND ADMINISTRATION:

A. This Ordinance is hereby adopted and hereafter amended pursuant to and consistent with Article VIII-A of the Maine Constitution, the provisions of Title 30A M.R.S.A. Section 3001 and the Maine Subsurface Waste Water Disposal Rules (144A CMR 241).

B. This Ordinance shall be administered by the Local Plumbing Inspector.

SECTION IV. APPLICABILITY:

This Ordinance applies to the approval for the installation of and the maintenance of holding tanks utilized as first time disposal systems for commercial uses not located in the Shoreland Area as defined in the Town of Turner Zoning Ordinance nor to satisfy the requirements for a Seasonal Conversion Permit. This Ordinance does not allow the use of holding tanks for first time disposal systems for residential uses.

SECTION V. AMENDMENTS, VALIDITY AND SEVERABILITY AND EFFECTIVE DATE:

A. AMENDMENTS

1. Initiation of Amendments: An amendment to this Ordinance may be initiated by:
 - a. The Board of Selectmen, provided a majority of the Board has so voted; or
 - b. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality in the last gubernatorial election.
2. The Planning Board shall hold a public hearing on the proposed amendment at least 14 days prior to a town meeting. Notice of the public hearing shall be posted at the Town Office at least 14 days prior to the hearing. Notice of the hearing shall be published twice in a

newspaper of general circulation in the area. The date of the first notice shall be at least 14 days before the hearing and the date of the second notice shall be at least 7 days before the hearing.

3. Adoption of Amendments: An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

B. VALIDITY AND SEVER ABILITY

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

C. EFFECTIVE DATE

The effective date of this Ordinance is the date of adoption by the Town Meeting on November 15, 1995.

SECTION VI. ENFORCEMENT:

A. NUISANCES

Any violation of this Ordinance shall be deemed a nuisance.

B. LOCAL PLUMBING INSPECTOR

It shall be the duty of the Local Plumbing Inspector to enforce the provisions of this Ordinance. If the Local Plumbing Inspector shall find that any provision of this Ordinance is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and the action necessary to correct it. A copy of such notices shall be maintained as permanent record.

C. LEGAL ACTION

When the above action does not result in the correction or abatement of the violation or nuisance condition, the selectmen, upon notification from the Plumbing Inspector, are hereby authorized and 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.

D. FINES

Any person, including but not limited to the landowner, a landowners agent or a contractor who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452. Each day the violation exists shall be considered a separate violation. Such persons shall also be liable for court costs and attorney fees incurred by the Town of Turner.

SECTION VII. APPLICATION PROCEDURE AND CONTENT:

A. APPLICATION PROCEDURE

1. All applications for a Holding Tank Permit shall be in writing on forms provided for that purpose. Applications shall be received by the Plumbing Inspector during normal business hours.
2. The Plumbing Inspector shall provide the applicant with a dated receipt at the time the application is submitted.
3. Within fifteen (15) days of receiving an application the Plumbing Inspector shall approve, with conditions or deny the application.

B. FEES

All applications for a First Time Holding Tank Permit shall be accompanied by an application fee of \$10.00 payable to the Town of Turner. The Selectmen shall have the authority to revise the fee

schedule to better reflect the actual cost to the town of administering and enforcing this Ordinance after holding a public hearing.

C. EXPIRATION OF APPROVALS

All Holding Tank Permit approvals shall expire one (1) year after the date of issuance unless the work there under has commenced. All work associated with the installation of a holding tank shall be completed within six (6) months from the date that work commenced.

D. All applications for a permit for a holding tank for first time disposal shall be made in writing on forms provided by the town for that purpose. The submission shall contain the following information and exhibits.

1. Name of the owner (s) of record and applicant's name and address, if different;
2. Sketch map showing the general location of the property;
3. The tax map and lot number of the parcel;

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 part of the applicant;

5. The Holding Tank Application Form shall be accompanied by the required HHE 200 Form approved the Local Plumbing Inspector;

6. A signed agreement between the property owner and/or applicant and a transporter meeting applicable licensing requirements to pump and maintain the tank; and

7. A report or other documentation from a Site evaluator that indicates that due to site conditions, lot configuration, or other constraints, the installation of a system with a disposal field is not feasible.

SECTION VIII. PERFORMANCE STANDARDS:

The Following standards shall be utilized by the Plumbing Inspector in reviewing applications for a holding tank for first time disposal systems. The Plumbing Inspector shall approve the application unless it is found that the applicant has not satisfied one or more of the following standards.

A. A holding tank for a first time disposal system shall not be permitted in any Shoreland Area as defined in the Town of Turner Zoning Ordinance.

B. A holding tank for a first time disposal system shall not be permitted to satisfy the requirements for a Seasonal Conversion Permit under Title 30-A M.R.S.A. Section 4215 Subsection 2.

C. The installation of a disposal field is not feasible due to site conditions, lot configuration or other constraints.

D. The plumbing in the structure shall be modified for maximum water conservation and all water closets shall meet or exceed ASME A112.19.2 for 1.6 gallons per flush.

E. A deed covenant shall be required for structures served by a holding tank. As a minimum, the covenant shall include a statement that a holding tank is serving the structure for the disposal of human sewage and wastewater. The aforementioned statement shall be a separate stand-alone section or paragraph.

F. The agreement between the property owner and/or applicant and transporter shall be filed by the applicant in the Town Office and indicate the location of the Septage disposal site or sites. Only those sites approved by the Maine Department of Environmental Protection shall be utilized.

G. The holding tank shall be equipped with a visual and audible alarm device. The alarm shall be located and adjusted in a manner that assures the tank is pumped before it is full.

SECTION IX. REPORTING REQUIREMENTS:

The applicant shall provide copies of all pumping records to the Local Plumbing Inspector by January 15th of each year.

SECTION X. APPEALS:

A. ADMINISTRATIVE APPEALS

The Board of Appeals, may, upon written application of an aggrieved party and after public notice, 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 Local Plumbing Inspector in the administration of this Ordinance. Such appeals shall be taken within thirty (30) days of the date of the decision.

B. The Board of Appeals shall not have the authority to allow holding tanks for first time disposal system in locations or for uses prohibited by this Ordinance.

C. An 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 45 days from the date any decision of the Board of Appeals.

SECTION XI. DEFINITIONS:

AGGRIEVED PARTY: an owner of land whose property is directly affected by the granting or denial of a permit; or a person whose land abuts or is across a road, street, or body of water for which a permit is granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of a permit.

COMMERCIAL: provisions for services on the premises, or the sale of goods to the general public on a regular basis for a charge or fee other than home occupations. For the purpose of this definition commercial shall also include the assembling, fabrication, finishing, manufacturing, packing or processing of goods. The term commercial shall not include: single family residential dwelling units, duplexes, multi-family dwelling units, mobile home parks, congregate housing, group homes, hospice, nursing homes, elderly housing complexes, hotels, motels, and dwellings or rooms for rent or lease.

HOLDING TANK: a closed, watertight 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.

LOCAL PLUMBING INSPECTOR: a person as defined in Title 30-A M.R.S.A. Section 4221 and Title 30-A M.R.S.A. Section 4451.

SEASONAL CONVERSION PERMIT: written authorization issued by the Local Plumbing Inspector to allow the conversion of a seasonal dwelling unit located in a Shoreland area to a year-round use.

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

WASTE WATER: any liquid waste containing animal or vegetable matter in suspension or solution, or the water-carried waste from the discharge of water closets, laundry tubs, washing machines, sinks,

dishwashers, or other sources of water-carried wastes of human origin. This term specifically excludes industrial, hazardous, or toxic wastes and materials.

Turner HTO 10/26/95 Amended: April 12, 1997

TOWN OF TURNER, MAINE
MEDICAL MARIJUANA ESTABLISHMENT LICENSE
FOR REGISTERED CAREGIVERS ORDINANCE

ADOPTED APRIL 6, 2019

SECTION 1: PURPOSE AND AUTHORITY: The purpose of this Ordinance is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing. This ordinance is enacted pursuant to authority granted under 30-A M.R.S. § 3001, 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D.

SECTION 2: DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following terms have the following meanings.

Registered caregiver retail store. “Registered caregiver retail store” means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store to sell medical marijuana to qualifying patients.

Registered dispensary. “Registered dispensary” means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

Marijuana testing facility. “Marijuana testing facility” means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

Marijuana Manufacturing facility. “Marijuana Manufacturing facility” means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Cultivation area. “Cultivation area” means a Registered Caregiver’s indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

Medical marijuana establishment. "Medical marijuana establishment" means a registered caregiver retail store, marijuana testing facility, Marijuana Manufacturing facility, or Cultivation area.

State registration authority. “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

Registered caregiver "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

Disqualifying drug offense. "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 one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

SECTION 3: LICENSE REQUIRED: No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without first obtaining a license from the Board of Selectmen prior to commencing operations pursuant to this Ordinance.

- a. An applicant must complete a site plan review, and receive approval from the Planning Board, pursuant to the Town of Turner Zoning Ordinance Section 5.
- b. Notwithstanding Section 3(a), if an applicant applies for a license, which will be located at a premises that has previously been through a site plan review, for the same type of medical marijuana establishment applicant is seeking to license the Board of Selectmen may waive the site plan review requirement for the applicant.
- c. A license shall be for a period of one year from the date of its issuance.
- d. A license must be obtained prior to the opening of a medical marijuana establishment.
- e. Renewal of an existing license is governed by Section 9 of this Ordinance.
- f. Notwithstanding anything to the contrary within this Section a caregiver operating a preexisting Medical marijuana establishment in compliance with State law and Town Ordinances shall have 12 months from the date of enactment of this Ordinance to obtain a license pursuant to this Ordinance, and will not be subject to the requirements in Section 3(a) in order to obtain a license for said preexisting Medical marijuana establishment.

SECTION 4: APPLICATION: An applicant for a medical marijuana establishment license shall complete and file an application with the Code Enforcement Officer (CEO), or such other person designated by the Town Manager, on the provided form, and request to be placed on the Board of Selectmen's agenda no less than 30 days in advance of a regularly scheduled meeting, together with the applicable nonrefundable license fee, as well as the following supporting materials:

- a. A copy of the applicant's state registration application and supporting documentation, as submitted to the state registration authority.

- b. Evidence of all state approvals or conditional approvals required to operate a medical marijuana establishment, including, but not limited to, a state registry identification card or registration certificate.
- c. If not included in the applicant's state registration application, a description of the form of ownership of the business enterprise together with attested copies of any articles of incorporation, bylaws, operating agreement, partnership agreement or articles of association that govern the entity that will own and/or operate the medical marijuana establishment.
- d. If not included in the applicant's state registration application, an affidavit that identifies all owners, officers, members, managers or partners of the applicant.
- e. A release for each applicant and for each officer, owner, member, manager or partner of the applicant seeking a license allowing the Town of Turner to obtain criminal records and other background information related to the individual.
- f. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
- g. Evidence of all other approvals or conditional approvals required to operate the medical marijuana establishment, including Planning Board approval and any applicable food or victualer's license.
- h. Evidence of compliance with the requirements of Section 11 and evidence that the standards listed in Section 10 have been met.

If the Board of Selectmen determines that a submitted application is not complete, they shall notify the applicant within ten (10) business days of the additional information required to process the application. If such additional information is not submitted within thirty (30) days of the Board of Selectmen's request, the application may be denied.

SECTION 5: INVESTIGATION OF APPLICANT, OFFICERS, ETC: Upon receipt of an application or of a notice of a change of any of the individuals listed in Section 4(d), the Town Clerk shall provide copies of the completed application to the CEO, or such other person designated by the Town Manager, for the purposes of reviewing the application and carrying out any necessary site review of the premises at which the establishment will be located.

- a. The CEO shall determine if an applicant's proposal could comply with all applicable town ordinances;
- b. The CEO may coordinate with any other Town employee, agent, or independent contractor to carry out any such inspection the CEO deems necessary to determine if applicant's proposal could be in compliance with Town Ordinances.

- c. The CEO shall have 21 days from the date a completed application is forwarded from the Board of Selectmen to complete a review of the applicant's premises and submit an affirmative, negative, or conditional report to the Board of Selectmen.

SECTION 6: ACTION ON APPLICATION:

- a. **PUBLIC HEARING:** Prior to granting a license, the Board of Selectmen shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.
- b. **ISSUANCE OF LICENSES:** After public hearing and within fifteen (15) days of said public hearing, the Board of Selectmen shall grant the license requested unless the issuance of the license would violate any prohibition in this Ordinance or any State law, Town Ordinance, Planning Board conditions of approval, or is otherwise contrary to the public health, safety or welfare. In granting a license, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed Medical Marijuana Establishment including, without limitation, noise and hours of operation. The Board of Selectman may adopt the conditions of approval imposed by the Planning Board pursuant to their site plan review process as restrictions to of the applicant's premises by reference to said conditions. The applicant shall be informed in writing of the decision on the application and of the reasons for the decision.

SECTION 7: STATUS AND DISPLAY OF LICENSE: No license issued under this Ordinance may be assigned or transferred to another entity. Any change in ownership or change in the officers of an owner shall require a new license. Licenses are limited to the premises for which they are issued and are not transferable to another location. The license shall be displayed in a conspicuous place in the medical marijuana establishment for which the license is issued. An application for a new license pursuant to this Section may be treated as a new application pursuant to Section 4 or a renewal pursuant to Section 9 at the discretion of the Board of Selectmen.

SECTION 8: DUTY TO UPDATE INFORMATION: Any license holder issued a license under this Ordinance shall have the duty to maintain updated and accurate information regarding all of the information provided pursuant to the application process and as required in Section 4 of this Ordinance within ten days of any change of status. Failure to provide and maintain current and accurate information may result in revocation of the applicant's license.

SECTION 9: RENEWALS: Applications for renewal of licenses shall be submitted at least sixty (60) days prior to expiration of the existing license. Any license holder that fails to submit a renewal application by the applicable deadline shall not have authority to operate

until a license is granted. License renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Manager shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen.

SECTION 10: STANDARDS FOR LICENSE DENIAL OR REVOCATION:

Renewals of existing licenses shall be denied by the Board of Selectmen, and an existing license may be suspended or revoked by the Board of Selectmen after notice and hearing, if the applicant, or any owner of the applicant or license holder:

- a. Fails to meet the requirements of this ordinance;
- b. Has had a license for a marijuana establishment revoked by a municipality or by the State;
- c. Has not acquired all necessary State and local approvals prior to issuance of the license;
- d. Has been convicted of a disqualifying drug offense; or
- e. Has provided false or misleading information in connection with the license application.

SECTION 11: OPERATING REQUIREMENTS: In order to obtain a license pursuant to this ordinance, the applicant shall demonstrate to the Board of Selectmen that the following requirements will be met. A license holder shall comply with all of these requirements during the term of the license.

- a. *Fixed location.* All licensed premises shall be fixed, permanent locations. License holders shall not be permitted to operate medical marijuana establishments in other than the licensed premises, such as at farmer's markets, farm stands or kiosks.
- b. *Security.*
 - i. The licensed premises shall have lockable doors and windows and shall be served by an alarm system.
 - ii. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.
 - 1. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.

2. The Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Board of Selectmen's discretion.
- c. *Ventilation.*
 - i. The licensed premises shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
 - ii. All medical marijuana establishments shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.
 - d. *Waste disposal.* The licensed premises shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.
 - e. *Loitering.* The facility owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the license holder's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a licensed premises is ordered to leave.
 - f. *Compliance with requirements of state and local law.* A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this Ordinance, the more restrictive shall control.
 - g. *Marijuana Manufacturing Facilities.* A Marijuana Manufacturing facility applicant must provide specific information about the extraction equipment to be used on the licensed premises, including how all fire and electrical standards will be met. Marijuana Manufacturing facility license holders shall not employ extraction methods that use fossil fuel based solvents, including but not limited to butane, hexane, and propane.

SECTION 12: VIOLATIONS; PENALTIES. In addition to revocation or suspension of a medical marijuana establishment license as provided in this Ordinance, the violation of any provision of this Ordinance may be punished, at the decision of the Board of Selectmen, by a fine of not less than \$500.00 nor more than \$2,500.00 for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the town may enjoin or abate any violation of this Ordinance. All fines and penalties, together with costs of prosecution of violations, which shall include the town's cost and attorney's fees, shall inure to the benefit of the town. This section shall be enforced by the Board of Selectman, or their designee. Notice of violations by medical

marijuana establishment license holders of other provisions of this Ordinance shall be provided to the Board of Selectmen.

SECTION 13: LICENSE FEE AND COSTS.

- a. The initial license fees for a Medical marijuana establishment shall be \$100.00. There shall be no renewal fee for an existing Medical marijuana establishment unless there has been a change in use resulting in initial application approval being required.
- b. Applicant shall be responsible for any costs incurred by the Town in the processing of an application, including but not limited to publication fees for any public hearing.
- c. The Selectmen shall have the authority to revise the annual license fees and renewal fees after holding a public hearing.

SECTION 14: SEVERABILITY. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 15: APPEALS. Appeals may be taken to the Maine Superior Court in accordance with Rule 80-B, Maine Rules of Civil Procedure.



Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - www.turnermaine.com

TOWN OF TURNER, MAINE PROPERTY ASSESSED CLEAN ENERGY (PACE) ORDINANCE

PREAMBLE

WHEREAS, the 124th Maine Legislature has enacted Public Law 2009, Chapter 591, “An Act to Increase the Affordability of Clean Energy for Homeowners and Businesses,” also known as “the Property Assessed Clean Energy Act” or “the PACE Act”; and

WHEREAS, that Act authorizes a municipality that has adopted a Property Assessed Clean Energy (“PACE”) Ordinance to establish a PACE program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town, financed by funds awarded to the Efficiency Maine Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose, and to enter into a contract with the Trust to administer functions of its PACE program; and

WHEREAS, the Municipality of Turner wishes to establish a PACE program; and

NOW THEREFORE, the Municipality hereby enacts the following Ordinance:

ARTICLE I - PURPOSE AND ENABLING LEGISLATION

Section 1. Purpose

By and through this Chapter, the Town of TURNER declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Property Assessed Clean Energy (“PACE”) program so that owners of qualifying property can access financing for energy saving improvements to their properties located in the Town. The Town declares its purpose and the provisions of this Ordinance to be in conformity with federal and State laws.

Section 2. Enabling Legislation

The Town enacts this Ordinance pursuant to Public Law 35-A M.R.S.A. § 10151, *et seq.*)

ARTICLE II - TITLE AND DEFINITIONS

Section 1. Title

This Ordinance shall be known and may be cited as “the Town of TURNER Property Assessed Clean

Energy (PACE) Ordinance” (the “Ordinance”).”

Section 2. Definitions

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings; as used in this Ordinance, the following words and phrases shall have the meanings indicated:

- A. Energy saving improvement.** “Energy saving improvement” means an improvement to qualifying property that is new and permanently affixed to qualifying property and that:
1. Will result in increased energy efficiency and substantially reduced energy use and:
 - (a) Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - (b) Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
 2. Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the trust.
- B. Municipality.** “Municipality” shall mean the Town of TURNER.
- C. PACE agreement.** “Pace agreement” means an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.
- D. PACE assessment.** “PACE assessment” means an assessment made against qualifying property to repay a PACE loan.
- E. PACE district.** “Pace district” means the area within which the Municipality establishes a PACE program hereunder, which is all that area within the Municipality’s boundaries.
- F. PACE loan.** “PACE loan” means a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.
- G. PACE mortgage.** “PACE mortgage” means a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.
- H. PACE program.** “PACE program” means a program established under State statute by the Trust or a municipality under which property owners can finance energy savings improvements on qualifying property.

I. **Qualifying property.** “Qualifying property” means real property located in the PACE district of the Municipality.

J. **Renewable energy installation.** “Renewable energy installation” means a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

K. **Trust.** “Trust” means the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.

ARTICLE III - PACE PROGRAM

Section 1. Establishment; Funding.

The Municipality hereby establishes a PACE program allowing owners of qualifying property located in the PACE district who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent. PACE loan funds are available from the Trust in municipalities that 1) adopt a PACE Ordinance, 2) adopt and implement a local public outreach and education plan, 3) enter into a PACE administration contract with the Trust to establish the terms and conditions of the Trust’s administration of the municipality’s PACE program, and 4) agree to assist and cooperate with the Trust in its administration of the municipality’s PACE program.

Section 2. Amendment to PACE program.

In addition, the Municipality may from time to time amend this Ordinance to use any other funding sources made available to it or appropriated by it for the express purpose of its PACE program, and the Municipality shall be responsible for administration of loans made from those other funding sources.

ARTICLE IV – CONFORMITY WITH THE REQUIREMENTS OF THE TRUST

Section 1. Standards adopted; Rules promulgated; model documents.

If the Trust adopts standards, promulgates rules, or establishes model documents subsequent to the Municipality’s adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the Municipality shall take necessary steps to conform this Ordinance and its PACE program to those standards, rules, or model documents.

ARTICLE V – PROGRAM ADMINISTRATION; MUNICIPAL LIABILITY

Section 1. Program Administration

A. PACE Administration Contract. Pursuant to 35-A M.R.S.A. §10154(2)(A)(2) and (B), the Municipality will enter into a PACE administration contract with the Trust to administer the functions of the PACE program for the Municipality. The PACE administration contract with the Trust will establish the administration of the PACE program including, without limitation, that:

1. the Trust will enter into PACE agreements with owners of qualifying property in the Municipality's PACE district;
2. the Trust, or its agent, will create and record a Notice of the PACE agreement in the appropriate County Registry of Deeds to create a PACE mortgage;
3. the Trust, or its agent, will disburse the PACE loan to the property owner;
4. the Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
5. the Trust, or its agent, will be responsible for collection of the PACE assessments;
6. the Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
7. the Trust or its agent on behalf of the Municipality, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

B. Assessments Not a Tax. PACE assessments do not constitute a tax but may be assessed and collected by the Trust in any manner determined by the Trust and consistent with applicable law.

Section 2. Liability of Municipal Officials; Liability of Municipality

A. Notwithstanding any other provision of law to the contrary, municipal officers and municipal officials, including, without limitation, tax assessors and tax collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a PACE program, including, without limitation, claims for or related to uncollected PACE assessments.

B. Other than the fulfillment of its obligations specified in a PACE administration contract with the Trust entered into under Article VI, §1(A) above, a municipality has no liability to a property owner for or related to energy savings improvements financed under a PACE program.

Adopted April 14, 2012

Attest: _____

Eva Leavitt, Town Clerk

**PLANNING BOARD ORDINANCE
TURNER, MAINE**

1. Establishment

Pursuant to Article VIII-A of the Maine Constitution and Title 30-A M.R.S.A. Section 3001, the Town of Turner hereby establishes the Turner Planning Board.

2. Appointment

- A. Board members shall be appointed by the municipal officers and sworn by the clerk or other person authorized to administer oaths.
- B. The Board shall consist of seven (7) members with a quorum consisting of four (4) members.
- C. The term of each member shall be three years. Terms shall run from July 1st through June 30.
- D. When there is a permanent vacancy, the municipal officers shall, within 30 days of its occurrence, appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation, including resignation by absence, or death of any member, or when a member ceases to be legal resident of the town. The municipal officers may remove members of the Planning Board by unanimous vote, for cause, after notice and hearing.
- E. A municipal officer may not be a member.
- F. All members shall be legal residents of the Town of Turner.

3. Organization and Rules

- A. The Board shall elect a chairman, vice-chairman and secretary and fill such other offices as it may deem necessary. The term of office shall be for one year with eligibility for re-election with elections held in July.
- B. Any question of whether a member shall be disqualified from voting shall be decided by a majority vote of the members except the member who is being challenged.
- C. The Chairman shall call at least one regular meeting of the Board each month.
- D. No meeting of the Board shall be held without a quorum consisting of four (4) members. The Board shall act by majority vote, calculated on the basis of the majority of the Board present and voting.

*Planning Board Ordinance
Turner, Maine
Amended April 5, 2008*

E. The Board shall adopt rules or bylaws for transition of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. **Duties and Powers**

A. The Board shall perform such duties and exercise such powers as are provided by town ordinances and the laws of the State of Maine.

B. The Board shall submit an annual report to be included in the annual town report.

C. The Board, together with the municipal officers, is authorized to contract with federal, state and private agencies to obtain goods and services necessary to its proper function.

5. **Repeal of Existing Planning Board**

Adoption of this Ordinance shall repeal any and all previous Planning Board Ordinances.

6. **Effective Date**

This Ordinance shall become effective when enacted by the legislative body of the Town of Turner.

7. **Validity and Severability**

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

8. **Amendments**

This Ordinance shall be amended in accordance with procedures specified in Title 30-A MRSA Section 3002 at any Town Meeting.



Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - www.turnermaine.com

SPECIAL AMUSEMENT PERMITS FOR ALCOHOLIC BEVERAGE ESTABLISHMENTS

SECTION I: PURPOSE AND AUTHORITY: The purpose of this Ordinance is to control the issuance of special amusement permits for music, dancing or entertainment in facilities licensed by the State to sell liquor, registered with the State as a bottle club or any other business established, whether licensed or permitted or not. This section is adopted pursuant to 28-A M.R.S.A. ss 1054 and 30-A M.R.S.A. ss 301.

SECTION II: DEFINITIONS: The following definitions apply unless the context clearly indicates another meaning:

(A) ENTERTAINMENT: includes any amusement, performance, exhibition or diversion whether live, tape or otherwise for patrons or customers of the licensed premises whether provided a) by professional entertainers; b) by full-time or part-time employees of the licensed premises whose incidental duties include activities with an entertainment value; c) by patrons induced by prizes or otherwise to act as entertainers; or d) by any other person.

(B) PREMISES: includes all parts of the contiguous real estate occupied by a business over which the owner/operator has direct or indirect control or interest or which the owner/operator uses in the operation of the business.

SECTION III: SPECIAL AMUSEMENT PERMIT REQUIRED: No person shall permit on the premises of any business, any music, except radio or mechanical device, dancing or entertainment of any sort unless the person has obtained from the Board of Selectmen a special amusement permit under this Ordinance.

(A.) APPLICATIONS: Applications for special amusements permits and annual renewals thereof shall be made in writing to the Board of Selectmen and shall state the name of the applicant; his business address; the nature of the business, including a specific description of the entertainment to be offered; the location to be used; whether the applicant has ever had a license to conduct the type of business therein described either denied or revoked and, if so, the applicant shall describe those circumstances specifically; whether the applicant, including all partners and corporate officers, has ever been convicted of a felony and, if so, the applicant shall describe those circumstances specifically; and any additional information as may be required by the Board of Selectmen prior to the issuance of the permit, including but not limited to, a copy of the applicant's current liquor license, if any.

(B) ENTERTAINMENT REGULATED: No special amusement permit shall be issued for a premises that will offer entertainment, which includes:

1. Exposing to view the genitals, pubic hair, anus, vulva or any portion of the female breasts at or below areola area thereof. "Exposing to view:" includes without limitation

appearing without an opaque covering or appearing with only an opaque covering, which adheres to the skin, such as body paint.

2. The actual or simulated touching, caressing or fondling of the breasts, buttocks or genitals.

(C.) CODE COMPLIANCE: No special amusement permit may be issued for any thing or act or premises if the premises and buildings to be used do not comply with all ordinances, codes and regulations of the Town.

(D.) FEES: The fee for a special amusement permit shall be One Hundred Dollars (\$100.00) and shall be paid when the application is made.

(E.) PUBLIC HEARING ON APPLICATIONS: Prior to granting a special amusement permit, the Board of Selectmen shall hold a public hearing. Reasonable notice of the hearing shall be given by the Town Clerk to the applicant and shall be published at least once in a newspaper having a general circulation in the Town. At the public hearing, testimony of the applicant and of any interested person shall be heard.

(F.) ISSUANCE OF PERMITS: After public hearing and within fifteen (15) days of the Board of Selectmen's receipt of the completed application, the Board of Selectmen shall grant the special amusement permit requested unless the issuance of the permit would violate any prohibition in this Ordinance or any State law or Town Ordinance or is otherwise contrary to the public health, safety or welfare. In granting a permit, the Board of Selectmen may impose reasonable restrictions to protect property owners in the vicinity of the business premises from any nuisance aspects of the proposed amusements including, without limitation, noise and hours of operation. The applicant shall be informed in writing of the decision on his application and of the reasons for the decision.

(G.) TERMS AND TRANSFERABILITY: Special amusement permits shall be issued for a term of (1) calendar year and shall expire on the first day of the following year unless earlier suspended or revoked. Special amusement permits are not transferable.

(H.) RENEWALS: Special amusement permit renewal applications shall be processed by the Town Clerk who shall circulate the application among appropriate Town agencies for comment. The Clerk shall forward the application to the Board of Selectmen with a summary of the agency comments. Renewals shall be approved or denied by the Board of Selectmen.

(I) APPEALS: An appeal by the applicant or any aggrieved person may be taken from the decision of the Board of Selectmen to the Superior Court pursuant to Rule 80B of the Maine Rules of Civil Procedure.

SECTION IV: SUSPENSION OR REVOCATION: After a public hearing preceded by notice to the permit holder and the public, the Board of Selectmen may suspend or revoke a special amusement permit on the grounds that the premises or activities on the premises violated or violate the provisions of this Ordinance, the terms of the permit or the provisions of any other Town Ordinance or of the permit or the provisions of any other Town Ordinance or regulation or any State law. Appeals from such decision may be taken to the Superior pursuant to Rule 80B of the Maine Revised Statutes.

SECTION V: ADMISSION CHARGES: A licensed hotel, Class A restaurant, Class A restaurant malt liquor licensee, as defined in Title 28-A of the Maine Revised Statutes or premises registered as a bottle club or any other business establishment club or any other business establishment that has been issued a special amusement permit, may charge admission in designated areas as approved in the permit.

SECTION VI: INSPECTION OF PREMISES: Each permit holder, by accepting a special amusement permit, agrees to allow inspection of his premises by representatives of the Town during business hours without prior notice and at other times with prior notice.

SECTION VII: PROHIBITED ACTIVITIES: No permit holder shall allow on the permitted premises any activity described in Section II B, 1 or 2 of the Ordinance, without regard to whether such activity is carried out by professional entertainers, employees or any other person and without regard to whether any compensation is paid by the permit holder.

SECTION VIII: PENALTY: Violation of any provision of this Ordinance shall be punished by a civil penalty of Five Hundred Dollars (\$500.00). Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense. In addition to such penalty, the Town may enjoin or abate any violation of this Ordinance by appropriate action. In this Ordinance, the Town shall recover its costs of suit, including reasonable attorneys' fees.

SECTION IX: SEVER ABILITY: In the event that any provision of this ordinance is held invalid by a court of competent jurisdiction, such ruling shall not affect the remaining provisions which shall remain in full force and effect.

SECTION X: EFFECTIVE DATE: The effective date of this Ordinance shall be the date of its adoption by the Town: i.e.: April 8, 1995

TOWN OF TURNER, MAINE

STREET CONSTRUCTION ORDINANCE

Amended April 8, 1995
Amended April 13, 1996
Amended April 12, 1997
Amended April 18, 1998
Amended April 10, 1999
Amended April 6, 2002
Amended April 5, 2003
Amended April 3, 2004
Amended March 31, 2007
Amended April 10, 2010
Amended April 5, 2014
Amended April 9, 2016
Amended May 19, 2018

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**TOWN OF TURNER, MAINE
STREET CONSTRUCTION ORDINANCE**

SECTION I. Statement of Purpose

The purpose of this Ordinance is to promote the health, safety, and public welfare of the residents of Turner through establishing minimum construction standards for streets.

SECTION II. Authority, Administration, and Effective Date

- A. Authority: This Ordinance is enacted pursuant to and consistent with Article VIII-A of the State of Maine Constitution and Title 30-A, M.R.S.A. Section 3001.
- B. Administration: This Ordinance shall be administered by the Planning Board.
- C. Effective Date: The effective date of this Ordinance is July 8, 1988 which was the date of preparation of the final draft of this Ordinance. The ultimate enactment authority rests with its adoption at a Town meeting. Adoption of this Ordinance shall repeal any previously adopted road construction and acceptance standards.

SECTION III. Applicability

- A. New Construction: This Ordinance shall apply to the construction of all new streets within the Town whether public or private. No street shall be accepted as a town way unless they meet the provisions of this Ordinance.
- B. Alterations: Alterations, widening, and improvements shall be consistent with Sections VI and VII Street Construction Standards of this Ordinance.
- C. Higher Design and Construction Standard: Nothing in this Ordinance shall be construed to prevent the design and construction of streets which meet higher standards, use improved methods, or higher quality materials.

SECTION IV, Application Procedures

Prior to the construction of any new street or the reconstruction or lengthening of an existing street, the applicant shall request to be placed on the Board's agenda at least twenty-eight (28) days in advance of the meeting by contacting the Chair or the Planner. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval unless accompanied by this written certificate. The Board shall not waive this requirement.

Applications for street construction or reconstruction shall be submitted on application forms provided by the Town. Ten (10) copies of the completed application form, required plans, and related information shall be submitted to the Planning Board no less than twenty-eight (28) days prior to the regular meeting.

The Planning Board shall make available at Town Hall documents for review by the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools. The Planning Board can request that the Fire Chief, Rescue Chief, The Road Commissioner and Superintendent of Schools provide the Planning Board with official comments upon the adequacy of their department's existing capacity to service the proposed development.

A. Submission Requirements

1. The name(s) of the applicant(s);
2. The name(s) of the owner(s) on record of the land upon which the proposed street is to be located;
3. A statement of any legal encumbrances of the land upon which the proposed street is to be located;
4. The proposed starting and completion dates of each major phase of street construction/reconstruction;
5. A statement indicating the nature and volume of traffic expressed in Average Daily Traffic expected to use the proposed street;
6. The estimated cost of the project and a written statement of the applicant's financial and technical capacity to carry out the project as proposed to include:

a. Financial Capacity.

The applicant shall demonstrate the availability of financial resources sufficient to implement the proposed plan. In determining the applicant's financial capacity, the Board shall consider cost estimates for implementation of the plan, letters from prospective sources of financing, the proposed time frame for construction, and performance guarantees required of the applicant.

b. Technical Ability.

- i. The applicant shall demonstrate the qualifications of the contractors and consultants who will supervise, construct and inspect the improvements associated with the proposed street.
- ii. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the number and nature of any violations of previous approvals granted to the applicant.

7. When necessary a written statement on how owners of property that utilize the street will be notified as to when construction/reconstruction will begin and completed;
 8. When necessary a written narrative and/or plan explaining how traffic and pedestrians will be moved through the project limits, including transitions during the change from one phase of construction to the next, as applicable; and
 9. When necessary a written procedure for notifying users of the street, local emergency officials, and local government officials (including the names and phone numbers) whenever significant traffic impacts are anticipated to occur.
 10. A written statement of the applicant's plan to address stormwater control and erosion control measures in Section VIII.
- B. Plans: The plans and illustrations submitted as part of the application shall be prepared by a Licensed Professional Engineer to include the following information.
1. The scale of the plan. (All streets and roadway plan and profile drawings shall be drawn to a scale 1" = 50' horizontal and 1" = 5' vertical;
 2. The direction of magnetic north;
 3. A plan profile and typical cross section views of all proposed streets;
 4. The starting and ending point with relation to established roads, streets, or ways and any planned or anticipated future extensions of the streets. (All terminal points and the center line alignment shall be identified by survey stationing.);
 5. The roadway and roadway limits with relation to existing buildings and established landmarks;
 6. Dimensions, both lineal and angular, necessary for locating boundaries and necessary for locating subdivisions, lots, easements, and building lines;
 7. The lots, if any, as laid out and numbered on said street showing the names of all owners of abutting property;
 8. All natural waterways and watercourses in or on land contiguous to the said streets or ways;
 9. The kind, size, location, profile, and cross-section of all existing and proposed drainage ways and structures and their relationship to existing natural waterways;
 10. A soil erosion and sedimentation control plan showing interim and final control provisions;
 11. Curve data for all horizontal and vertical curves shall be the center line radius, arc

length, beginning of curve, and end of curve points;

12. All center line gradients shall be shown and expressed as a percent;
 13. All curve and property line radii of intersections;
 14. The limits and location of any proposed sidewalks and curbing;
 15. The location of all existing and proposed overhead and underground utilities to include, but not limited to, the following: (Note: When a location, in the case of any underground utility, is an approximate, it shall be noted on the plan as such.)
 - a. Storm drains;
 - b. Telephone line poles or underground vaults;
 - c. Electrical power line poles or underground vaults;
 - d. Street lights.
 16. The name(s) of each proposed new road or street.
 17. Lines or dots in the center line of the proposed road at intervals of every fifty (50) feet beginning at the intersection with the existing street.
- C. Upon receipt of plans for a proposed public street, the Board shall forward one copy to the Municipal Officers and one copy to the Road Commissioner for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Road Commissioner for review and comment.
- D. Streets Within Proposed Subdivisions: Streets proposed as part of a subdivision as defined in the Town of Turner's Subdivision Ordinance shall be submitted to the Planning Board as an integral part of the Subdivision Application. Plans shall conform to the provisions of this Ordinance as well as that required by the Town of Turner's Subdivision Ordinance.
- E. Application Fee: An application fee of \$50.00 shall be paid to the Town of Turner upon submission of an application. The Selectmen shall have the authority to review and revise the application fee.

There shall be an additional payment of \$500.00. This portion of the application fee shall be known as the Planning Board Review Escrow Account. The monies shall be made by check payable to the Town of Turner, Maine. These funds or portion thereof may, from time to time, be used by the Town, at the request of the Planning Board, for purposes to be determined by the Planning Board in order to make payments for reasonable costs, expenses and services incurred by, or contracted for by the Town through the Planning Board at its discretion which relates directly to the review of the application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land use planner fees and attorney fees. All such fees must relate to the review of the application pursuant to the review criteria of the Town of Turner Ordinances and the laws of the State of Maine. If the balance in the applicant's portion of the Planning Board Review Escrow Account shall be drawn down by 75 percent, the Planning Board shall require that an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited. The Planning Board shall continue to notify and require an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited as necessary whenever the balance of the account

is drawn down by 75 percent of the original deposit. The Town, at the request of the Planning Board shall refund all the remaining monies in the account upon payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than thirty (30) days after the approval of the application, denial of application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.

The application fee shall be waived if the street is being reviewed as an element of a Subdivision Application.

F. Application Review

1. Public Hearing: The Board shall hold a public hearing at the first meeting the application is presented and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed street seven (7) days prior to the hearing by the Town of Turner.
2. Complete Application: At the first meeting held, the Board shall notify the applicant whether or not the application is complete, and what, if any, additional submissions are required for a complete application. Determination by the Board that the application is complete in no way commits or binds the Board as to the adequacy of the application to meet the requirements of this Ordinance.
3. Application Approval: The Board shall, within thirty (30) days of a public hearing or within sixty (60) days of having received the completed application or within such other time limit as may be mutually agreed to, deny or grant approval on such terms and conditions as it may deem advisable to satisfy this Ordinance and to preserve the public health, safety, and general welfare. In all instances, the burden of proof shall be upon the applicant. In issuing its decision, the Board shall make a written finding of fact establishing that the application does or does not meet the provisions of this Ordinance.

SECTION V. Public Acceptance of Streets

The approval by the Planning Board of a proposed public street shall not be deemed to constitute or be evidence of any acceptance by the Municipality of the street. Final acceptance of a proposed public street shall be by an affirmative vote at a Town Meeting.

SECTION VI. Street Design Standards

- A. These design standards shall be met by all streets and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.
- B. Streets shall be designed to discourage through traffic within a residential subdivision.
- C. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

- D. Where a subdivision borders an existing narrow street (not meeting the width requirements of the standards for streets in this ordinance), or when the Comprehensive Plan indicates plans for realignment or widening of a road that would require use of some of the land in the subdivision, the plan shall indicate reserved areas for widening or realigning the road marked "Reserved for Road Realignment (Widening) Purposes." Land reserved for such purposes may not be included in computing lot area or setback requirements.
- E. Any subdivision expected to generate average daily traffic of more than 300 trips per day shall have at least two street connections with existing public streets or streets on an approved subdivision plan for which performance guarantees have been filed and approved, for fire, rescue, and safety reasons. On subdivisions with only one access where expected trip generation will exceed 200 average daily trips per day, the Planning Board shall require a written or verbal statement from the fire chief relating to the ability or need for water supply for firefighting and his/her recommendation to provide water supply, if needed. The Board may waive this requirement to allow for open space development as provided for in Section 4.I of the Town of Turner Zoning Ordinance.
- F. Any privately-owned street serving four dwelling units or less will not require pavement.
- G. The following design standards apply according to street classification:

Description	Collector	Minor	Privately Owned Street ¹	Industrial/ Commercial	Mobile Home Park
Minimum right-of-way width	60 feet	60 feet	60 feet	60 feet	23 feet
Minimum pavement width/travelway width	24 feet	20 feet	20 feet	24 feet	20 feet
Sidewalk width	5 feet	5 feet	N/A	5 feet	<u>N/A</u>
Minimum grade	.5 percent	.5 percent	.5 percent	.5 percent	.5 percent
Maximum grade	8 percent	10 percent ²	10 percent ²	8 percent	10 percent
Minimum centerline radius	200 feet	150 feet	150 feet	200 feet	150 feet
Minimum tangent between curves of reverse alignment	200 feet	100 feet	100 feet	200 feet	100 feet
Roadway crown	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.	1/4"/ft.
Minimum angle of street intersections	90 degrees	90 degrees	90 degrees	90 degrees	90 degrees
Maximum grade within 75 feet of intersection	3 percent	3 percent	3 percent	3 percent	3 percent
Minimum curb radii at intersections	20 feet	15 feet	15 feet	20 feet	15 feet
Minimum r-o-w radii at intersections	10 feet	10 feet	10 feet	10 feet	10 feet
Minimum width of shoulders (each side)	3 feet	3 feet	3 feet	3 feet	3 feet

¹ Standards for Privately-owned streets in Open Space Subdivisions as provided for in Section 4.I of the Town of Turner Zoning Ordinance shall not be required to meet minimum right-of-way width or minimum pavement width/Travel way width contained herein.

² The maximum 10% grade maybe increased to 12% for not more than 100 feet, as measured from the end of a vertical curve to the beginning of the next vertical curve, within any 1,000 feet of road length.

³ When privately owned streets will be gravel the roadway crown shall be 1/2"/ft.

- H. The centerline of the roadway shall be the centerline of the right-of-way.
- I. **Dead End Streets:** In addition to the design standards above, dead-end streets shall be constructed to provide a cul-de-sac turn-around with the following requirements for radii. Property line 65 feet; outer edge of pavement 50 feet. A use of a hammer-head turn-around may be permitted as an alternative to a cul-de-sac turn-around. In the case of a hammer-head turn-around, the width shall be 30 feet wide and 60 feet long/measured from the center line of the abutting street and shall be located at least 50 feet from the end of the travel way. The Board may require the reservation of a 20-foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. The Board may also require the reservation of a 60-foot easement in line with the street to provide continuation of the road where future subdivision is possible.

J. Grades, Intersections, and Site Distances

1. Grades of all streets shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.
2. All changes in grade shall be connected by vertical curves to provide for the minimum site distances below.
3. 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

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

4. Cross (four-cornered) street intersections shall be avoided insofar as possible except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 600 feet shall be maintained between centerlines of proposed and existing streets which enter on same side and 150 feet shall be maintained between centerlines of streets which enter on the opposite side of an existing or proposed street. The 600-foot distance between centerlines shall not apply to the Village District, and Open Space Subdivisions as defined in the Town of Turner Zoning Ordinance. In the Village District and Open Space Subdivisions, the minimum distance of 150 feet shall be maintained between centerlines of proposed and existing streets.

K. Sidewalks: Where the Planning Board requires the installation of sidewalks, they shall meet these minimum requirements.

1. Bituminous Sidewalks
 - a. The gravel aggregate sub-base course shall be no less than 10 inches thick.
 - b. The crushed aggregate base course shall be no less than 2 inches thick.
 - c. The hot bituminous pavement surface course shall be no less than 2 inches after compaction.
2. Portland Cement Concrete Sidewalks
 - a. The sand base shall be not less than 6 inches thick.
 - b. The Portland Cement concrete shall be reinforced with 6 inch square, number 10 wire mesh and shall be no less than 4 inches thick.

L. Common Driveways:

1. Common driveways may serve two single-family dwelling units. The Code

Enforcement Officer shall review and approve all plans for common driveways.

2. The following design and construction standards shall apply to common driveways.

Minimum travel width	12 feet
Minimum angle of street intersections	75 degrees
Maximum grade within 30 feet of intersections	2 percent

3. Erosion and sedimentation Control: Adequate provisions shall be undertaken to minimize erosion and sedimentation.
4. Common driveway entrances shall comply with Section VI.J.3 to the greatest extent practical as determined by the Code Enforcement Officer.
5. Common driveways shall comply with the Town of Turner Application for Driveway Entrances.

SECTION VII. Street Construction Standards

A. Minimum thickness of material after compaction:

	Collector	Minor	Privately Owned Street	Industrial Commercial	Mobile Home Parks
Aggregate Sub-base Course	24"	18"	18"	24"	18"
Crushed Aggregate Base Course	3"	3"	3"	4"	3"
Hot Bituminous Pavement					
Total Thickness	3"	2 1/2"	2 1/2"	3"	2 1/2"
Surface Course	1"	2 1/2"	2 1/2"	1"	2 1/2"
Base Course	2"			2"	

B. Preparation

1. Before any clearing has started on the right-of-way, the centerline and side lines of the new road shall be staked or flagged at 50-foot intervals.
2. Before grading is started, the entire right-of-way, width necessary for travelway, shoulders, sidewalks, drainageways, and utilities shall be cleared of all stumps, roots, brush, and other objectionable material. All shallow ledge, large boulders, and tree stumps protruding above the natural profile of the land shall be removed from the travelway, shoulders, sidewalks, and drainageways.
3. All organic materials shall be removed to a depth of 2 feet below the subgrade of the roadway. If rocks and boulders are protruding from the sub-base, they shall be removed to two feet below the sub-grade. On soils which have been identified as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two feet below the subgrade and replaced with material meeting the specifications for gravel aggregate sub-base below. In lieu of removal of all organic material, engineering fabric (geotextile) shall be used to stabilize the road base.
4. Side slopes shall be no steeper than a slope of 3 feet horizontal to 1 foot vertical and shall be graded, limed, fertilized, and seeded according to the specifications of the erosion and sedimentation control plan.
5. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connections shall be installed to the edge of the right-of-way prior to paving.

C. Bases and Pavement

1. Sub-base

- a. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a 4-inch square mesh sieve shall meet the following grading requirements.

Sieve Designation	Percentage of Weight Passing Square Mesh Sieves
4 inch	100%
1/4 Inch	25-70%
No. 40	0-30%
No. 200	0-7%

Aggregate for the sub-base shall contain no particles of rock exceeding 6 inches in any dimension.

2. Base

- a. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps, or balls of clay and other deleterious substances. The gradation of the part that passes a 1 1/2-inch square mesh sieve shall meet

the following grading requirements.

Sieve Designation	Percentage of Weight Passing Square Mesh Sieves
1 ½ inch	100%
½ Inch	45-70%
1/4 Inch	30-55%
No. 40	0-20%
No. 200	0-5%

Aggregate for the base shall contain no particles of rock exceeding 3 inches in any dimension.

3. **Pavement Joints:** Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.
 4. **Curbs and Gutters**
 - a. Street curbs and gutters shall be installed as required by the Board.
 - b. Curbs shall be vertical except when sloped curbs are specifically allowed by the Board.
 5. **Pavements**
 - a. Pavement shall be Hot Mix Asphalt as specified in Section 401 of the latest revisions of the Maine Department of Transportation, Standard Specifications for Highways and Bridges, or
 - b. Minimum standards for the base layer of pavement shall meet the former MDOT specifications for plant mix grade B with an aggregate size no more than ¾ inch maximum.

Minimum standards for the surface layer of pavement shall meet the former MDOT specifications for plant mix grade C with an aggregate size no more than ½ inch maximum.
- D. **Scenic View Locations:** When a proposed street or the reconstruction of an existing street will pass a scenic view locations as identified in the Town of Turner Comprehensive Plan, road design shall provide shoulders of suitable width or turn-outs to allow vehicles to safely leave the travelway at the scenic view location.

SECTION VIII. Additional Improvements and Requirements

- A. Erosion Control: The procedures outlined in the erosion and sedimentation control plan shall be implemented during the site preparation, construction, and clean-up stages. Erosion of soil and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Subdivision review and approval.
1. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 2. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 3. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 4. Disturbed soils shall be stabilized as quickly as practical.
 5. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 6. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 7. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 8. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
 9. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
 10. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
 11. The most current standards set forth in the Stormwater Management Law administered by the Maine Department of Environmental Protection shall be employed.
- B. Storm Water Management Design Standards

1. All stormwater improvements for street construction shall be designed to be in compliance with the most current standards of the Stormwater Management Law as administered by the Maine Department of Environmental Protection.
 2. All street construction projects that fall below the minimum thresholds of the Stormwater Management Law shall comply with the Erosion Control Standards of this Section.
- C. 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 on-site disposal of the stumps and debris is proposed, the site shall be indicated on the Plan and be suitable covered with fill and topsoil, limed, fertilized, and seeded.
- D. Street Names, Signs, and Lighting: Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to the names of existing streets within the municipality and shall be subject to the approval of the Board. No street name shall be the common given name of a person. The developer shall reimburse the Municipality for the costs of installing street name, traffic safety, and control signs. Street lighting shall be installed as approved by the board.
- E. Street Reconstruction and/or Extension: When an existing street will be reconstructed and/or extended the developer/or contractor shall comply with the following.
1. The proposed construction phasing or sequence shall reasonably minimize traffic impacts.
 2. The developer/contractor shall ensure that emergency service vehicles have reasonable and timely access to and through the project site.
 3. The developer/contractor shall provide an adequate roadway surface at all times; taking into account traffic speed, volume and duration.
 4. At the end of each day of construction residents shall be provided with safe access and egress from their property.

SECTION IX. Certification of Construction

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a professional engineer registered in the State of Maine shall be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of this Ordinance. "As built" plans shall be submitted to the Municipal Officers.

SECTION X. Performance Guarantees

- A. Types of Guarantees: With submittal of the application for a street approval, the applicant shall indicate one of the following performance guarantees that will be provided for an amount adequate to cover the total construction costs taking into account the time-span of the

construction schedule and the inflation rate for construction costs.

1. 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;
2. A performance bond payable to the Town issued by a surety company approved by the Municipal Officers;
3. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Municipal Officers; or
4. An offer of conditional agreement limiting the number of units built or lots sold until all required street related construction have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner and Municipal Officers.

- B. **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.
- C. **Escrow Account:** A cash distribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed in addition to the principal of the escrow account to pay for completion of the required improvements.
- D. **Conditional Agreement.** The Board, at its discretion, may permit 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 application on the condition that no units be built or lots sold until either:
 1. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance regulations and the regulations of the appropriate utilities; or
 2. 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 recorded by the applicant subdivider at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section X.G. Proof of recording shall be provided by the applicant to the Board.

- E. Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought.
- F. 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 street and may not be used for any other project or loan.
- G. Release of Guarantee: Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
- H. Default: If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the applicant. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- I. Privately-Owned Roads: Where streets are to remain privately-owned roads, the following words shall appear on the recorded plan.

All roads shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town.

SECTION XI. Inspection

- A. Notification of Construction: At least five (5) days prior to commencing street construction or alteration of roads, the applicant shall.
 - 1. Notify the Code Enforcement Officer in writing of the time when (s) he proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completion of improvements required by the Planning Board.
 - 2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.
 - 3. At least five days prior to commencing construction, the applicant shall provide the Town with the type and amount of the performance guarantee approved in Section 10 A. above
- B. Noncompliance With Plan: Upon finding that the improvements have not been constructed in

accordance with the approved plans and specifications, the inspector shall so report in writing to the Municipal Officers, Planning Board, Code Enforcement Officer and applicant. The Municipal Officers shall take any steps necessary to assure compliance with approved Plans.

- C. **Modification During Construction:** If at any time it appears necessary or desirable to modify the required improvements before or during construction of the of the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Municipal Officers, Planning Board and Code Enforcement Officer. Revised plans shall be filed with the Planning Board for the record. For major modifications, such as relocation of rights-of-way, changes in grade by more than 1%, etc. the applicant shall submit to the Planning Board an amended application for review and approval in accordance with Section IV.

SECTION XII. Waivers

- A. Any requests for waivers from submission requirements and/or review standards shall be in writing. Waiver requests shall indicate the requirements requested to be waived and shall indicate what special circumstances exist that the required improvements or standards are not necessary to provide for the public health, safety, or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development.
- B. Where the Board finds, based on written justification by the applicant, and makes written findings of fact that due to extraordinary and unnecessary hardships that may result from strict compliance with this Ordinance, or where there are special circumstances of a particular application, certain required improvements or review standards are not necessary to provide for public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive this requirement, subject to appropriate conditions provided that the performance standards of this ordinance have been or will be met. Waivers may not be granted if the waiver will have the effect of nullifying the intent and purpose of the Comprehensive Plan, this Ordinance, or any other ordinance or law, or if this ordinance expressly does not allow a waiver from the requirement a waiver is sought. In granting waivers, the Planning Board shall require such conditions as will assure the purpose of this ordinance is met.

SECTION XIII. Separability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION XIV. Appeals

An appeal may be taken within 30 days from the Board's decision on the application, by any party to Superior Court in accordance with Rule 80B. of the Maine Rules of Civil Procedure.

SECTION XV. Amendments

- A. **Initiation of Amendments:** An amendment to this Ordinance may be initiated by:
 - 1. The Planning Board provided a majority of the Board has so voted;
 - 2. Request of the Municipal Officers; or
 - 3. Written petition of a number of voters equal to at least 10 percent of the number of voters cast in the municipality at the last gubernatorial election.
- B. The Planning Board shall conduct a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the 2nd publication at least seven (7) days before the hearing. The Planning Board shall make a report and its recommendation on the proposed amendment within ten (10) days after the public hearing has been closed.
- C. **Adoption of Amendment:** An amendment of this Ordinance shall be adopted by a majority vote of the Town Meeting.

SECTION XVI. Violations and Enforcement

- A. No person, firm, corporation or other legal entity may undertake activities governed by this Ordinance without first having a final plan thereof approved by the Planning Board.
- B. Any person, including but not limited to a landowner, a landowner's agent or contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with the provisions of Title 30-A M.R.S. A. Section 4452. Each day a violation exists shall be considered a separate violation.

SECTION XVII Definitions

In this Ordinance, the following terms have the following meanings unless a contrary meaning is required by the context or is specifically prescribed. Terms not defined shall have their customary dictionary meaning.

Collector Street: A residential street expected to generate average daily traffic of more than 300 trips per day, or street which serves as feeder to arterial streets and collector of traffic from minor streets. Trip generation shall be based on the most current version of the Institute of Transportation Engineers "Trip Generation".

Common Driveway: A vehicle accessway serving two dwelling units.

Existing Public Street: Roads which are maintained by the Town of Turner and the State of Maine.

Industrial or Commercial Street: A street servicing industrial or commercial uses.

Minor Street: A street servicing expected to generate average daily traffic of not more than 300 trips per day. Trip generation shall be based on the most current version of the Institute of Transportation Engineers "Trip Generation".

Privately Owned Street: A street which is not intended to be dedicated as a townway.

Reconstructed: Reconstructed means the rebuilding of a road or section of a road to improve its serviceability.

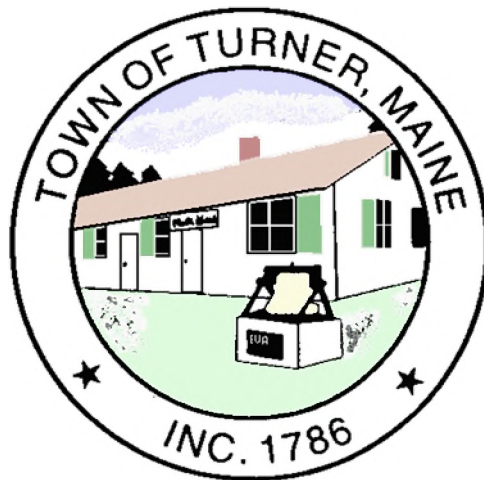
Repair: Repair means to take necessary action to fix normal damage or storm damage.

Reserve Frontage Street: A street which provides residential frontage other than that on a through traffic street.

Street: Public and private ways such as alleys, avenues, highways, roads and other rights-of-ways, as well as areas on a subdivision plans designated as rights-of-ways for vehicular access, other than driveways, farm roads or logging roads.

Amended April 8, 1995
Amended April 13, 1996
Amended April 12, 1997
Amended April 18, 1998
Amended April 10, 1999
Amended April 6, 2002
Amended April 5, 2003
Amended April 3, 2004
Amended March 31, 2007
Amended April 10, 2010
Amended April 5, 2014
Amended April 9, 2016
Amended May 19, 2018

TOWN OF TURNER SUBDIVISION ORDINANCE



Amended March 17, 1990
Amended March 17, 1990
Amended March 9, 1991
Amended March 14, 1992
Amended June 20, 1992
Amended June 12, 1993
Amended June 11, 1994
Amended April 13, 1996
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Amended April 4, 2009
Amended April 10, 2010
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ARTICLE I. PURPOSES

The purposes of this Ordinance are to assure the comfort, convenience, safety, health and welfare of the people of the Town of Turner, to protect the environment and to promote the development of an economically sound and stable community. To this end, in approving subdivisions within the Town of Turner, Maine, the Planning Board shall consider the following criteria and before granting approval shall make findings of fact that the provisions of this Ordinance have been met and that the proposed subdivision will meet the requirements established by State Subdivision Law.

**ARTICLE II. AUTHORITY, ADMINISTRATION, EFFECTIVE DATE
REPEAL OF EXISTING ORDINANCE**

2.1 Authority

- A. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A, M.R.S.A. Section 3001.
- B. These standards shall be known and may be cited as "Subdivision Ordinance of the Town of Turner, Maine."

2.2 Administration

- A. The Planning Board of the Town of Turner, hereinafter called the Board, shall administer these standards.
- B. The provisions of these standards shall pertain to all land proposed for subdivision, as defined by this Ordinance within the Town of Turner.

2.3 Effective Date

The effective date of this Ordinance is July 8, 1988, which was the date of preparation of the Final Draft. The ultimate enactment authority rests with a majority vote of a town meeting.

2.4 Repeal of Existing Subdivision Ordinance

Adoption of this Ordinance shall repeal any and all previous subdivision ordinances. This shall not prevent the enforcement of repealed ordinances or regulations with respect to the time periods in which they were in effect.

2.5 Conflict with Other Ordinances

- A. This Ordinance shall not be construed to repeal any existing bylaws or ordinances, other than those specifically identified, or to impair the provisions of private restrictions placed upon property, provided, however, that where this Ordinance imposes greater restrictions, its provisions shall control.

2.6 Validity and Severability

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

ARTICLE III. DEFINITIONS

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

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

Creative Design Subdivision: A subdivision layout that considers the natural and cultural features of the parcel to be developed and the intent of the Town of Turner Comprehensive Plan. Design elements may include but not be limited to set aside of open space, conservation easements, building envelopes, and setbacks.

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

Farmland: "Farmland" means a parcel consisting of 5 or more acres of land that is:

- a. Classified as prime farmland, unique farmland or farmland of statewide or local importance by the Natural Resources Conservation Service within the United States Department of Agriculture; or
- b. Used for the production of agricultural products as defined in Title 7, section 152, subsection 2. ("Agricultural products" means those plants and animals and their products that are useful to humans and includes, but is not limited to, forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, bees and bees' products, livestock and livestock products and fruits, berries, vegetables, flowers, seeds, grasses and other similar products, or any other plant, animal or plant or animal products that supply humans with food, feed, fiber or fur. "Agricultural products" does not include trees grown and harvested for forest products.)

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

Fresh Water Wetland: Means fresh water swamps, marshes, bogs and similar areas which are:

- a. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and
- b. Not considered part of great pond, river, stream or brook.

These areas may contain small stream channels or inclusions of land that do not conform to the criteria.

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist, meeting the standards of the National Cooperative Soil Survey, which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Infrastructure Improvements: Roads, drainage and stormwater systems, common water and sewer systems whether public or private.

Liquidation Harvesting: Has the same meaning as in Title 12, section 8868, subsection 6 and "parcel" means a contiguous area within one municipality, township or plantation owned by one person or a group of persons in common or joint ownership.

Low Impact Development. “Low impact development” or “green infrastructure” means site planning and design strategies intended to replace or replicate predevelopment hydrology through the use of source control and relatively small-scale measures integrated throughout a site to disconnect impervious surfaces and enhance filtration, treatment, and management of stormwater runoff as close to its source as possible. Low impact development strategies may be either nonstructural or structural, except that low impact development strategies utilizing structural stormwater management techniques shall be limited to an impervious contributing drainage area equal to or less than 1 acre. Low impact development strategies include, but are not limited to: bioretention filters, grass swales and channels, vegetated filter strips, permeable pavements, rain gardens and vegetated rooftops.

Manufactured Housing: Means a structural unit or units designated for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis or an independent chassis, to a building site. The term includes any type of building which is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this section, two types of manufactured housing are included. Those two types are:

1. Those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one or more sections, which in the traveling mode are 14 body feet or more in width and are 750 or more sq.ft., and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities including the plumbing, heating, air conditioning or electrical systems contained in the unit;
 - a. This term also includes any structure which meets all the requirements of this subparagraph, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et.seq.; and
2. Those units commonly called "modular homes" which the manufacturer certifies are constructed in compliance with Title 10, Chapter 957, and rules adopted under that chapter, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Turner's Planning Board pursuant to the Town of Turner's Subdivision Ordinance for the placement of three (3) or more manufactured homes.

Mobile Home Park Lot: Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home. A municipality shall require a lot to be designated on a mobile home park plan.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Open Space Development: A subdivision in which the lot sizes are reduced below those normally required which in return for the provision of permanent open space owned in common by lot/unit owners, the Town, or a land conservation organization.

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

Preliminary Subdivision Plan: The preliminary drawings indicating the proposed layout of the subdivision to be submitted to the Board for its consideration.

Recording Plan: Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines, including land transactions by the subdivider not indicated on the approved plan.

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

Solar Energy System: A complete design or assembly consisting of a solar energy collector, an energy storage facility (when used), and components for the distribution of transformed energy.

Stream, River or Brook: River, stream or brook means a channel between defined banks. A channel is created by the action of surface water and has two (2) or more of the following characteristics.

- A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topography map or if that is not available, a 15-minute series topography map.
- B. It contains or is known to contain flowing water continuously for a period of at least 3 months of the year in most years.
- C. The channel bed is primarily composed of material such as sand and gravel, parent material or bedrock that has been deposited or scoured by water.
- D. The channel contains aquatic animals such as fish, aquatic insects or mollusks in the water or, if no surface water is present in the stream bed.
- E. The channel bed contains aquatic vegetation and is essentially devoid of upland vegetation.

River, stream or brook does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

Subdivision: The division of a tract or parcel of land into three or more lots as defined by Title 30-A M.R.S.A. Section 4401. In addition shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units, and condominiums.

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

Subdivision, Minor: Any subdivision containing not more than four lots or dwelling units, and in which no street is proposed to be constructed.

Substantial Construction: Completing of at least 30% of the required infrastructure improvements measured as a percentage of total estimated cost of improvements.

Tract, or Parcel, of Land: All contiguous land in the same ownership, whether or not the land is separated at any point by: an intermittent or non-navigable stream, provided that lands on the opposite sides of a public or private road are considered each a separate tract or parcel of land unless the road was established by the owner of land on both sides of the road after September 22, 19971.

ARTICLE IV. ADMINISTRATIVE PROCEDURE

- 4.1 Purpose.** The purpose of this Article is to establish an orderly, equitable and expeditious procedure for reviewing subdivisions.
- 4.2 Agenda.** In order to avoid unnecessary delays in processing applications for subdivision review, the Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Board's agenda at least twenty eight (28) days in advance of a regularly scheduled meeting by contacting the Chair or the Planner. Applicants who attend a meeting but who are not on the Board's agenda may be heard but only after all agenda items have been completed, and then only if a majority of the Board so votes. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval unless accompanied by this written certificate. The Board shall not waive this requirement.
- 4.3 Joint Meetings.** If any portion of the proposed subdivision crosses the boundary of an adjacent municipality, the Planning Board shall meet jointly with that municipality's planning board to discuss the application.

ARTICLE V. PREAPPLICATION FOR MINOR AND MAJOR SUBDIVISIONS

5.1 Submission.

- A. The Preapplication Sketch Plan shall show, in simple sketch form, the proposed layout of streets, lots, and other features in relation to existing conditions. The Sketch Plan, which may be a freehand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located. The Sketch Plan shall be accompanied by
1. A copy of a portion of the U.S.G.S. topographic map of the area showing the outline of the proposed subdivision, unless the proposed subdivision is less than ten acres in size.
 2. A statement concerning timber harvesting resulting in any violation of the Liquidation Harvesting Rule.

- B. When the proposed subdivision will encompass twenty (20) or more acres and five or more lots and is located in the Rural I or Rural II District as defined in the Town of Turner Zoning Ordinance, the applicant shall submit sketch plans of both a traditional subdivision layout and open space or creative design subdivision layout.
- C. The sketch plan for an open space or creative design subdivision will show how the following applicable provisions will be incorporated in subdivision design.
 - 1. The policy of the Town of Turner to encourage use of prime agricultural land for farming;
 - 2. The policy of the Town of Turner to use residential development techniques that conserve land, significant natural areas and reduce construction costs;
 - 3. The policy of the Town of Turner that development that takes place in forested areas to conserve forest lands and resource values;
 - 4. The policy of the Town of Turner to minimize impacts of development upon recognized historic buildings and natural sites/areas;
 - 5. The policy of the Town of Turner to minimize the loss of the values of significant scenic areas and sites from encroaching development;
 - 6. The parcel's unique features that may include but not be limited to agricultural land, forest land, fields, ridges, stone walls, tree lines, streams, wetlands, wildlife habitat, and scenic views and how such features will be conserved and integrated into the subdivision design.

5.2 Ownership Interest. The developer will furnish written evidence showing his interest (option, contract for sale, etc.) in the property to be subdivided to the Planning Board.

5.3 Proposed Road Name and Numbering System. The developer shall submit to the Board the name proposed for any new public or privately owned road and a numbering system that complies with Section 5 of the Turner Addressing Ordinance.

ARTICLE VI. MINOR SUBDIVISIONS

- 6.1 General.** In any case in which, because of the complexity of the subdivision proposal or circumstances indicating that some aspect of the proposal is likely to present a substantial risk to public health, safety, or welfare, the Planning Board may require the applicant to submit any of the additional information which would be required for a major subdivision where necessary to assure that a hazardous condition will not be present.
- 6.2 Procedure.**
- A. Within six months after receipt of the sketch plan by the Board the sub divider shall submit an application for approval of a Final Plan at least twenty-eight (28) days prior to a scheduled meeting of the Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Final Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board. The Board shall provide the sub divider with a dated receipt of a Final Plan application at the Board Meeting where the Final Plan application is first presented and heard by the Board. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval, unless accompanied by this written certificate.
 - B. All applications for Final Plan approval for a minor Subdivision shall be accompanied by an application fee of \$100 per lot, dwelling unit, payable by check to the Town of Turner. There shall be an additional payment of \$150.00 for each lot or dwelling unit. This portion of the application fee shall be known as the Planning Board Review Escrow Account, a dedicated account. The monies shall be made by check payable to the Town of Turner, Maine. These funds or portion thereof may, from time to time, be used by the Planning Board, for purposes to be determined by the Planning Board in order to make payments for reasonable costs, expenses and services incurred by or contracted for by the Town through the Planning Board at its discretion which relates directly to the review of the subdivision application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land uses planner fees and attorney fees. All fees must relate to the review of the application pursuant to the review criteria of the Town of Turner ordinances and the laws of the State of Maine. If the balance in the applicant's portion of the Planning Board Review Escrow Account shall be drawn down by 75%, the Board shall require that an additional \$50.00 per lot or dwelling unit or unit contained in a commercial or business complex be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$50.00 per lot or unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit. The Town at the request of the Planning Board shall refund all the remaining monies in the account upon the payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than 30 days after the approval of the application, denial of application, or approval with condition of application. Such refund shall be accompanied by final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.
 - C. Upon receipt of an application for approval of a Minor Subdivision, the Planning Board shall notify in writing all owners of abutting property to the proposed subdivision.
 - D. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.

- E. At the first meeting held, the Board shall notify the applicant whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
- F. The Board shall hold a public hearing on each application at the first meeting the application is presented, and shall publish notice of the date, time, and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Turner Planning Board.
- G. Within thirty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the sub divider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.

6.3 Submissions.

Applications for a Minor Subdivision shall be submitted on the application forms provided by the Town. Ten (10) copies of the completed application form, required plans, and related information shall be submitted to the Chair or Planner no less than twenty-eight (28) days prior to the regular scheduled meeting.

The subdivision plan for a Minor Subdivision shall consist of two reproducible, stable based transparent originals, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Office and three paper copies of one or more maps or drawings drawn to a legible scale such that all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border lines on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be provided for endorsement by the Board. The Applicant shall provide copies of the application no less than twenty eight (28) days prior to the regular meeting.

The Planning Board shall make available at Town Hall documents for review by the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools. The Planning Board can request that the Fire Chief, Rescue Chief, The Road Commissioner and Superintendent of Schools provide the Planning Board with official comments upon the adequacy of their department's existing capacity to service the proposed development

The application for approval of a Minor Subdivision shall include the following information:

1. Proposed name of the subdivision, or identifying title, and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.
2. A field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. At least one corner of the parcel shall be identified with relation to abutting property. The plan shall indicate the type of monument set or found at each lot corner.

3. A copy of the deed from which the survey was based. A copy of all deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
4. A copy of any deed restrictions intended to cover all or part of the lots in the subdivision.
5. Indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface wastewater disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
6. Indication of the type of water supply system(s) to be used in the subdivision. Evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
7. The date the Plan was prepared, north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan, and the names of adjoining property owners. The plan(s) shall be embossed with the seal by the professional engineer, surveyor or planner, or all of the above, as the case may be.
8. A copy of the portion of the county Soil Survey covering the subdivision.
9. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
10. If any portion of the subdivision is in a flood-prone area, the 100-year flood elevation shall be delineated on the plan. The final plan shall include a condition of approval that principal structures will be constructed with their lowest floor, including the basement, at least one foot above 100- year flood elevation.
11. A soil erosion and sedimentation control plan.
12. A plan to control surface drainage prepared by a Licensed Professional Engineer.
13. The location of any fresh water wetlands.
14. The location of river, stream or brook within or abutting the proposed subdivision.
15. The location and nature of significant wildlife identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Turner.
16. Any portion of the subdivision which is located within the watershed of a lake or pond shall be identified.
17. A phosphorus impact analysis and control plan when determined as necessary by the Board.
18. The location of any zoning boundaries affecting the subdivision.

19. The location known of potential archaeological resources.
20. Identification of known rare and endangered species and measures to protect them.
21. The location of documented historic buildings and sites on or adjacent to the site and measures to minimize impacts of them.
22. The location of scenic sites or views as identified in the Town of Turner Comprehensive Plan.
23. The estimated cost of infrastructure improvements and a statement of the applicant's technical and financial capacity to carry out the project as proposed.
24. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road.
25. A statement indicating if the applicant will install utilities above or below ground.
26. A map or plan of the subdivision identifying farmland.

ARTICLE VII. PRELIMINARY PLAN FOR MAJOR SUBDIVISION

7.1 Procedure.

Procedure. Preliminary Plan review is optional at the Applicant's request. Should the Applicant elect to forego Preliminary Plan review, then the Final Plan review must include all of the requirement submission information of the Preliminary Plan review along with the requirements of the Final Plan review. A Public Hearing will be required.

- A. Within six months after receipt of the sketch plan by the Planning Board, the subdivider shall submit an application for approval of a Preliminary Plan at least twenty-eight (28) days prior to a regular scheduled meeting of the Planning Board. Failure to do so shall require resubmission of the Sketch Plan to the Board. The Preliminary Plan shall approximate the layout shown on the Sketch Plan, plus any recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Preliminary Plan application at the Board meeting where the Preliminary Plan application is first presented and heard by the Board. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval, unless accompanied by this written certificate.
- B. All applications for Preliminary Plan approval for a Major Subdivision shall be accompanied by an application fee of \$100.00 per lot, dwelling unit, or unit contained in a shopping center or similar commercial establishment payable by check to the Town of Turner. There shall be an additional payment of \$150.00 for each lot or dwelling unit or

for each unit contained in a shopping center, mini mall, business complex or similar commercial establishment. This portion of the application fee shall be known as the Planning Board Review Escrow Account, a dedicated account. The initial payment into the Planning Board Review Escrow Account shall in no case exceed \$3,000.00. The monies shall be made by check payable to the Town of Turner, Maine. These funds or portion thereof may, from time to time, be used by the Planning Board, for purposes to be determined by the Planning Board in order to make payments for reasonable costs, expenses and services incurred by or contracted for by the Town through the Planning Board at its discretion which relates directly to the review of the subdivision application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land uses planner fees and attorney fees. All fees must relate to the review of the application pursuant to the review criteria of the balance in the applicant's portion of the Planning Board Review Escrow Account shall be drawn down by 75%, the Board shall require that an addition \$50.00 per lot or dwelling unit or unit contained in a commercial or business complex be deposited by the applicant. The Board shall continue to notify the applicant and require an additional \$50.00 per lot or unit be deposited as necessary whenever the balance of the account is drawn down to 75% of the original deposit. The Town at the request of the Planning Board shall refund all the remaining monies in the account upon the payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than 30 days after the approval of the application, denial of application, or approval with condition of application. Such refund shall be accompanied by final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.

- C. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Preliminary Plan.
- D. The Board shall hold a public hearing on the Preliminary Plan application at the first meeting the application is presented and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing by the Town of Turner.

When a subdivision is located within 500 feet of a municipal boundary, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the Public Hearing.

- E. At the first meeting held, the Board shall notify the applicant whether or not the application is complete, and what, if any, additional submissions are required for a complete application.
- F. Within sixty days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Board and the subdivider, the Board shall make findings of fact on the application, and approve, approve with conditions, or deny the Preliminary Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial.
- G. When granting approval to a Preliminary Plan, the Board shall state the conditions of such approval, if any, with respect to:
 - 1. The specific changes which it will require in the Final Plan;

2. The character and extent of the required improvements for which waivers may have been requested and which in the Board's opinion may be waived without jeopardy to the public health, safety, and general welfare; and
 3. The amount and type of all performance guarantees which it will require as prerequisite to the approval of the Final Plan.
- H. Approval of a Preliminary Plan shall not constitute approval of the Final Plan or intent to approve the Final Plan, but rather it shall be deemed an expression of approval of the design of the Preliminary Plan as a guide to the preparation of the Final Plan. The Final Plan shall be submitted for approval of the Board upon fulfillment of the requirements of this Ordinance and the conditions of preliminary approval, if any. Prior to the approval of the Final Plan, the Board may require additional changes or conditions the Board deems necessary, as a result of the further study of a subdivision or as a result of additional information received, so that the Final Plan satisfies all of the approval criteria set forth in this Ordinance or in 30-A M.R.S.A. §4404 for subdivision approval.

7.2 Preliminary Plan Submissions.

- A. Applications for preliminary plan approval shall be submitted on the application forms provided by the Town. Ten (10) copies of the completed application form, required plans, and related information shall be submitted to the Planning Board no less than twenty-eight (28) days prior to the regular scheduled meeting.
- B. The preliminary plan shall consist of one or more maps or drawings which may be printed or reproduced on paper, with all dimensions shown in feet or decimals of a foot. The Preliminary Plan shall be drawn to a legible scale such that all necessary detail can easily be read. The Applicant shall provide copies of the application no less than twenty-eight (28) days prior to the regular meeting. The Planning Board shall make available at Town Hall documents for review by the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools. The Planning Board can request that the Fire Chief, Rescue Chief, The Road Commissioner and Superintendent of Schools provide the Planning Board with official comments upon the adequacy of their department's existing capacity to service the proposed development.

The following information shall either be shown on the Preliminary Plan or accompany the application for preliminary approval:

1. **Location Map:** The Preliminary Plan shall be accompanied by a Location Map adequate to show the relationship of the proposed subdivision to the adjacent properties, and to allow the Board to locate the subdivision within the municipality. The Location Map shall show:
 - a. Existing subdivisions in the proximity of the proposed subdivision.
 - b. Locations and names of existing and proposed streets.
 - c. Boundaries and designations of any zoning districts.

- d. An outline of the proposed subdivision and any remaining portion of the owner's property if the Preliminary Plan submitted covers only a portion of the owner's entire contiguous holding.
2. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Tax Assessor's Map and Lot Numbers.
3. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
4. A copy of the deed from which the survey was based. A copy of all covenants or deed restrictions, easements, rights-of-way, or other encumbrances currently affecting the property.
5. A copy of any covenants or deed restrictions intended to cover all or part of the lots in the subdivision.
6. Contour lines at the interval specified by the Planning Board, showing elevations in relation to Mean Sea Level.
7. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, vegetative cover type, and other essential existing physical features shall be shown on the plan.
8. Indication of the type of sewage disposal to be used in the subdivision.
 - a. When sewage disposal is to be accomplished by subsurface sewage disposal systems, test pit analyses, prepared by a Licensed Site Evaluator shall be provided. A map showing the location of all test pits dug on the site shall be submitted.
9. Indication of the type of water supply system(s) to be used in the subdivision. Evidence of adequate ground water supply and quality shall be submitted by a well driller or a hydro geologist familiar with the area.
10. The date the Plan was prepared, magnetic north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan. The plan(s) shall be stamped or sealed by a licensed engineer, surveyor or planner, or all of them, as the case may be.
11. The names and addresses of owners of record of adjacent property, including any property directly across an existing public street from the subdivision.
12. The location of any zoning boundaries affecting the subdivision.
13. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
14. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the subdivision.

15. The width and location of any streets or public improvements shown upon the Comprehensive Plan, if any, within the subdivision.
16. The proposed lot lines with approximate dimensions and lot areas.
17. All parcels of land proposed to be dedicated to public use and the conditions of such dedication.
18. The location of any open space to be preserved and an indication of its improvement and management.
19. A soil erosion and sedimentation control plan.
20. A plan to control surface drainage, prepared by a Licensed Professional Engineer.
21. A copy of that portion of the county soil survey covering the subdivision. When the medium intensity soil survey shows soils which are generally unsuitable for the uses proposed, the Board may require the submittal of a report by a Registered Soil Scientist indicating the suitability of soil conditions for those uses.
22. If any portion of the subdivision is in a flood-prone area, the boundaries of any flood hazard areas and the 100-year flood elevation shall be delineated on the plan.
23. The location of any fresh water wetlands.
24. The location of river, stream or brook within or abutting the proposed subdivision.
25. The location and nature of significant wildlife habitat identified by the Maine Department of Inland Fisheries and Wildlife or the Town of Turner.
26. Any portion of the subdivision which is located within the watershed of a lake or pond shall be identified.
27. A phosphorus impact analysis and control plan when determined as necessary by the Board.
28. The location known or potential archaeological resources.
29. Identification of known rare and endangered species and measures to protect them.
30. The location of documented historic buildings and sites on or adjacent to the site and measures to minimize impacts on them.
31. The location of scenic sites or views as identified in the Town of Turner Comprehensive Plan.
32. The estimated cost of infrastructure improvements and a statement of the applicant's technical and financial capacity to carry out the project as proposed.
33. A Traffic Impact Analysis when required by the Board prepared by a Professional Engineer.

34. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road.
35. A statement indicating if the applicant will install utilities above or below ground.
36. The location of farmland.

ARTICLE VIII. FINAL PLAN FOR MAJOR SUBDIVISION

8.1 Procedure.

- A. The subdivider shall, within 12 months after the approval of the Preliminary Plan, file with the Board an application for approval of the Final Plan. If the application for the Final Plan is not submitted within 12 months after Preliminary Plan approval, the Board may refuse without prejudice to act on the Final Plan, and require resubmission of the Preliminary Plan. The Final Plan shall approximate the layout shown on the Preliminary Plan, plus any recommendations made by the Board. The Board shall provide the subdivider with a dated receipt of a Final Plan application at the Board meeting where the Final Plan application is first presented and heard by the Board. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval, unless accompanied by this written certificate.
- B. The subdivider, or his duly authorized representative, shall attend the meeting of the Board to discuss the Final Plan.
- C. At the first meeting held on a Final Plan, the Board shall notify the applicant whether or not the application is complete, and what, if any, additional submissions are required for a complete application and determine whether to hold a public hearing on the Final Plan application.
- D. Prior to approval of the Final Plan application, the following approvals shall be obtained in writing, where applicable.
 1. Maine Department of Environmental Protection, under the Site Location of Development Act, Natural Resource Protection Act, Stormwater Management Law, or if a Wastewater Discharge License is needed.
 2. Maine Department of Human Services, if the subdivider proposes to provide a Community Water System as defined by the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144A. C.M.R. 231).
 3. Maine Department of Human Services, if a centralized or shared subsurface sewage disposal system(s) is to be utilized.
 4. An approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road.

- E. A public hearing may be held by the Planning Board within thirty days after the issuance of a receipt for the submittal of a complete application. This hearing shall be advertised in a newspaper of local circulation at least two times, the date of the first publication to be at least seven days before the hearing, and the notice of the hearing shall be posted in at least three prominent places at least seven days prior to the hearing. Notice of public hearing shall be mailed to all abutters of the proposed subdivision seven (7) days prior to the hearing.

When a subdivision is located within 500 feet of a municipal boundary, and a public hearing is to be held, the Planning Board shall notify the Clerk and the Planning Board of the adjacent municipality involved, at least ten days prior to the hearing.

- F. Before the Board grants approval of the Final Plan, the subdivider shall meet the performance guarantee requirements contained in Article XII.
- G. If the subdivision is located in more than one municipality, the Board shall have a joint meeting with the Planning Board of the adjacent municipality to discuss the Plan.
- H. The Board, within thirty days from the public hearing or within sixty days of receiving a complete application, if no hearing is held, shall make findings of fact, and conclusions relative to the standards contained in Title 30-A M.R.S.A. §4404 and in this Ordinance. If the Board finds that all standards of the Statute and this Ordinance have been met, they shall approve the Final Plan. If the Board finds that any of the standards of the Statute and this Ordinance have not been met, the Board shall either deny the application or approve the application with conditions to ensure all of the standards will be met by the subdivision. The reasons for any conditions shall be slated in the records of the Board.

8.2 Submissions.

The Final Plan shall consist of one or more maps or drawings drawn to a legible scale such that all necessary detail can easily be read. Plans shall be no larger than 24 by 36 inches in size, and shall have a margin of two inches outside of the border line on the left side for binding and a one inch margin outside the border along the remaining sides. Space shall be reserved thereon for endorsement by the Board. Two reproducible, stable based transparent originals, embossed with the seal of the professional who prepared the plan, one to be recorded at the Registry of Deeds, the other to be filed at the Municipal Offices, and three paper copies of the plan shall be submitted. The Applicant shall provide copies of the final plan no less than twenty-eight (28) days prior the regular meeting. The Planning Board shall make available at Town Hall documents for review by the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools. The Planning Board can request that the Fire Chief, Rescue Chief, The Road Commissioner and Superintendent of Schools provide the Planning Board with official comments upon the adequacy of their department's existing capacity to service the proposed development.

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

- A. Proposed name of the subdivision and the name of the municipality in which it is located, plus the Assessor's Map and Lot Numbers.

- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a professional land surveyor. The corners of the tract shall be located on the ground and marked by monuments. The plan shall indicate the type of monument set or found at each lot corner.
- C. The number of acres within the proposed subdivision, location of property lines, existing buildings, watercourses, and other essential existing physical features.
- D. Indication of the type of sewage disposal to be used in the subdivision.
- E. Indication of the type of water supply system(s) to be used in the subdivision.
- F. The date the Plan was prepared, magnetic and true north point, graphic map scale, names and addresses of the record owner, subdivider, and individual or company who prepared the plan.
- G. The location of any zoning boundaries effecting the subdivision.
- H. The location and size of existing and proposed sewers, water mains, culverts, and drainage ways on or adjacent to the property to be subdivided.
- I. The location, names and present widths of existing and proposed streets, highways, easements, building lines, parks and other open spaces on or adjacent to the sub division. The plan shall contain sufficient data to allow the location, bearing and length of every street line, lot line, and boundary line to be readily determined and be reproduced upon the ground. These lines shall be tied to reference points previously established. The length of all straight lines, the deflection angles radii, length of curves and central angles of curves, tangent distances and tangent bearings for each street shall be included. The final plan showing a proposed road shall indicate by lines or dots in the center of the proposed road intervals of every fifty (50) feet beginning at the intersection with the existing street.
- J. If not provided during Preliminary Plan review, the width and location of any streets or public improvements shown upon the Comprehensive Plan, if any, within the subdivision.
- K. All parcels of land proposed to be dedicated to public use and the conditions of such dedication. Written offers of cession to the municipality of all public open spaces shown on the plan, and copies of agreements or other documents showing the manner in which open spaces to be retained by the developer or lot owners are to be maintained shall be submitted. If open space or other land is to be offered to the municipality, written evidence that the Municipal Officers are satisfied with the legal sufficiency of the written offer of cession shall be included.
- L. If any portion of the subdivision is in a flood-prone area, the 100-year flood elevation shall be delineated on the plan. The final plan shall include a condition of approval that principal structures will be constructed with their lowest floor, including the basement, at least one foot above 100- year flood elevation.
- M. The location of wetlands.

8.3 Final Approval and Filing

- A. No plan shall be approved by the Planning Board as long as the subdivider has outstanding violations on any approved subdivision plan within the Town of Turner.
- B. Upon findings of fact and determination that all standards in Title 30-A, M.R.S.A. §4404, and this Ordinance have been met, and upon voting to approve the subdivision, the Board shall sign the Final Plan. The Board shall specify in writing its findings of facts and reasons for any conditions or denial. One copy of the signed plan shall be retained by the Board as part of its permanent records. One copy of the signed plan shall be forwarded to the Tax Assessor. One copy of the signed plan shall be forwarded to the Code Enforcement Officer. Any subdivision not recorded in the Registry of Deeds by the subdivider within ninety days of the date upon which the plan is approved and signed by the Board shall become null and void.
- C. At the time the Board grants Final Plan approval, it may permit the Plan to be divided into two or more sections subject to any conditions the Board deems necessary in order to insure the orderly development of the Plan.
- D. The approval by the Board of a subdivision plan shall not be deemed to constitute or be evidence of any acceptance by the municipality of any street, easement, or other open space shown on such plan. When a park, playground, or other recreation area shall have been shown on the plan to be dedicated to the municipality, approval of the Plan shall not constitute an acceptance by the municipality of such areas. The Board shall require the Plan to contain appropriate notes to this effect. The Board may also require the filing of a written agreement between the applicant and the Municipal Officers covering future deed and title, dedication, and provision for the cost of grading, development, equipment, and maintenance of any such dedicated area.
- E. Failure to commence substantial construction of the required infrastructure improvements for the subdivision within two years of the date of approval and signing of the final Plan shall render the Plan null and void. A statement of this effect must appear on any final plan. Upon good cause shown, the Board may extend the approval for additional two year periods. The extension request must be made to the Board at least thirty days prior to the time of expiration. Upon determining that a subdivision's approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect

ARTICLE IX. ENFORCEMENT

9.1 Inspection of Required Improvements

- A. At least five days prior to commencing each major phase of construction of required infrastructure improvements, the sub divider or builder shall:
 - 1. Notify the Code Enforcement Officer 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 infrastructure improvements, and to assure the satisfactory completion of improvements and utilities required by the Board.

2. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and infrastructure improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and infrastructure improvements.
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- B. If the inspecting official finds, upon inspection of the infrastructure improvements that any of the required improvements have not been constructed in accordance with the plans and specifications filed by the subdivider, he shall so report in writing to the Municipal Officers, Planning Board, and the subdivider or builder. The Municipal Officers shall take any steps necessary to preserve the municipality's rights.
 - C. If at any time before or during the construction of the required infrastructure improvements, it appears to be necessary or desirable to modify the required improvements, the inspecting official is authorized to approve minor modifications due to unforeseen circumstances such as encountering hidden outcrops of bedrock, natural springs, etc. The inspecting official shall issue any approval under this section in writing and shall transmit a copy of the approval to the Board. Revised plans shall be filed with the Town. For major modifications, such as relocation of rights-of-way, property boundaries, changes of grade by more than 1%, etc., the applicant shall submit to the Planning Board an amended application for review and approval in accordance with Section 6.2.
 - D. At the close of each summer construction season, the Town shall, at the expense of the subdivider, have the site inspected by a qualified individual. By December 1 of each year during which construction was done on the site, the inspector shall submit a report to the Board based on that inspection, addressing whether storm water and erosion control measures (both temporary and permanent) are in place, are properly installed, and appear adequate to do the job they were designed for. The report shall also include a discussion and recommendations on any problems which were encountered.
 - E. Prior to the sale of any lot, the sub divider shall provide the Board with a letter from a Professional Land Surveyor, stating that all monumentation shown on the plan has been installed.
 - F. Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed town way to a town meeting, a written certification signed by a licensed professional engineer registered in the State of Maine shall be required by the Municipal Officers at the expense of the applicant, certifying that the proposed town way meets or exceeds the design and construction requirements of the Town of Turner, Maine, Street Construction Ordinance. "As built" plans shall be submitted to the Municipal Officers.
 - G. The subdivider or builder shall be required to maintain all infrastructure improvements and provide for snow removal on streets and sidewalks and maintenance until acceptance of the improvements by the municipality.

9.2 Violations and Enforcement

- A. No plan of a division of land within the municipality which would constitute a subdivision shall be recorded in the Registry of Deeds until a Final Plan has been approved by the Board in accordance with Title 30-A, M.R.S.A. §4404 and this Ordinance.
- B. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Board and recorded in the Registry of Deeds.
- C. No person, firm, corporation or other legal entity may convey, any land in an approved subdivision which is not shown on the Final Plan as a separate lot.
- D. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation. The Municipality may institute proceedings to enjoin the violation of this section, and may collect attorneys' fees and court costs if it is the prevailing party.
- E. No public utility or any utility company of any kind shall serve any lot in a subdivision for which a Final Plan has not been approved by the Board.
- F. No person shall establish or develop a subdivision without first having a final plan thereof approved by the Planning Board. "Develop" shall include grading or construction of roads, grading of land or lots, or construction of any buildings.
- G. Once a preliminary plan for a subdivision approval has been received by the Planning Board no lot or lots shall be sold or developed until the final plan has been approved and recorded in the Registry of Deeds.
- H. Consent Agreements: 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 collecting fines without court action.
- I. Legal Actions: When the above action does not result in the complete 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.
- J. Fines: Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A., Section 4452. Each day the violation exists shall be considered a separate violation.

ARTICLE X. GENERAL STANDARDS

In reviewing applications for a subdivision, the Board shall consider the following general standards and make findings that each, in addition to standards contained in Title 30-A, M.R.S.A., Section 4404, have been met prior to the approval of a Final Plan. In all instances, the burden of proof shall be upon the applicant.

10.1 Conformance with Comprehensive Plan. All proposed subdivisions shall be in conformity with the Comprehensive Plan of the municipality and with the provisions of all pertinent state and local codes and ordinances.

10.2 Open Space Provisions

- A. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees, the replacement of trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas.
- B. The Board may require that the subdivider reserve an area equal to ten percent of his total land as an open space and/or recreational area for use by property owners in the subdivision. The developer may instead make a payment in lieu of dedication into a municipal land acquisition fund. A payment in lieu of dedication shall be calculated at the market value of land at the time of the subdivision, as determined by the municipal tax assessor, and deposited into a municipal land acquisition or improvement fund.
 - 1. If such an area is reserved, the Final Plan shall provide how title to the reserved land shall be held and how costs of development, maintenance and taxes shall be met.
 - 2. Included in the instrument of conveyance to each property owner of the subdivision shall be a statement of:
 - a) The manner of providing for the cost of development and maintenance and for property taxes of the reserved land.
 - b) If appropriate, the individual property owner's pro rata share of development costs, maintenance cost and property taxes of the reserved land.
 - c) Land designed for public use shall not be subdivided for any other purpose. This prohibition does not apply to land areas designed for later development if the Subdivision Plan includes provision for development in discrete stages.
 - d) Any area designated for common use shall be so arranged that each property owner has access to it.
- C. Land reserved for open space purposes shall be a character, configuration and location suitable for the particular use intended. A site intended to be used for active recreation purposes, such as a playground or a play field, should be relatively level and dry. The Planning Board shall review open space plans to determine if the subdivider has made a maximum effort to preserve scenic vistas and make available land for trails and lookouts, etc.

- D. Reserved land acceptable to the Board and subdivider may be dedicated to the municipality as a condition of approval.
- E. The proposed subdivision shall provide safe pedestrian access within the subdivision and interconnection with existing facilities on abutting properties including connection and/or preservation of existing snowmobile trails to accomplish the goals of the Comprehensive Plan.

10.3 Land Not Suitable for Development. The following lands shall not be included in the calculations of building density for the purpose of meeting the requirements of Mobile Home Parks and Multi-family Developments of three or more units.

- A. Land which is located within the 100-year frequency floodplain as identified by the Federal Emergency Management Agency, Flood Insurance Administration, unless the subdivider shows proof through the submittal of materials prepared by a Professional Land Surveyor which show that the property in question lies above the 100-year flood level. The elevation of filled or made land shall not be considered.
- B. Land which is part of a right-of-way, or easement, including utility easements.
- C. Land that has been created by filling or draining a pond or wetland.

10.4 Blocks. Where street lengths exceed 1,000 feet between intersections with other streets, the Board may require a utility/pedestrian easement, at least 20 feet in width, to provide for underground utility crossings and/or a pedestrian pathway of at least five feet in width. Maintenance obligations of the easement shall be included in the written description of the easement.

10.5 Lots

- A. All lots shall meet the minimum requirements of the Town of Turner's Zoning Ordinance. The lot configuration should be designed to maximize the use of solar energy on building sites with suitable orientation. Lack of restrictive covenants may necessitate larger lots.
- B. Lot configuration and area shall be designed to provide for adequate off-street parking and service facilities based upon the type of development contemplated. Wherever possible, parking areas shall be laid out to coincide with building locations to maximize solar energy gain.
- C. Lots with multiple frontages shall be avoided wherever possible. When lots do have frontage on two or more roads, the plan, and deed restrictions shall indicate vehicular access shall be located only on the less traveled way.
- D. Wherever possible, side lot line shall be perpendicular to the street.
- E. The subdivision of tracts into parcels with more than twice the required minimum lot size shall be laid out in such a manner as either to provide for or preclude future resubdivision.
- F. In the Rural I and II Districts, as defined in the Town of Turner Zoning Ordinance, each lot shall contain a minimum of 20,000 square feet of land area that is not located in the 100-year floodplain, does not contain slopes greater than 20 percent and considered a fresh water wetland.

10.6 Utilities

- A. The Planning Board may require utilities serving the subdivision to be installed underground.
- B. Underground utilities shall be installed prior to the installation of the final gravel base of the road. All underground utilities shall be properly marked to avoid damage by future excavations.
- C. Street lighting, if required by the Planning Board, shall meet specifications established by the Planning Board.

10.7 Required Improvements. The following improvements are required for all subdivisions unless waived by the Board in accordance with provisions of this Ordinance.

A. Monuments

- 1. Permanent granite or cement monuments not less than four (4) inches square in width or iron reinforcement rods at least 5/8 inches across the top and at least four (4) feet in the ground shall be installed as follows:
 - 1. Monuments shall be set at all street intersections and points of curvature, but no further than 750 feet apart along street lines without curves or intersections.
 - 2. Monuments shall be set at all corners and angle points of the subdivision boundaries and all lot boundary and angle points.

B. Water Supply

- 1. If a central water supply system is provided by the subdivider, the location and protection of the source, and the design, construction and operation of the system shall conform to the standards of the State of Maine Rules of the Department of Human Services Relating to Drinking Water (10-144 A.C.M.R. 231).
- 2. Based on the recommendations of the Fire Department the Board may require the subdivider to install systems to provide water for fire fighting purposes or to pay for such systems.

C. Sewage Disposal

- 1. The developer shall submit evidence of soil suitability for subsurface sewage disposal prepared by a Maine Licensed Site Evaluator in full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

D. Surface Drainage

- 1. Where a subdivision is traversed by a stream, river, or surface water drainage way, or where the Board has determined that surface water runoff to be created by the subdivision should be controlled, there shall be provided easements or drainage rights-of-way with swales, culverts, catch basins or other means of channeling surface water within the subdivision and over other properties. This storm water management system shall be designed by a Licensed Professional Engineer.

2. Drainage easements for existing watercourses or proposed drainage ways shall be provided and indicated on the plan at least thirty feet wide, conforming substantially with the lines of existing natural drainage.
3. A storm water drainage plan, showing ditching, culverts, storm drains, easements, and other proposed improvements, meeting the standards of Article XI. 2-3 shall be submitted.

E. Conservation, Erosion and Sediment Control.

Erosion of soil and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Subdivision review and approval.

- a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
- b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
- c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
- d. Disturbed soils shall be stabilized as quickly as practical.
- e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
- f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
- g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
- h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
- i. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
- j. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
- k. The most current standards set forth in the Stormwater Management Law

administered by the Maine Department of Environmental Protection shall be employed.

10.8 Land Features

- A. Topsoil shall be considered part of the subdivision and shall not be removed from the site except for surplus topsoil from roads, parking areas, and building excavations.
- B. Except for normal thinning, landscaping, and cutting trees to provide access to direct sunlight, existing vegetation shall be left intact to prevent soil erosion. The Board shall require a developer to take measures to correct and prevent soil erosion in the proposed subdivision.
- C. The Board shall require a developer to take measures as contained in the Maine Erosion and Sediment Control Best Management Practices to correct and prevent soil erosion in the proposed subdivision.

10.9 Phosphorous Export

Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorous runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or technical assistance programs. Adjustments shall be made by amendment of this Ordinance and the Town's Comprehensive Plan.

10.10 Lake Protection Level

	LPL	Phosphorus Loads	Per Acre Phosphorus Load (pounds)
Bear Pond	High	2.31	0.035
Blacksnake Pond	High	0.13	0.024
Crystal Pond	High	3.04	0.035
Lake Auburn	High	3.74	0.082
Lard Pond	High	0.85	0.034
Lily Pond	High	2.16	0.039
Little Wilson Pond	High	7.27	0.031
Mud Pond (1)	Medium	8.11	0.025
Mud Pond (2)	High	0.39	0.037
Mud Pond (3)	High	0.39	0.042
Pleasant Pond	High	8.48	0.045
Round Pond	High	0.35	0.038
Sandy Bottom Pond	High	0.74	0.037
The Basin	High	0.13	0.020

- (1) North of Little Wilson Pond
- (2) Mud Pond in Buckfield
- (3) North of Sandy Bottom Pond

- a. Phosphorous export from a proposed development shall be calculated according to the procedures defined in "Phosphorous Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.
- b. Phosphorous control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

10.11 Construction in Flood Hazard Areas

When any part of a subdivision is located in a special flood hazard area as identified by the Federal Emergency Management Agency, the plan shall indicate that all principle structures on

lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation. Such a restriction shall be included in the deed to any lot which is included or partially included in the flood hazard area.

10.12 Mobile Home Parks

Proposed new mobile home parks and expansions to existing mobile home parks which would constitute a subdivision as defined shall comply with the provisions of this Ordinance, the Town of Turner's Zoning Ordinance, the Town of Turner's Street Construction Ordinance and the following:

- A. The mobile home park will be designed so that each mobile home is placed on a defined lot clearly marked having access from a roadway within the mobile home park. The roadways and lots will be laid out to provide safe and convenient access to every mobile home lot. The lot layout will be designed so that the vehicular access to each lot is from the internal road system of the mobile home park and not from existing public streets.
- B. Each lot within in a mobile home park shall be of such dimensions to provide for two (2) off-street parking spaces. Each park space shall contain minimum of 200 square feet. The Planning Board may require additional parking areas within the mobile home park.
- C. Lots within mobile home parks shall not be reduced below those required in the Town of Turner's Zoning Ordinance.
- D. Streets and walkways designed for the general use of the manufactured home community residents shall be lighted during the hours of darkness. Lighting shall be provided and maintained to produce a minimum of 0.1 footcandle (1.1 lux) at street level throughout the system.
- E. A 50-foot buffer strip shall be provided along all property boundaries. No structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
- F. No lot in a mobile home park may be sold or conveyed without prior approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirement for a single-family dwelling as contained in the Town of Turner's Zoning Ordinance.

10.13 Municipal Services

When the Board finds, based upon the recommendation of Department heads, that municipal services do not have sufficient capacity to service the proposed subdivision, the Board may require phasing of the subdivision to allow for the development of expanded municipal services, deny the application or require the applicant to assist in upgrading municipal services.

10.14 Open Space Development

Open space subdivisions shall comply with the provisions set forth in the Town of Turner's Zoning Ordinance.

10.15 Traffic Conditions

When conflicts exist between this Section and a Driveway Permit or Entrance Permit onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road, issued by the Maine Department of Transportation, the most stringent or restrictive shall apply.

- A. Where a subdivision will be accessed from Route 4 a common access or shared driveways should be developed.
- B. A subdivision to be located in a Commercial II, Rural I or Rural II Zoning District as defined in the Town of Turner Zoning Ordinance that will have lot access from an existing street that has a peak hour volume of 200 vehicle trips or greater as determined from available traffic counts from the Maine Department of Transportation shall be limited to one (1) access point for the first lot and one (1) additional access point for each 500 feet of frontage beyond the first lot on such street. Where the subdivision will have more than one (1) access point, spacing shall comply with Sections 10.15.E, F, and G.

A subdivision to be located in a Commercial I Zoning District as defined in the Town of Turner Zoning Ordinance that will have lot access from an existing street that has a peak hour volume of 200 vehicle trips or greater as determined from available traffic counts from the Maine Department of Transportation shall be limited to one (1) access point for the first lot and one (1) additional access point for each 400 feet of frontage beyond the first lot on such street. Where the subdivision will have more than one access point, spacing shall comply with Sections 10.15.E, F, and G.

- C. Where a lot has frontage on two or more streets, the access to the lot shall be provided to the lot across the frontage and to the street where there is lesser potential for traffic congestion and for hazards to traffic and pedestrians unless other factors make it not practical.
- D. The Planning Board may require, based upon site distances and volume of traffic, the use of shared or common driveways in the Rural I and Rural II Districts as defined in the Town of Turner Zoning Ordinance, where such lots will be accessed by off-site public streets.
- E. Minimum corner clearance shall be measured from the point of tangency for the corner to the point tangency for the access by type of driveway and meet the following.

Driveway	Minimum Corner Clearance (feet)	
	Intersection Signalized	Intersection Unsignalized
Low Volume <50 trips/day	150	50
Medium Volume >50-100 trips/day <200 trips/hour	150	50
High Volume >200 trips/hour	500	250

- F. Minimum distances between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, shall be as follows:

Driveway Type	Minimum Spacing to Adjacent Driveway by Driveway Type		
		High w/o RT (feet)	High w/RT (feet)
Medium Volume	75		
High Volume W/O RT (without right-turn channelization)	75	150	
High Volume W/RT (with right-turn channelization)	75	250	500

- G. The minimum distance between driveways and property line, as measured from point of tangency, shall be:

Driveway Type	Minimum Spacing to Property Line (ft.)
Low Volume	10
Medium Volume	20
High Volume (without right-turn channelization)	75
High Volume (with right-turn channelization)	75

For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between low volume driveways serving adjacent parcels, 40 feet of separation between medium volume driveways, and 150 feet of separation between high volume driveways.

- H. When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.

10.16 Ground Water Quality

- A. 1. When a hydrogeologic assessment is submitted, by request of the Board, the assessment shall contain at least the following information:
- a. A map showing the basic soils types.
 - b. The depth to the water table at representative points throughout the subdivision.

- c. Drainage conditions throughout the subdivision.
 - d. Data on the existing ground water quality, either from test wells in the subdivision or from existing wells on neighboring properties.
 - e. An analysis and evaluation of the effect of the subdivision on ground water resources. In the case of residential developments, the evaluation shall, at a minimum, include a projection of post development nitrate-nitrogen concentrations at any wells within the subdivision, at the subdivision boundaries and at a distance of 1000 feet from potential contamination sources, whichever is a shorter distance.
 - f. A map showing the location of any subsurface wastewater disposal systems and drinking water wells within the subdivision and within 100 feet of the subdivision boundaries.
2. The subdivision will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601.
 3. If ground water contains contaminants in excess of the primary standards, and the subdivision is to be served by on-site ground water supplies, the applicant shall demonstrate how water quality will be improved or treated.
 4. If ground water contains contaminants in excess of the secondary standards, the subdivision shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.
 5. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells or other measures to reduce ground water contamination and protect drinking water supplies are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

10.17 Protection of Significant Wildlife Habitat

Applicants proposing to subdivide land in or within 75 feet to wildlife resources identified in the Town of Turner Comprehensive Plan or by the Maine Department of Inland Fisheries and Wildlife shall consult with a recognized wildlife or fisheries consultant or the Maine Department of Inland Fisheries and Wildlife and provide their written comments to the Board. The Board may consult with the Maine Department of Inland Fisheries and Wildlife and may impose any recommendations by the Maine Department or consultant as conditions of approval.

10.18 Scenic Locations

The Planning board shall consider the existence of a scenic site or view location as identified in the Town of Turner Comprehensive Plan and the impact of the proposed subdivision on such a site or view. The Board may require the placement or visual qualities of structures on lots in such locations as to minimize the negative impacts of the subdivision on such sites and views.

10.19 Archaeological Sites

Any proposed subdivision 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 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.

10.20 Solid Waste

All Solid Waste shall be disposed of at a Department of Environmental Protection Licensed Facility.

10.21 Financial and Technical Capacity

A. Financial Capacity.

The applicant shall demonstrate the availability of financial resources sufficient to implement the proposed plan. In determining the applicant's financial capacity, the Board shall consider cost estimates for implementation of the plan, letters from prospective sources of financing, the proposed time frame for construction, and performance guarantees required of the applicant.

B. Technical Ability.

1. The applicant shall demonstrate the qualifications of the contractors and consultants who will supervise, construct and inspect the improvements associated with the proposed subdivision.
2. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the number and nature of any violations of previous approvals granted to the applicant.

ARTICLE XI. STREET AND STORM DRAINAGE DESIGN AND CONSTRUCTION STANDARDS

11.1 General Requirements

- A. All streets proposed as an element of a subdivision shall comply with the Town of Turner's Street Construction Ordinance.
- B. All street designs as required by the Town of Turner's Street Construction Ordinance shall be submitted as an element of the Subdivision Application as required by this Ordinance.
- C. Street names shall be proposed by the applicant and approved by the Board. Streets that are continuations of existing streets shall be given the same name of the existing street. Names of new streets shall not duplicate nor bear the phonetic resemblance of the names

of existing streets with the Town. No street name shall be given the common name of a person.

11.2 Storm Water Management Design Standards

- A. All stormwater improvements within the subdivision shall be designed to be in compliance with the most current standards of the Stormwater Management Law as administered by the Maine Department of Environmental Protection.
- B. All subdivisions that fall below the minimum thresholds of the Stormwater Management Law shall comply with the Conservation, Erosion and Sediment Control Standards of Article X, Section 10.7. E.
- C. Wherever the storm drainage system is not within the right-of-way of a public street, perpetual easements shall be provided to the Town allowing maintenance and improvement of the system.
- D. Where soils require a subsurface drainage system, the drains shall be installed and maintained separately from the storm water drainage system.

11.3 Storm Drainage Construction Standards

A. Materials

1. **Reinforced Concrete Pipe.** Reinforced Concrete Pipe shall meet the requirements of ASTM Designation C-76 (AASHTOM 170). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.2 on the .01 inch crack strength with a Class B bedding. Joints shall be of the rubber gasket type meeting ASTM Designation C 443-70, or of an approved performed plastic jointing material such as "Ramnek". Perforated Concrete Pipe shall conform to the requirements of AASHTOM 175 for the appropriate diameters.
2. **Asbestos Cement Pipe.** Asbestos Cement Pipe shall meet the requirements of ASTM Designation C-428 (AASHTOM 189). Pipe classes shall be required to meet the soil and traffic loads with a safety factor of 1.5 on the crushing strength. Joints shall be of the rubber gasket type meeting ASTM Designation D-1869-63, or of an approved performed plastic sleeve type.
3. **Corrugated Metal Pipe.** Corrugated Metal Pipe shall be bituminous coated meeting the requirements of AASHTO Designation M 190 Type C for iron or steel pipe or AASHTO Designation M 196 for aluminum alloy pipe for sectional dimensions and type of bituminous coating. Pipe gauge shall be as required to meet the soil and traffic loads with a deflection of not more than 5%.
4. **ABS Pipe.** ABS (Acrylonitrile-butadiene-styrene) composite pipe and fittings shall conform to the requirements of AASHTOM 264 and AASHTOM 265. Perforated pipe shall conform to the requirements of AASHTOM 36, Type III.
5. **Corrugated Plastic Pipe.** Corrugated Plastic Pipe shall conform to the requirements of AASHTO M-252.
6. **Manholes.** Manholes shall be of precast concrete truncated cone section

construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTOM 103 for carbon steel castings, AASHTOM 105, Class 30 for gray iron castings or AASHTOM 183 (ASTMA 283, Grade B or better) for structural steel.

7. **Catch Basins.** Catch Basins shall be of precast concrete truncated cone section construction meeting the requirements of ASTM Designation C 478 or precast concrete manhole block construction meeting the requirements of ASTM Designation C 139, radial type. Casting shall be square cast iron sized for the particular inlet condition with the gratings perpendicular to the curb line. Bases may be cast in place 3,000 psi 28 day strength concrete or may be of precast concrete, placed on a compacted foundation of uniform density. Metal frames and traps shall be set in a full mortar bed and with tops shall conform to the requirements of AASHTOM 103 for carbon steel castings, AASHTOM 105, Class 30 for gray iron castings or AASHTOM 183 (ASTMA 283, Grade B or better) for structural steel.

- B. Drain inlet alignment shall be straight in both horizontal and vertical alignment unless specific approval of a curvilinear drain is obtained in writing from the Board, after consultation with the Municipal Engineer.
- C. Manholes shall be provided at all changes in vertical or horizontal alignment and at all junctions. On straight runs, manholes shall be placed at a maximum of 400 foot intervals.
- D. Upon completion each catch basin or manhole shall be cleaned of all accumulation of silt, debris, or foreign matter and shall be kept clean until final acceptance.

11.4 **Certification of Construction**

Upon completion of street construction and prior to a vote by the Municipal Officers to submit a proposed public way to the legislative body, a written certification signed by a licensed professional engineer registered in the State of Maine shall be submitted to the Municipal Officers at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of these regulations. "As built" plans shall be submitted to the Municipal Officers.

ARTICLE XII. PERFORMANCE GUARANTEES

12.1 **Types of Guarantees.** With submittal of the application for Final Plan approval, the subdivider shall indicate one of the following performance guarantees that will be provided for an amount adequate to cover the total construction costs of all required infrastructure improvements, taking into account the time-span of the construction schedule and the inflation rate for construction costs.

- A. Either a certified check payable to the 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.

- 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.
- D. An offer of conditional agreement limiting the number of units built or lots sold until all required infrastructure improvements have been constructed.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner and Municipal Officers.

12.2 Contents of Guarantee. The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.

12.3 Escrow Account. A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider, 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 subdivider except for any portion of the interest earned which was needed, in addition to the principle of the escrow account, to pay for completion of the required improvements.

12.4 Performance Bond. A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the subdivider, and the procedures for collection by the municipality. The bond documents shall specifically reference the subdivision for which approval is sought.

12.5 Letter of Credit. An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the subdivision and may not be used for any other project or loan.

12.6 Conditional Agreement. The Board, at its discretion may permit for the sub divider to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that no units be built or lots sold until either:

- A. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with these regulations and the regulations of the appropriate utilities; or
- B. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded by the subdivider at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 12.8. Proof of recording shall be provided by the subdivider to the Board.

- 12.7 Phasing of Development.** The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street 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.
- 12.8 Release of Guarantee.** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction, that the proposed improvements meet or exceed the design and construction requirements for that portion of the infrastructure improvements for which the release is requested.
- 12.9 Default.** If, upon inspection, it is found that any of the required infrastructure improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the sub divider or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.
- 12.10 Privately-Owned Roads.** Where the subdivision streets are to remain privately-owned roads, the following words shall appear on the recorded plan.
- "All roads in this subdivision shall remain private roads to be maintained by the developer or the lot owners and shall not be accepted or maintained by the Town."
- 12.11 Improvements Guaranteed.** Performance guarantees shall be tendered for all infrastructure improvements required by Section 10.7 11.1 and 11.2 of this ordinance, as well as any other improvements required by the Board.
- 12.12** At least five days prior to commencing each major phase of construction of required infrastructure improvements, the sub divider or builder shall provide the Town with the type and amount of the performance guarantee approved in Section 12.1 above.

ARTICLE XIII. WAIVERS

- 13.1** Any requests for waivers from submission requirements and/or review standards shall be in writing. Waiver requests shall indicate the requirements requested to be waived and shall indicate what special circumstances exist that the required improvements or standards are not necessary to provide for the public health, safety, or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development.
- 13.2** Where the Board finds, based on written justification by the applicant, and makes written findings of fact that due to extraordinary and unnecessary hardships that may result from strict compliance of this Ordinance, or where there are special circumstances of a particular application, certain required improvements or review standards are not necessary to provide for public health, safety or welfare, or are inappropriate because of

inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive this requirement, subject to appropriate conditions provided that the performance standards of this ordinance have been or will be met. Waivers may not be granted if the waiver will have the effect of nullifying the intent and purpose of the Comprehensive Plan, this Ordinance, or any other ordinance or law, or if this ordinance expressly does not allow a waiver from the requirement a waiver is sought. In granting waivers, the Planning Board shall require such conditions as will assure the purpose of this ordinance is met.

- 13.3 When the Board grants a waiver to any of the improvements required by this ordinance, the Final Plan to be recorded at the Registry of Deeds, shall indicate the waivers granted and the date which they were granted.

ARTICLE XIV. AMENDMENTS

- 14.1 **Initiation of Amendments.** 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; or
 - C. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
- 14.2 The Planning Board shall conduct a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the 2nd publication at least seven (7) days before the hearing. The Planning Board shall make a report and its recommendation on the proposed amendment within ten (10) days after the public hearing has been closed.
- 14.3 **Adoption of Amendment.** An amendment to this Ordinance may be adopted by a majority vote of the Town Meeting.

ARTICLE XV. APPEALS

- 15.1 An aggrieved party may appeal any decision of the Board under this Ordinance within 30 days from the date of that decision to Androscoggin County Superior Court.

ARTICLE XVI. SUBDIVISION AMENDMENTS

- 16.1 **Fees.**
- A. The fee for any amendment when the number of lots remains the same, and there is no substantial change to roads or drainage systems, shall be \$25 plus planner fees.
 - B. The fee for any amendment, when three or less new lots are created, shall be a \$25

publishing and notice fee and \$100 for the first new lot created and \$50 for each additional lot plus planner fees.

- C. The fee for amendment, when there are substantial changes to roads and drainage systems or more than three lots are created, shall be all fees and escrow accounts required by a new application.

16.2 Revisions to Approved Plans

No change, erasures, modifications, or revisions shall be made in any Final Plan after approval has been given by the Planning Board and endorsed in writing on the Plan, by the original subdivider at any time or within five years of the approval if other than the original subdivider, unless the revised Final Plan is first submitted and the Board approves any modifications, except in accordance with Article 9.1.C. The Board shall make findings that the revised plan meets the standards of Title 30-A, M.R.S.A. §4404, and this Ordinance. In the event that a Plan is recorded without complying with this requirement, it shall be considered null and void, and the Board shall institute proceedings to have the Plan stricken from the records of the Registry of Deeds.

Title 30-A MRSA Section 4406.1.E

Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6 and recording the plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.

3/12/91

Amended March 14, 1992

Amended June 20, 1992

Amended June 12, 1993

Amended June 11, 1994

Amended April 13, 1996

Amended July 21, 1997

Amended April 18, 1998

Amended April 10, 1999

Amended April 8, 2000

Amended April 7, 2001

Amended April 6, 2002

Amended April 5, 2003

Amended April 3, 2004

Amended April 9, 2005

Amended April 8, 2006

Amended April 5, 2008

Amended April 4, 2009

Amended April 10, 2010

Amended April 5, 2014

Amended May 19, 2018



Town of Turner, Maine

11 Turner Center Rd. Turner, Maine 04282 – 207-225-3414 - www.turnermaine.com

Town Beach Ordinance

Adopted April 18, 1998

Amended March 1999

Amended April 4, 2009

Amended April 2, 2011

I. STATEMENT OF PURPOSE

The purpose of this ordinance is to provide for the safety, enjoyment, health, and welfare of all persons using the town beach and parking facilities at Bear Pond, to further provide a means of maintenance, operation and protection of the town beach and parking area, and to provide a family oriented atmosphere at an environmentally friendly and enjoyable town beach for residents and land owners of Turner and their accompanied guests. This ordinance is adopted pursuant to municipal home rule ordinance authority and Title 30-A, MRSA s 3001.

II. ADMINISTRATION, AUTHORITY, APPLICABILITY, and EFFECTIVE DATE

A. Administration of the town beach will be by a Committee consisting of Volunteers overseen by the Town Manager. The Committee is responsible for maintenance, operation, and general stewardship of the Turner town beach and parking area.

B. Authority to act: The Committee shall oversee all parking and beach areas and shall adopt, establish, and as necessary, revise, with the consent of the Board of Selectmen, any additional rules and regulations that they may deem necessary to maintain safety. These safety rules and regulations, not inconsistent with this ordinance, shall be posted in a conspicuous place at the facility and shall have the full force and effect of law.

C. Applicability: This ordinance shall apply to Town owned property at Bear Pond which includes a beach and parking area.

D. Effective Date: This ordinance shall take effect upon adoption by the Town of Turner.

III. DEFINITIONS

A. "Town" is the Town of Turner, Maine.

B. "Municipal Officers" means the Board of Selectmen.

C. "Beach" is the property owned by the Town of Turner adjacent to Bear Pond, Beach Street, and Bear Pond Road.

IV. GENERAL RULES

A. Conduct and Use

1. Regular opening and closing dates for swimming shall be established by the Town Manager and approved by the Municipal Officers.

2. Hours: The beach area shall be open during the designated hours established by the Town Manager and approved by the Municipal Officers.
3. Picnicking: Picnicking is allowed.
4. Fires: Fires shall be confined to appropriate receptacles. The Town Manager may prohibit fires in times of high fire danger.
5. Offensive Behavior: No person shall engage in any indecent language or loud noise which would be offensive to any reasonable person or engage in any disorderly conduct or behavior tending to breach the town peace.
6. Children under 12 years of age must be accompanied by someone 16 years of age or older.
7. Seasonal activities and use other than swimming shall be as permitted by the Town Manager with the approval of the Municipal Officers.

B. Sanitation

1. No bottles, cans or other trash shall be left. Users shall carry out what they carried in.
2. No pets allowed. This is not to be construed as limiting the use of Seeing Eye or disability assistance animals.
3. No trash what so ever will be put in the portable toilets.
4. Children shall not be allowed to swim in disposable diapers except for those exclusively made for swimming. All children who require diapers and do not have the proper disposable diapers are required to wear rubber pants that will contain all human waste.

C. Safety

1. No motorized watercraft shall be moored, launched or beached.
2. There shall be no water skiing permitted from the beach.
3. All motor vehicles shall be parked in the designated areas for parking except for emergency and maintenance vehicles.
4. All bicycles shall be parked in the designated areas.

D. Prohibited Activities are

1. The use of soap, shampoo or other cleaning agents.
2. The use of glass containers.
3. Activities which endanger persons or willful damage to any town property at the facility, including and without limiting to, changing rooms, bathrooms, fire receptacles, fencing, trees, brush or other vegetation.
4. The use of tents or overnight camping.
5. Possession or consumption of alcoholic beverages and illegal drugs.
6. Soliciting.
7. Smoking is prohibited thereby declaring the beach area a Tobacco Free Zone.

E. Authorized Use: Residents are required to obtain a beach pass annually. The fee shall be established by the Municipal Officers.

V. VIOLATION and PENALTY

First time and minor violations of this ordinance not involving any property damage, injury, or cost to the Town will be enforced by means of a warning issued by an enforcement officer as described under section VI. Subsequent violations, or violations that result in any property damage, injury to others, or any costs to the Town may result in more formal enforcement proceedings, whereby, a complaint will be filed on behalf of the Town before a court of competent jurisdiction. Any person found in violation

of this ordinance by a court of competent jurisdiction shall be subject to a fine payable to the Town of Turner of not more than \$100 or the cost of damages to town property.

VI. ENFORCEMENT

This ordinance may be enforced by any duly authorized law enforcement officer, as well as other individuals designated by the Municipal Officers or Directors.

VII. SERVERABILITY

Should any section or portion of this ordinance be declared invalid by a court, the remaining sections or portions of this ordinance shall remain in force.

Zoning Ordinance of the Town of Turner, Maine



Amended: April 6, 2019

Zoning Ordinance of the Town of Turner, Maine

Adopted June 12, 1993
Effective date: July 12, 1993
Amended: June 11, 1994
Amended: April 8, 1995
Amended: April 13, 1996
Amended: July 21, 1997
Amended: April 18, 1998
Amended: April 10, 1999
Amended: April 8, 2000
Amended: April 7, 2001
Amended: April 6, 2002
Amended: April 5, 2003
Amended: April 3, 2004
Amended: April 8, 2006
Amended: April 5, 2008
Amended: April 4, 2009
Amended: April 10, 2010
Amended: April 2, 2011
Amended: April 14, 2012
Amended: April 6, 2013
Amended: April 5, 2014
Amended: April 9, 2016
Amended: April 8, 2017
Amended: May 19, 2018

April 6, 2019

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**ARTICLE I
TOWN OF TURNER ZONING ORDINANCE**

SECTION 1. General

A. Title

This Ordinance shall be known and cited as the Zoning Ordinance of the Town of Turner, Maine, and will be referred to as "this Ordinance."

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VI I I-A of the Maine Constitution, the provisions of Title 30-A, M.R.S.A. Section 3001 (Home Rule), the State's Growth Management Law, Title 30-A, M.R.S.A. Section 4312 et seq, and the Mandatory Shoreland Zoning Act, Title 38 M R.S.A. Sections 435, et seq.

C. Purposes

The purposes of this Ordinance are:

- 1 To implement the provisions of the Town's comprehensive plan;
2. To promote the health, safety and general welfare of the residents of the community;
3. To encourage the most appropriate use of land throughout the community;
4. To promote traffic safety;
5. To provide safety from fire and other elements;
6. To provide an allotment of land area in new developments sufficient for adequate enjoyment of community life;
7. To conserve natural resources;
8. In shoreland areas, to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas, as defined herein; and
9. To provide effective procedures for the enforcement of this Ordinance against violators.

D. Applicability

The provisions of this Ordinance shall govern all land and all structures within the boundaries of the Town of Turner including any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high water line of a water body or within a wetland.

E. Conflicts with Other Ordinances

Except as otherwise specifically stated herein, (a) whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance, the more restrictive provision shall control, and (b) whenever a provision of this ordinance conflicts with or is inconsistent with another ordinance, regulation or statute, this Ordinance shall apply.

F. Validity and Severability

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

G. Effective Date

1. The effective date of this Ordinance shall be thirty (30) days of the date of its adoption by the legislative body, i.e., July 12, 1993.

H. Amendments

1. Initiation of Amendments: 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; or
 - c. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.
2. The Planning Board shall conduct a public hearing on the proposed amendment. Notification of the hearing shall be posted in the Town Office at least thirteen (13) days before the hearing and published in a newspaper of general circulation in the municipality at least two (2) times with the date of the first publication at least twelve (12) days before the hearing and the date of the 2nd publication at least seven (7) days before the hearing. The Planning Board shall make a report and its recommendation on the proposed amendment within ten (10) days after the public hearing has been closed.
3. When the proposed amendment would result in a rezoning that permits industrial, commercial or retail development in a district where previously prohibited or that prohibits all industrial, commercial or retail development in a district where previously permitted, the Town Clerk shall notify the owner(s) of each parcel in and abutting the area to be rezoned by mail at least fourteen (14) days before the hearing. Such notice

shall contain a copy of a map indicating the area to be rezoned. Notice under this subsection is not required for any other type of proposed zoning amendment including overlay zoning ordinances or any type of zoning ordinances required under Title 30-A M.R.S.A. Section 4314, subsection 2 and 3.

4. In addition to the notice required in Section 3 above, the Town Clerk shall provide written notification by first class mail to land owners whose property is being considered for placement in a Resource Protection District. Such notice must be sent not later than fourteen (14) days before the Planning Board holds a public hearing on the proposed rezoning to Resource Protection.
5. The Town Clerk shall forward a copy of the text of the proposed amendment to the Selectmen and Planning Board of adjacent communities of when a zoning amendment is proposed which is within 500 feet of a common town border at least thirteen (13) days in advance of the public hearing. The adjacent community may provide verbal or written testimony.
6. Adoption of Amendment: An amendment of this Ordinance may be adopted by a majority vote of a regular or special Town Meeting and unless otherwise specified therein, shall become effective upon adoption.
7. Copies of amendments attested and signed by the Municipal Clerk that affect an area within 250 feet of the normal high water line of a great pond, river or upland edge of a wetland or 75 feet horizontal distance from a stream 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 of the Department of Environmental Protection. If the Commissioner fails to act on any amendment within 45 days of the Commissioner's receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the 45 day period shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

I. Repeal of Existing Ordinances

Adoption of this Ordinance shall repeal on the effective date of this Ordinance any and all previously enacted Site Review, Shoreland Zoning and Minimum Lot Size Ordinances. This shall not prevent enforcement of repealed ordinances with respect to the time periods in which they were effective.

SECTION 2. Nonconformance

A. Purpose

It is the intent of this Ordinance to promote land use conformities except that nonconforming lots, structures and uses that legally existed before the effective date of this Ordinance shall be allowed to continue subject to the requirements set forth in this section.

B. General

1. **Transfer of Ownership:** Nonconforming 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 the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations which do not involve expansion of the nonconforming use or structure and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

C. Nonconforming Structures

1. **Expansions:** A nonconforming 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 nonconformity of the structure and is in accordance with subparagraphs a and b below. Should the expansion of the nonconforming structure require Site Plan Review under Section 5.13.1.c., approval shall be obtained pursuant to Section 5.

Further Limitations:

- 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.
 1. 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 non-conformity with the water body, tributary stream, or wetland setback requirement.
 2. Expansion of an accessory structure that is located closer to the normal high-water line or a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited even if the expansion will not increase non-conformity with the water body, tributary stream, or wetland setback requirement.

3. 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 limited to 20 feet or the height of the existing structure, whichever is greater.
4. 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 that 100 foot, horizontal distance, of a great pond is 25 feet or the height of structure, that is within 100 feet 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 3 above.

For the purposes of subparagraph 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.
2. Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits set in divisions C.1.a.3 and 4 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 4.T.12 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 4.T.12 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.
 - 1. 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.
 - 2. 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 well, stone apron, or similar device.
- 3. **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.
- 4. **Filing and reporting requirements.** Written plans required pursuant to this section must be filed with the Androscoggin County Registry of Deeds within fourteen (14) days of approval. A copy of all permits issued pursuant to this section must be forwarded by the municipality to the Department of Environmental Protection within 14 days of the issuance of the permit.
- 5. No structure which is less than the required setback from the normal highwater line of a water body, tributary stream or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland as defined herein.

6. **Relocation:** A nonconforming 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 same permitting authority as that for a new structure and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming. A foundation placed under a relocated structure within 100 feet horizontal distance of the normal high-water line of a Great Pond rated GPA 75 feet horizontal distance of other water bodies or 75 feet horizontal distance of the upland edge of a freshwater wetland shall not cause the height of the structure to be increased by more than three (3) additional feet (considering the slope of land).

In determining whether the building relocation meets the setback to the greatest practical extent, the permitting authority 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 within 250 feet, horizontal distance, of the normal high water line of a great pond, river or upland edge of a wetland and 75 feet horizontal distance from a stream, the type and amount of vegetation to be removed to accomplish the relocation shall be considered.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board or its designee shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, 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.

7. **Reconstruction or Replacement:**

- a. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, damaged or destroyed regardless of cause by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or

replaced in compliance with all building and safety codes provided that a permit is obtained within two (2) years of the date of said damage, destruction or removal and provided that such reconstruction or replacement is in compliance with the water body, tributary or wetland setback to the greatest practical extent as determined by the same permitting authority as that for a new structure in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

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 2.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 2.C.2 above.

In addition, the provisions of Article VI of the Floodplain Management Ordinance for the Town of Turner, Maine, shall be met. Any nonconforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the code enforcement officer.

- b. Any nonconforming structure which is located more than the required setback from the normal high water line of a water body, tributary stream or upland edge of a wetland and which is damaged or destroyed by fire, lightning, wind or other natural disaster may be rebuilt provided that construction is commenced within two (2) years after the destruction of the building or structure. In addition, the provisions of Article VI of the Floodplain Management Ordinance for the Town of Turner, Maine, shall be met.

D. Nonconforming Uses

1. **Expansion:** Expansion of nonconforming uses may be allowed provided the Planning Board after reviewing written application determines that no greater adverse impacts would occur as the result of the expansion as defined in section 2.D.3. and the following.
 - a. The expansion of a nonconforming use will be in accordance with any applicable Performance Standards set forth in Section 4 and 5, Site Plan Review, of this Ordinance.
 - b. The expansions of the nonconforming use will not encroach further on the required setbacks.
 - c. Notwithstanding 1.a and b. above, a residential structure located in the Commercial I and II districts may be expanded without Planning Board review provided such expansion complies with all other applicable standards of this ordinance.

- d. An accessory structure to a non-conforming residential use may be allowed with a permit from the Code Enforcement Officer provided such accessory structure complies with all applicable standards of this ordinance.
2. **Resumption Prohibited:** A lot, building or structure in or on which a nonconforming use is abandoned for a period exceeding five years, or which is superseded by a conforming use, may not again be devoted to a nonconforming 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 nonconforming use may be changed to another nonconforming use provided that (a) the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use; as determined by the Planning Board and (b) applicable performance standards contained in Section 4 are complied with and (c) approval is obtained pursuant to Section 5. The determination of no greater adverse impact shall be made according to criteria listed below.
 - a. That the proposed use is of the same character or less noxious than the current nonconforming use.
 - b. That the proposed use will not create a traffic hazard nor increase an existing traffic hazard; and
 - c. That the amount of parking required to meet the minimum requirements for the proposed use exists on the site or will be otherwise provided in accordance with Section 4 of this Ordinance.
 - d. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use; and
 - e. That the rate of surface water run-off from the site will not be increased; and
 - f. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses; and
 - g. That the proposed use will not increase the adverse impact on surrounding properties.
 4. **Change of Use of a Nonconforming Structure:** The use of a nonconforming structure may not be changed to another nonconforming use unless the Planning Board, after reviewing written application, determines that the new use is equally or more appropriate to the district than the existing use of the nonconforming structure and will have no greater adverse impacts than the existing use.

The determination of no greater adverse impact shall be made according to the criteria contained in Section 2.D.3 above.

The change in use shall comply with any applicable Performance Standards set forth in Section 4 and approval is obtained pursuant to Section 5 of this Ordinance.

E. Nonconforming Lots

1. **Nonconforming Lots:** A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can be met. This subsection shall not be deemed to require contiguous lots in a subdivision approved and recorded after September 22, 1971, to be combined.
2. **Contiguous Built Lots:** If two or more contiguous lots or parcels are in a single or common 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 principle use or structure exists on each lot, the nonconforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law and *State of Maine Subsurface Wastewater Disposal Rules* are complied with.

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

3. **Contiguous Lots - Vacant or Partially Built:** If two or more contiguous lots or parcels are in single or common 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 principle structure, the lots shall (except as provided in paragraph 1 above) be combined to the extent necessary to meet the dimensional requirements.

F. Illegal Reduction in Dimensions

No lot shall be reduced or created in any manner that violates the requirements of this Ordinance. If land is subdivided, conveyed, divided or otherwise transferred in violation of this Ordinance, no building permit or other municipal permit shall be issued with reference to any of the land or lots so reduced or created until all such land or lots fulfill the dimensional regulations, except as allowed by waiver or density bonus granted by the Planning Board in connection with the approval of a subdivision plan, multi-family dwellings, elderly and congregate housing complexes, affordable housing incentive or open space subdivisions.

SECTION 3 District Purposes, District Uses and Space and Bulk Standards of Districts

A. General Purposes

1. To implement the Town of Turner's Comprehensive Plan policies and its Future Land Use Plan;
2. To allow future growth to occur in designated portions of the community and to restrict growth in other areas;
3. To provide for separation of land uses that might otherwise be incompatible;
4. To protect the natural resources of the community from degradation; and
5. To provide for an orderly future growth pattern of the community.

B. Specific District Purpose

1. **Agricultural/Industrial District:** The purpose of the Agricultural/Industrial District is to provide locations for industrial, manufacturing, warehousing and other businesses that can coexist with egg production and processing. New residential development except employee housing will not be permitted in this area. These uses are allowable provided that safeguards are maintained to minimize degradation to the sand and gravel aquifer which underlies this area. Lot sizes should be based on area to be covered by structures, outside storage and parking. Maximum lot coverage ratios should not exceed 75% if it can be shown that ground water resources will be protected.
2. **Commercial I District.** The purpose of the Commercial I District is to provide commercial development locations adjacent to Route 4 without conflicting with its traffic carrying capacity. The district is intended to allow commercial uses while controlling highway access and encouraging quality site and structure design so as to enhance the Town's character and to avoid commercial strip development. Development in this district should have a minimum of 40,000 square feet of lot area.
3. **Commercial II District.** The purpose of the Commercial II District is to provide for commercial development locations adjacent to Route 4 that are less suitable for such development than that of the Commercial I District due to transportation and environmental factors. Development will not conflict with Route 4 traffic carrying capacity. Development standards shall control highway access, encourage quality site and structural design so as to enhance the Town's character, avoid commercial strip development and protect natural resources. Development in this district should have a minimum of 80,000 square feet of lot area.
4. **Village District.** The purpose of the Village District is to allow for traditional village development patterns and uses to continue and expand.
5. **General Residential I District.** The purpose of the General Residential I District is to provide areas that are primarily devoted to residential uses and mobile home parks. Uses other than residential should not conflict with the residential purpose of this district. Development in this district should have a minimum of 40,000 square feet of lot area.

6. **General Residential II District.** The purpose of the General Residential II District is to maintain residential development as it currently exists or is appropriate for this type of development at less density. The area should be primarily residential, except no mobile home parks shall be permitted. Other land uses appropriate and compatible with residential uses should include public and semi-public uses and commercial uses associated with residential areas. Development in this district should have a minimum of 80,000 square feet of lot area.
7. **Rural I District.** The purpose of the Rural I District is to maintain the rural character of the Town including agricultural and forest lands. Portions of these areas are served by road systems not designed for high traffic volumes. Residential development should be medium density and not conflict with rural uses including agriculture and commercial forestry. Development in this district should have a minimum of 80,000 square feet of lot area..
8. **Rural II District.** The purpose of the Rural II District is to preserve areas not well suited for development. They are not well suited for development because of natural resource values that include wildlife habitat and wetlands, physical characteristics that include steep slopes and soils not well suited to development, adjacency to large undeveloped tracts of land, lack of accessibility by public roads, areas where new public roads could result in significant public expenditures and critical lake watersheds. These factors make the Rural II areas only suitable for new development at low densities. Development in this district should have a minimum of 5 acres of lot area when suitable private road access is available. Residential subdivisions, in these areas, shall be a minimum of one dwelling per 5 acres and no new public roads shall be created. Clustering of residential development shall be required.
9. **Shoreland District.** The purpose of the Shoreland District is to provide for residential and other land use activities generally associated with Shoreland setting including light commercial uses adjacent to the Town's, ponds, rivers and wetlands while protecting water quality, shorelands and visual quality as required by the Mandatory Shoreland Zoning Act. The Shoreland District is that area 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 fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. The Shoreland District does not include those areas depicted on the Official Zoning Map as other Districts even though they may fall within the 250-foot area.
10. **Resource Protection District.** The purpose of the Resource Protection District is to regulate development which would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas, except those areas which are currently lawfully developed.
 - a. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife as of January 1, 1973.
 - b. Floodplains, except in the Village District, along all rivers, streams, brooks, ponds and floodplains along artificially formed great ponds defined by the 100-year floodplain as designated as areas of special flood hazard, Zones A and AE for the Town of Turner, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Androscoggin County Maine" dated July 8, 2013 with panels: 082E, 084E, 085E, 091E, 092E, 093E, 094E, 101E, 102E, 103E, 104E, 108E, 111E, 112E, 113E, 114E, 116D, 118E, 180E, 181E, 182E, 183E, 184E, 201E, 202E, 203E

204E, 206E, 211E, 212E, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Androscoggin County Maine". In the absence of these, by soil types identified as recent floodplain soils.

- c. Areas of two or more contiguous acres with sustained slopes of 20 percent or greater when they occur within the limits of the shoreland area.
- d. Areas of two or more contiguous acres supporting wetland vegetation and hydric soils which are not part of freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water when they occur within the limits of the shoreland area.
- e. Androscoggin and Nezinscot Rivers and Gulf Island Pond Shorelines and land purchased by the Land for Maine Future Fund: These areas require regulation so that future development does not diminish the area's natural value.
- f. Areas other than those described in a-e above that are depicted as Resource Protection on the Official Zoning Map.

C. Floating Commercial

- 1. **Purpose:** The purpose of the Floating Commercial District is to provide areas of sufficient size and characteristics for future commercial and industrial development.
- 2. This Ordinance may be amended to affix the Floating Commercial District following the procedures set forth in Section 1.H. of this Ordinance and the following:
 - a. The District may be affixed only in the Rural I District.
 - b. The minimum land area to be rezoned shall not be less than fifty (50) acres.
 - c. The District shall not be affixed more than two (2) times without updating the comprehensive plan.
 - d. Only those uses allowed in the Commercial I and Commercial II Districts shall be permitted.
 - e. The Planning Board shall review the request for rezoning and make written findings of fact as to whether the following criteria are met.
 - 1) The applicant(s) for rezoning shall provide the Planning Board an overall development plan for the area to be rezoned; the development plan which may be developed from existing sources of maps and data at a minimum shall contain the following:
 - a.) The type and size of the proposed development activity.
 - b.) Internal Circulation and Parking Plan.
 - c.) Suitability of soils for subsurface Sewage Disposal.
 - d.) The direction of existing surface water drainage across the site.
 - e.) Location of wetlands on the site.
 - f.) Estimated daily and peak hour traffic to be generated by the development.

- 2) Transportation systems and other public services have the capacity to serve the area. The Board shall consider the capacity and condition of roads which will provide access to the site. Access to the site shall not be in a residential street or through residential areas. The Board shall request Town Development heads to evaluate the proposal based upon current department capacities to serve the development.
- 3) At least seventy (70) percent of the land area is suitable for proposed uses. In determining suitability, the Board shall consider soil suitability, slope of the land and the existence of wetlands regulated by this ordinance, the Maine Department of Environmental Protection, and the Army Corps of Engineers.
- 4) The proposed rezoning will not adversely affect residential values. In determining adverse affect, the Board shall consider the location of existing or approved residential development activity and the impact of rezoning on traffic, noise and lighting on such residential areas.
- 5) Is consistent with the Comprehensive Plan.

D. Location of Districts

Said Districts are located and bounded as shown on the Official Zoning Map, entitled "Zoning Map of Turner, Maine," dated April 8, 2006, and on file at the Town Office, and as from time to time amended in accordance herein. The Official Map shall be signed by the Town Clerk and Chairperson of the Planning Board at the time of adoption or amendment of this Ordinance certifying the date of such adoption or amendment.

E. Rules Governing District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, rivers or streams shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following Town limits shall be construed as following Town limits.
4. Boundaries of the Shoreland Area (those areas regulated by Title 38 M.R.S.A. Section 435) on the Official Zoning Map are merely illustrative of their general location. The exact location and boundaries of the area shall be determined by on-site inspection and measurement from the normal high-water line or the upland edge of a wetland.
5. Boundaries indicated as approximately following natural features such as floodplains, wetlands, aquifers or watershed boundaries shall be construed to follow said natural feature. The location of said natural feature shall be determined by reference to:
 - a) The flood insurance rate map and floodway map;
 - b) The inventory of significant wetlands;
 - c) The state studies of significant sand and gravel aquifers, and
 - d) Independent site studies and evaluations.

6. Where physical or cultural features existing on the ground are at variance with those shown on the Official Zoning Map, or other circumstances not covered by subsections I through 5 above, the Board of Appeals shall interpret the district boundaries.

F. Division of Lots of District Boundaries

Where zoning district boundary lines divides a lot or parcel of land in the same ownership of record at the time such line is established by adoption or amendment of this Ordinance, the use regulations applicable to the one portion of the lot may be extended into the other portion of the lot by not more than 50 feet provided that the other portion is not within the Shoreland or Resource Protection Districts.

G. Division of Lots by Municipal Boundaries

When a lot is situated in part in the Town of Turner and in part in an adjacent municipality, the provisions, regulations and restrictions of this ordinance shall be applied to that portion of such lot as lies in the Town of Turner.

H. District Uses

The land uses permitted in each district, in conformance with the Performance Standards (Section 4) and Site Plan Review (Section 5) of this Ordinance, are shown in the following tables.

KEY: Yes - permitted (no local permit necessary) (May require building permit). Must comply with standards contained in Section 4 of this Ordinance.

No - prohibited

CEO - permit from code enforcement officer required

PB - Requires Planning Board Review

LPI - Local Plumbing Inspection

- (1) Multi-family dwellings/apartments may be allowed as an accessory use in commercial structures.
- (2) Requires Site Plan Review.
- (3) Requires Subdivision Review.
- (4) Must comply with performance standards on lots of five acres or less.
- (5) Expansion of existing cemeteries only.
- (6) In the Resource Protection District, not permitted in areas so designated because of wildlife value.
- (7) Mobile home parks may be allowed in the Rural I and Agricultural/Industrial Districts for the purpose of providing bonafide farm labor housing. The mobile home park must be located on Farm owned property, be managed by the Farm owner and shall be occupied by only employees who work on the farm and their families. Within six (6) months of abandonment of the production agriculture, the mobile home park shall be removed. Such mobile home parks shall comply with the Town of Turner Subdivision Ordinance.

- (8) In existing structures only.
- (9) If in compliance with Section 4.K.1.a.-d., no permit required.
- (10) Only allowed after Commercial/Floating District is affixed and Site Plan Review.
- (12) Except to provide access to permitted uses within the District, or where no reasonable alternative route or location is available outside the Resource Protection District, in which case a permit is required from the Planning Board.
- (13) Except when area is zoned for Resource Protection due to floodplain criteria in which case site plan review is required from the Planning Board under Section 5. Site Plan Review, of this ordinance.
- (14) Requires a permit for the Code Enforcement Office if more than 100 square feet of surface area, in total, is disturbed.
- (15) A single-family dwelling or manufactured home may be allowed in the Commercial I and Commercial II Districts provided the lot upon which it is to be located is a back lot as defined herein, was legally established and recorded in the Androscoggin County Registry of Deeds prior to the effective date of this Ordinance and Sections 4.A and B are met.
- (16) Except the Code Enforcement Officer may issue a permit for Filling and Earth Moving from 10 to 1,000 cubic yards associated with development and construction requiring a CEO permit.
- (17) Accessory structures to commercial, manufacturing and industrial structures and uses of greater than 1,000 square feet in total floor area shall require a review and approval of compatibility by the Code Enforcement officer pursuant to Section 4.V.
- (18) Should the structure which is to be converted from a seasonal dwelling to a year-round dwelling be accessed by a nonconforming right-of-way, the CEO shall require the provisions of Section 4.B to be met.
- (19) Except housing units used for the purpose of providing bonafide farm labor housing are allowed with permit from the permitting authority. Single Family Dwelling – CEO, Duplex – CEO, Mult-Family Dwelling – PB with Site Plan and Subdivision Approvals and Manufactured Home – CEO.
- (20) Except Motor Vehicle Sales located along Route 4 in the Village District with Planning Board Approval.
- (21) In addition to Site Plan Review, the Planning Board shall find that the standards contained in Section 4.Y are met.
- (22) Not permitted in Resource Protection District when zoned Resource Protection due to slopes or wildlife value.
- (23) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

- (24) Permit not required, but must file a written “notice of intent to construct” with CEO.
- (25) See further restrictions in Section 4.T.8.
- (26) Allowed with Site Plan Review approval only on lots that have the required street frontage on Route 219.
- (27) Except when located within 250 feet, horizontal distance, of the normal high-water line of Beals (Crystal) Pond in which case the use is prohibited.

The aforementioned footnote shall be applicable to the following uses in the Commercial II District:

- 1. Auto Body Shops
 - 2. Auto Repair
 - 3. Auto Car Wash
 - 4. Gasoline Service Station
 - 5. Bulk Oil, Gas Terminal
 - 6. Heavy Manufacturing
 - 7. Light Manufacturing
- (28) When located within 250 feet, horizontal distance, of the normal high-water line of Beals (Crystal) Pond, minimum standards found in Section 4.T, Shoreland Areas, are applicable, as well as the Shoreland Space and Bulk Standards for “minimum lot size/density,” “minimum shore frontage,” “shoreland area minimum setback,” shoreland area building coverage ratio” and shoreland area maximum structure height”.

The aforementioned footnote shall be applicable to all the allowed uses found in the Commercial II District.

- (29) A CEO permit is required when the activity within 250 feet, horizontal distance, of the normal high-water line of Beals (Crystal) Pond.

The aforementioned footnote shall be applicable to “Filling and Earth Moving 10-1,000 cubic yards.”

- (30) Motor vehicle sales may expand with Planning Board Site Plan Review approval and the expansion area complies with Section 5.F.3.
- (31) Person(s) proposing a public or private schools, certified family child care provider, parks, playgrounds, and/or churches which are located within five-hundred (500) feet of an existing Medical Marijuana Establishment, as measured from the Medical Marijuana Establishments’ actual structure or controlled area to the property line of the proposed public or private school, certified family child care provider facility, park, playground, and/or church, shall be required to sign a form, which may be obtained from the Code Enforcement Officer, which indicates that they are aware that an existing Medical Marijuana Establishment is located within five-hundred (500) feet of their proposed site.

RESIDENTIAL USES

District

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rura I I	Rura I II	Shoreland	Resource Protection
Single family dwelling	No ¹⁹	No	No	CEO	CEO	CEO	CEO	CEO	CEO	No
Duplex	No ¹⁹	No	No	CEO	CEO	CEO	CEO	CEO	CEO	No
Multi-family dwelling ¹	No ¹⁹	No	No	PB ³	PB ³	PB ³	No	No	No	No
Manufactured Home	No ¹⁹	No	No	CEO	CEO	CEO	CEO	CEO	CEO	No
Mobile Home Park	No ⁷	No	No	No	PB ³	No ⁷	No ⁷	No	No	No
Open Space Development	No	No	No	PB ³	PB ³	PB ³	PB ³	PB ³	PB ³	No
Congregate Housing	No	No	No	PB ²	PB ²	PB ²	No	No	No	No
Structures Accessory to Allowed Uses	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Swimming Pool	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Conversion of Seasonal to Year-round	No	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO ¹⁸	No
Home Occupation ^{9, 31}	CEO	CEO	CEO ²⁸	PB	CEO	CEO	CEO	CEO	PB	PB
Private Sewage Disposal Systems for Allowed Uses	LPI	LPI	LPI ²⁸	LPI	LPI	LPI	LPI	LPI	LPI	LPI
Uses Similar to Uses Requiring Permit from CEO	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring Planning Board Approval	PB	PB	PB ²⁸	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No
Yard Sales	Yes	Yes	Yes ²⁸	Yes	Yes	Yes	Yes	Yes	Yes	Yes
In-Law Apartment	No	No	No	CEO	CEO	CEO	CEO	CEO	No	No

EDUCATION, INSTITUTIONAL AND PUBLIC USES

District

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structures	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Church, Synagogue, Paris House ³¹	No	No	No	PB ²	PB ²	PB ²	No	No	No	No
Community Centers ³¹	No	PB ²	PB ^{2, 28}	PB ²	No	PB ²	PB ²	No	PB ²	No
Day Care ³¹	PB ²	PB ²	PB ^{2, 28}	PB ²	PB ²	PB ²	PB ^{2, 8}	No	PB ²	No
Essential Services	YES	YES	YES ²⁸	YES	YES	YES	YES	YES	PB ²	PB ²
A. Roadside distribution lines (34.5kV and lower) in the shoreland area	-	-	-	YES ²⁴	-	-	-	-	CEO ²⁵	CEO ²⁵
B. Non-roadside or cross-country distribution lines involving ten poles or less in the shoreland area	-	-	-	CEO	-	-	-	-	CEO	PB ^{2 & 25}
C. Non-roadside or cross-country distribution lines involving eleven or more poles in the shoreland area	-	-	-	PB ^{2 & 25}	-	-	-	-	PB ^{2 & 25}	PB ^{2 & 25}
Fire, Police Stations	PB ²	PB ²	PB ^{2, 28}	PB ²	No	PB ²	No	No	No	No
Government Office	No	PB ²	PB ^{2, 28}	PB ²	No	PB ²	No	No	No	No

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Group Homes	No	No	No	PB ²	PB ²	PB ²	PB ²	No	No	No
Hospice, Nursing Home	No	No	No	PB ²	PB ²	PB ²	No	No	No	No
Museum/Library	No	PB ²	PB ^{2, 28}	PB ²	No	PB ²	PB ^{2, 8}	No	No	No
Public, Private Schools ³¹	No	No	No	PB ²	PB ²	PB ²	PB ²	No	No	No
Public Utility Facility	PB ²	PB ²	PB ^{2, 28}	PB ²	PB ²	PB ²	PB ²	PB ²	No	No
Municipal Recycling	PB ²	PB ²	PB ^{2, 28}	No	No	PB ²	PB ²	No	No	No
Clinics/Hospital	No	PB ²	PB ^{2, 28}	PB ²	No	PB ²	No	No	No	No
Private and Semi-Public Clubs	No	PB ²	PB ^{2, 28}	PB ²	No	PB ²	No	PB ²	PB ²	No
Uses Similar to Uses Requiring Review Planning Board Permit	No	PB	PB ^{2, 28}	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No

OUTDOOR, RESOURCE BASE USES

District

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structures	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Agriculture	Yes	Yes	Yes ²⁸	PB ⁴	PB ⁴	Yes	Yes	Yes	Yes	Yes
Confined Feeding Operations	CEO	PB ²	PB ^{2,28}	No	No	No	PB ²	PB ²	No	No
Agriculture Products Processing and Storage	CEO	PB ²	PB ^{2,28}	No	No	No	PB ²	PB ²	No	No
Farm Stands	Yes	PB ²	PB ^{2,28}	PB ²	PB ²	Yes	Yes	Yes	PB ²	No
Clearing or removal of vegetation for activities other than timber harvesting	Yes	Yes	Yes ²⁸	Yes	Yes	Yes	Yes	Yes	Yes	CEO
Individual, Private Campsites	No	No	No	No	CEO	CEO	CEO	CEO	CEO	CEO
Piers, docks, wharfs, bridges & other structures & uses extending over or below the normal high-water line or within a wetland A. Temporary B. Permanent	CEO ²³ PB	CEO ²³ PB	CEO ^{23,28} PB ²⁸	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB	CEO ²³ PB
Private Common Docking Facility	No	No	No	No	No	No	No	No	PB ²	PB ^{2/22}
Public Docking Facility	No	No	No	PB ²	No	No	No	No	PB ²	PB ^{2/22}
Road and Driveway Construction	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	PB	No ¹²
Parking Facilities	Yes	Yes	Yes ²⁸	Yes	Yes	Yes	Yes	Yes	PB	No ¹³
Cemetery	No	No	No	PB ²	PB ²	PB ²	PB ^{2,5}	No	PB ^{2,5}	No
Mineral Exploration	Yes	Yes	Yes ²⁸	Yes	Yes	Yes	Yes	Yes	CEO ¹⁴	CEO ¹⁴

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Mineral Extraction	PB ²	PB ²	PB ^{2, 28}	No	PB ²	PB ²	PB ²	PB ²	No	PB ²
Quarries	PB ²	PB ²	PB ^{2, 28}	No	No	PB ²	PB ²	PB ²	No	PB ²
Golf Course	No	PB ²	PB ^{2, 28}	No	PB ²	PB ²	PB ²	No	PB ²	PB ¹³
Parks and Recreation ³¹	PB ²	PB ²	PB ²⁸	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²
Filling and Earth Moving <10 cubic yards	Yes	Yes	Yes ²⁸	Yes	Yes	Yes	Yes	Yes	Yes	CEO
Filling and Earth Moving 10-1,000 cubic yards	Yes	Yes	Yes ^{28, 29}	Yes	Yes	Yes	Yes	Yes	PB	PB
Filling and Earth Moving >1,000 cubic yards	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	PB	PB
Sludge Spreading	Yes	PB ²	PB ^{2, 28}	No	No	No	PB ²	PB ²	No	PB ²
Septage Disposal Site	Yes	PB ²	PB ^{2, 28}	No	No	No	PB ²	PB ²	No	No
Uses Similar to Allowed Uses	Yes	Yes	Yes ²⁸	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Uses Similar to Use Required Permit from CEO	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Required Planning Board Permit	PB	PB	PB ²⁸	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No
Breeder & Brooder Barns	Yes	Yes	Yes ²⁸	No	No	No	PB ²	PB ²	No	No

COMMERCIAL USES

District

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Accessory Structures ¹⁷	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Amusement Facility (indoor)	PB ²	PB ²	PB ^{2, 28}	PB ²	No	No	No	No	No	No
Commercial Recreation	No	PB ²	PB ^{2, 28}	No	No	PB ²	PB ²	PB ²	PB ²	No
Rental Cabins	No	No	No	No	No	No	PB ²	PB ²	PB ²	No
Automobile Recycling	No	PB ²	No	No	No	No	PB ²	No	No	No
Automobile Graveyard	No	No	No	No	No	No	No	No	No	No
Junkyard	No	No	No	No	No	No	No	No	No	No
Auto Body Shop	PB ²	PB ²	PB ^{2, 27, 28}	No	No	No ²⁶	No	No	No	No
Auto Repair	PB ²	PB ²	PB ^{2, 27, 28}	PB ²	No	No ²⁶	No	No	No	No
Auto Car Wash	PB ²	PB ²	PB ^{2, 27, 28}	PB ²	No	No	No	No	No	No
Bed & Breakfast	No	PB ²	PB ^{2, 28}	PB ²	PB ²	PB ²	PB ²	PB ²	PB ²	No
Building Materials - Retail Sales	No	PB ²	PB ^{2, 28}	PB ²	No	No	PB ²	PB ²	No	No
Commercial School	No	PB ²	PB ^{2, 28}	PB ²	No	No	No	No	No	No
Firewood Processing	Yes	PB ²	PB ^{2, 28}	No	No	PB ²	PB ²	Yes	No	No
Gasoline Service Station	No	PB ²	PB ^{2, 27, 28}	PB ²	No	No	No	No	No	No
Hotel/Motel	No	PB ²	No	PB ²	No	No	No	No	PB ²	No
Indoor Theater	No	PB ²	No	PB ²	No	No	No	No	No	No

COMMERCIAL USES, cont.

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Kennel, Stable, Veterinary Hospital	PB ²	PB ²	PB ^{2, 28}	No	No	PB ²	PB ²	No	No	No
Medical Marijuana Establishment										
A. Registered Caregiver Retail Store	No	PB ²	PB ²	PB ²	No	No	No	No	No	No
B. Marijuana Testing Facility	No	PB ²	PB ²	No	No	No	No	No	No	No
C. Marijuana Manufacturing Facility	PB ²	PB ²	PB ²	No	No	No	No	No	No	No
D. Cultivation Area	PB ²	PB ²	PB ²	No	No	No	PB ²	PB ²	No	No
Motor Vehicle Sales	PB ²	PB ²	No ³⁰	No ²⁰	No	No ²⁶	No	No	No	No
Neighborhood Convenience Store	No	PB ²	PB ^{2, 28}	PB ²	PB ²	PB ²	No	No	No	No

COMMERCIAL USES, cont.

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rural I	Rural II	Shoreland	Resource Protection
Offices: Business, Professional, Medical	No	PB ²	PB ^{2,28}	PB ²	No	No	No	No	No	No
Publishing, Printing	No	PB ²	PB ^{2,28}	PB ²	No	No	No	No	No	No
Commercial Communication Tower	PB ²	PB ²	PB ^{2,28}	PB ²	No	No	PB ²	PB ²	No	No
Restaurant	No	PB ²	PB ^{2,28}	PB ²	No	PB ²	PB ²	No	PB ²	No
Retail Business	No	PB ²	PB ^{2,28}	PB ²	No	No	No	No	No	No
Service Business	No	PB ²	PB ^{2,28}	PB ²	No	No	No	No	No	No
Shopping Center	No	PB ²	PB ^{2,28}	PB ²	No	No	No	No	No	No
Wholesale Business	PB ²	PB ²	PB ^{2,28}	No	No	No	PB ²	PB ²	No	No
Campground	No	No	No	No	No	No	PB ²	PB ²	PB ²	No ¹³
Funeral Home	No	PB ²	PB ^{2,28}	PB ²	No	No	No	No	No	No
Agricultural Related Services/Sales	PB ²	PB ²	PB ^{2,28}	PB ²	No	PB ²	PB ²	No	No	No
Auction Barn/Antique Sales	No	PB ²	PB ^{2,28}	PB ²	No	PB ²	PB ^{2,8}	No	No	No
Cluster Commercial Development	PB ³	PB ³	PB ^{3,28}	PB ³	No	No	No	No	No	No
Farm Enterprise	PB ²¹	No	No	No	No	No	PB ²¹	PB ²¹	PB ²¹	No
Signs	CEO	CEO	CEO ²⁸	CEO	CEO	CEO	CEO	CEO	CEO	CEO
Uses Similar to Uses Requiring Planning Board Permit	PB	PB	PB ²⁸	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No
Peddlers	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

INDUSTRIAL USES

District

Use	Agricultural / Industrial	Commercial I	Commercial II	Village	General Residential I	General Residential II	Rura I I	Rura I II	Shoreland	Resource Protection
Accessory Structure ¹⁷	YES	YES	YES ²⁸	YES	YES	YES	YES	YES	No	No
Bulk Oil, Gas Terminal	PB ²	PB ²	PB ^{2, 27, 28}	No	No	No	No	No	No	No
Demolition, Waste Disposal	PB	No	No	No	No	No	No	No	No	No
Heavy Manufacturing	PB ²	PB ²	PB ^{2, 27, 28}	No	No	No	No	No	No	No
Light Manufacturing	PB ²	PB ²	PB ^{2, 27, 28}	PB ²	No	No	PB	No	No	No
Commercial Recycling Operations	PB ²	PB ²	PB ^{2, 28}	No	No	No	No	No	No	No
Sawmill	PB ²	PB ²	PB ^{2, 28}	No	No	No	PB ²	Yes	No	No
Trucking, Distribution Terminal	PB ²	PB ²	PB ^{2, 28}	No	No	No	PB ²	No	No	No
Warehousing and Storage	PB ²	PB ²	PB ^{2, 28}	PB ^{2, 3}	No	No	PB ^{2, 8}	No	No	No
Airport	PB ²	No	No	No	No	No	No	No	No	No
Abattoirs	PB ²	No	No	No	No	No	PB ²	PB ²	No	No
Bulk Grain Storage	PB ²	PB ²	PB ^{2, 28}	No	No	No	PB ²	PB ²	No	No
Uses Similar to Uses Requiring Planning Board Permit	PB	PB	PB ²⁸	PB	PB	PB	PB	PB	PB	PB
Uses Similar to Not Permitted	No	No	No	No	No	No	No	No	No	No

I. Space and Bulk Standards

Lots in each District shall meet or exceed the following minimum space and bulk standards (variations in bulk and space standards may be allowed by Section 4 of this ordinance and the Town of Turner Subdivision Ordinance). After the effective date of this ordinance, no lot shall be created or reduced below the minimum standards unless allowed by other provisions of this ordinance.

1. Land below the normal high-water line of a water body and land beneath streets serving more than two (2) lots shall not be included toward calculating minimum lot area for single lots.
2. Lots located on opposite sides of 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.
3. The minimum width of any portion of any lot within 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.
4. The Planning Board may reduce the side yard and rear yard setbacks for commercial, industrial and institutional uses. In no case shall the side yard and rear yard setbacks be reduced by greater than 75 percent, without written agreement between abutting property owners. With written agreement, recorded in the county registry of deeds, the Planning Board may reduce the side and rear yard setbacks to zero. The Planning Board shall consider the location of the lot, existing or proposed activities on adjacent lots and the impacts of the reduced setbacks. In the decision to reduce the side yard and rear yard setbacks, the Planning Board shall consider whether the abutting property owners have consented to such setback reductions. The Board shall make a written finding of fact that the reduction in setback will not affect the public health, safety and welfare or nullify the intent and purpose of this Ordinance.
5. **Cul-de-sac Frontage:** New building lots located at the cul-de-sacs or along curves in a street where the radius of the curve at the front lot line is less than 90 feet, may be designed so that they have a minimum of 35 feet of street frontage along the front lot line, so long as lot width at the location where the principal building is to be constructed is at least equal to the distance normally required for street frontage in that district.
6. **Multiple Structures:** If more than one principal structure is constructed on a single parcel of land, the "minimum lot area" requirement shall apply to each structure, and each structure shall meet the front, side and rear setback and road frontage requirements.

Each structure shall be so situated and constructed to be capable of being sold or transferred separately with a conforming lot except as may be allowed in Section 4. In the Commercial I, Commercial, II, Village and Agricultural/Industrial Districts each principal structure does not need be so situated and constructed to be capable of being sold or transferred separately with a conforming lot. Provided that the required lot size, and frontages for each principal structure, required setbacks, maximum building coverage, maximum impervious surface ratio and minimum pervious ratio as set forth in Section 3.I Bulk and Space Standards are met.

7. **Parking Areas:** Parking areas shall not be located within any required front setback area but may be located within five (5) feet of the side and rear lot lines or within zero feet with abutting property owner agreements with approvals from the Planning Board as noted in I.4. above.
8. **Setback Measurements:** All setbacks shall be measured from the property line to the nearest part of the structure except as may be provided for in other provisions of this Ordinance.
9. **Garages, Accessory Structures:** No garage or other accessory building shall be located in the required setbacks except as permitted below. When located to the rear or side of the principal building, accessory buildings no larger than 150 sq.ft. in floor area may be located within the required side or rear setbacks provided that no such structure shall be located less than 6 feet from a side or rear lot line.
10. **Corner Lots:** The front setback and lot frontage requirement shall be observed along all roads abutting the lot. For the purpose of this paragraph, property lines intersecting the road(s) shall be considered sidelines.
11. **Corner Lot Obstructions:** All corner lots shall be kept free from visual obstruction for a distance of a radius of 25 feet measured from the street lines.
12. **Height Limits** of 45 feet may be exceeded for structures not intended for human habitation upon review and approval of the Turner Fire Chief and Planning Board as required in Section 5. In no case shall egress window sill height exceed 30 feet from the ground.
13. Each lot must be able to completely contain within its boundaries an area as would be defined by a circle with a minimum diameter equal to the required minimum road frontage as required in the District.
14. Lots for duplexes shall require a minimum of 150 percent of the lot size and road frontage requirements for a single-family home in the district except in the Shoreland Area where lot size and shore frontage shall be equal to or greater than that for two single-family dwellings.
15. **Zone Line Setback:** All development proposed on lots within the Agricultural/Industrial District, Commercial I District or Commercial II District which abut a zone line for the Village District, General Residential I District, General Residential II District, Rural District, Shoreland District or Resource Protection District shall maintain a 50 foot yard from the zone boundary line. This yard requirement may be reduced to zero feet with abutting property owner agreements and approvals from the Planning Board as noted in I.4. above

All development proposed on lots within the Village District, General Residential I District, General Residential II District, Shoreland District and Resource Protection District which abut a zone line for the Agricultural/Industrial District, Commercial I District, or Commercial II District shall also maintain a 50 foot yard from the zone boundary line. This yard requirement may be reduced to zero feet with abutting property owner agreements and approvals from the Planning Board as noted in I.4. above

16. **Table of Regulations.** The table appearing below is a part of this Ordinance and sets forth the minimum space, coverage, bulk, setback and frontage requirements that must be observed in all districts except as allowed by waiver or density bonus granted by the Planning Board in connection with approval of a subdivision, elderly and congregate housing complexes, affordable housing development or open space subdivision.

SPACE AND BULK STANDARDS

District	Minimum Lot Size/ Density	Minimum Road Frontage	Minimum Shore Frontage	Minimum Front Setback/ Yard ⁵	Shoreland Area Minimum Setback/Normal High Water Line/Upland Edge/Wetland	Minimum Side Setback/ Yard	Minimum Rear Setback/ Yard	Maximum Building Coverage Ratio	Maximum Impervious Surface Ratio	Minimum Pervious Ratio	Maximum Structure Height
Agricultural /Industrial	80,000 sq. ft.	250 ft.	250 ft.	50 ft. ² / 15 ft.	100 ft./pond 75 ft./other ⁴	15 ft./5 ft	10 ft./5 ft.	0.60	0.75	0.25	100 ft. ⁶
Commercial I	40,000 sq. ft.	200 ft.	200 ft.	50 ft. ² / 15 ft.	100 ft./pond 75 ft./other ⁴	15 ft./5 ft.	10 ft./5 ft.	0.50	0.75	0.25	45 ft. ⁶
Commercial II	80,000 sq. ft.	250 ft.	250 ft.	50 ft. ² / 15 ft.	100 ft./pond 75 ft./other ⁴	50 ft./15 ft.	25 ft./5 ft.	0.40	0.60	0.40	45 ft. ⁶
Village ⁸	20,000 sq. ft. ¹	100 ft.	100 ft.	20 ft. ² / 10 ft.	25 ft.	10 ft./5 ft.	10 ft./ 5 ft.	0.50	0.80	0.20	45 ft. ⁶
General Residential I	40,000 sq. ft.	200 ft.	200 ft.	70 ft. ³	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20	0.40	0.50	35 ft. ⁶
General Residential II	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20	0.50	0.50	35 ft. ⁶
Rural I	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³ / 25 ft. ⁹ .	100 ft./pond 75 ft./other ⁴	25 ft./ 10 ft. ⁹	25 ft./ 10 ft. ⁹	0.30	0.50	0.50	45 ft. ⁶
Rural II	5 acres	300 ft.	300 ft.	70 ft. ³ / 25 ft.	100 ft./pond 75 ft./other ⁴	25 ft./ 10 ft.	25 ft./ 10 ft.	0.20	0.20	0.80	45 ft. ⁶
Shoreland	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³ / 35 ft. ⁹	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20 ⁷	0.20	N.A.	35 ft. ⁶
Resource Protection	80,000 sq. ft.	250 ft.	250 ft.	70 ft. ³	100 ft./pond 75 ft./other ⁴	25 ft.	25 ft.	0.20 ⁷	0.20	N.A.	45 ft. ⁶

- NOTES:
- ¹Lot sizes for a new development may be required to exceed 20,000 sq.ft.. depending upon soil characteristics for subsurface sewage disposal.
 - ²Measured from the edge of the right-of-way.
 - ³Measured from the center line of the travelway.
 - ⁴Includes rivers, streams and upland edge of wetlands as defined.
 - ⁵Parking lots/areas, accessory structures and storage shall not be located in the required setbacks except as provided for herein.
 - ⁶In no case shall egress window sill height exceed thirty (30) feet from the ground.
 - ⁷The total area of all structures, parking lots and other non-vegetated surfaces within the Shoreland and Resource Protection District shall not exceed 20 percent of the lot or a portion of the lot located in the District including land area previously developed.
 - ⁸All lots which have frontage on Route 4 and will be accessed from Route 4 shall comply with all the Space and Bulk Standards for the Commercial I District.
 - ⁹Except Commercial Uses which shall maintain a yard equal to the required setback.

SECTION 4 Performance Standards

The performance standards contained in this Section shall apply to all uses and activities, unless otherwise specified, whether or not specific approval or a permit is required.

A. Back Lot

Back lots may be developed for uses permitted in the district if they are or can be provided with a right-of way that connects with a public street or a privately-owned street which privately-owned street meets the standards contained in Section VI.H. of the Town of Turner Street Construction Ordinance and which complies with the following provisions:

If a back lot is accessible only by a legally enforceable right-of-way, it may be used if the following conditions are met:

1. The right-of-way must be conveyed by deed recorded in the Androscoggin County Registry of Deeds to the owner of the back lot and be a minimum of 60 feet in width.
2. A legal description of the right-of-way by metes and bounds shall be attached to any building permit application for construction on the back lot.
3. Except for lots of record on the effective date of this Ordinance, the right-of-way deed must be recorded in the Androscoggin County Registry of Deeds at the time the back lot is first deeded out as a separate parcel.
4. Creation of the right-of-way to serve the back lot shall not create a non-conforming front lot by reducing such lot's required road frontage below the minimum, or, if the front lot is already nonconforming, with respect to road frontage, reduce its road frontage at all. Where the right-of-way is conveyed or granted by easement or irrevocable license, or some grant less than a fee interest, the land over which such right of way is placed may not be counted toward meeting minimum lot area, coverage, bulk, setback or frontage requirements for the front lot.
5. The right-of-way may serve only one principal use or structure unless the following provisions are met:
 - a. The right-of-way may serve two single-family dwellings if a driveway meeting the standards contained in the Town of Turner Street Construction Ordinance is built.
 - b. The right-of-way may serve more than two dwellings provided the provisions of Sections VI and VI I of the Town of Turner Street Construction Ordinance are met.
6. No more than one right-of-way for back lot development may be created out of a single lot fronting on a state or town maintained road or private road unless each subsequent right-of-way is created out of at least an additional frontage as required in Section 3. I. for that District, and the right-of-way entrances to such road are at least the required frontage plus half of the right of way width.

7. If the right-of-way is brought up to standards as set forth in the Town of Turner Road Standards Ordinance, further principal uses or structures may be constructed on a back lot with Planning Board approval provided all other space and bulk requirements are met for each such principal use or structure. For purposes of such approval, the sale or lease of additional lots or the construction of additional principal structures served by the right-of-way shall be considered in the same manner and under the same restrictions and requirements as if such division or construction were a subdivision.
8. Each single-family dwelling on a back lot shall be located within the area defined by a circle with a minimum diameter equal to the required road frontage as required in the District.

B. Lots Served by Nonconforming Rights-of-way

A lot of record which could otherwise be legally built upon but which is served by a right-of-way which does not comply with Section 4.A. of this ordinance may nevertheless be used for a single-family dwelling with Planning Board approval. This provision shall not be interpreted to allow lots created after March 9, 1991, to not have to comply with Section 4.A. of this Ordinance. The Board shall require the following before approval may be granted.

1. A copy of the deed or other legal instrument, if such exists, which grants use of the right-of-way and the description of the right-of-way;
2. A statement indicating how those that use the right-of-way to access their residences will provide for adequate maintenance provision for the right-of-way;
3. The names and addresses of all others granted use of the right-of-way if such is not a public easement;
4. Assurance in such form as the Planning Board may require that all other applicable state laws and regulations and local ordinances will be complied with; and
5. A statement in recordable form signed by the applicant that if conversion of summer camps or the erection of new dwellings accessed by the unaccepted right-of-way occurs, those persons owning property on the unaccepted right-of-way shall continue to assume responsibility for maintaining and plowing the access road and that, because the private access road is not constructed to town street standards, the travel of personal, service, emergency and maintenance vehicles over the access road may be hindered. Nothing contained within shall be construed as requiring the Town to provide additional services to properties on unaccepted rights-of-way not already receiving those services or to accept such rights-of-way as public streets.

C. Apartment Conversions

1. **Purpose.** The purpose of these standards is to provide less expensive rental units; make housing units available to lower income households who might otherwise have difficulty finding housing in Turner and to protect property values and traditional residential characteristics.
2. **General Requirements.** The conversion of single family dwellings, existing on the effective date of this ordinance located on lots which otherwise would not meet the

dimensional requirements for multi-family housing may be converted to multi-family with a permit issued by the Code Enforcement Officer provided that the following are met:

- a. Such conversion shall not create more than four dwelling units in any structure including the original dwelling unit. If the construction of the structure began on or after September 23, 1988, and if three or more dwelling units are created in a five-year period, subdivision approval is required from the Planning Board as required by Title 30-A M.R.S.A. Section 4401 et seq.
- b. The additional dwelling units shall be complete, separate house-keeping units that are isolated from the original unit.
- c. The additional dwelling units shall be designed so that the appearance of the structure remains that of a single-family dwelling, with the exception of emergency egress, if so required.
- d. The design and size of the additional dwelling units conform to all applicable standards in the Building Code administered and enforced by the Town of Turner and all other applicable codes.
- e. Adequate off-street parking shall be provided which does not encroach upon required setbacks.
- f. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.

D. Rural II Density

Lot size within the Rural II District requires a minimum area of five (5) acres and 300 feet of frontage. With CEO approval, individual lot sizes in this district can be reduced to a minimum area of 80,000 square feet with 200 feet of frontage provided all of the following criteria are met:

1. The overall allowable density of the individual lot or lots created must meet the minimum lot area of five (5) acres per dwelling unit.
2. To meet allowable density, the difference between the size of lot sold and the required density must be preserved or set aside by easement or deeded conservation area with restrictive covenants which prohibit building construction or uses other than recreational or conservation purposes.
3. Title to the easement or deeded conservation area shall be transferred with the lot sold and shall also be conveyed to an independent conservation group, land trust or the Town of Turner.
4. The easement or deeded conservation area shall not include land area zoned as Resource Protection, Land subject to existing easement rights or rights of way.
5. The easement or deeded conservation area shall be established, located or set aside in an area that will promote conservation goals, wildlife habitat preservation, recreational opportunities, and can be expanded or is adjacent to existing conservation areas.

D.i. Planned Unit Development Standards

1. Purposes

This Section provides for developments that contain a mixture of land uses including, but not limited to, residential, commercial, recreational, public and open space that are preplanned and developed under a unified approach. It allows innovative approaches to mixed use developments and authorizes the Board to reduce certain requirements of this Ordinance provided that the following are guidelines are achieved:

- a. Will be in accordance with the Comprehensive Plan;
- b. Will be reasonably self-sufficient in the provision of necessary services, such as sewerage, water supply, off-street parking, recreational amenities, and long-term management of common facilities;
- c. Will integrate a variety of residential, commercial, and/or recreational uses;
- d. Will provide for efficient use of the land, minimizing the required networks of streets and utilities; and
- e. Will avoid the disadvantages of strip development by limiting vehicular access points to the Development.

2. Permitted Districts

Plan Unit Developments are permitted in the Commercial I, Commercial II, Village and Agricultural/Industrial Districts.

3. Procedure

- a. Proposed planned unit developments shall be reviewed under the Town of Turner Subdivision Ordinance and Section 5, Site Plan Review when the applicant proposes to construct and/or develop non-residential uses. The tract or parcel of land proposed for planned unit development must be in single ownership or the subject of an application filed jointly by the owners of all the property included. The applicant must demonstrate right, title, or interest in the land that is the subject of the application. The planned unit development review procedure shall consist of the following steps:
 - i. a preapplication conference;
 - ii. preliminary development plan;
 - iii. final development plan and subdivision and site plan review approval as applicable.
- b. The preapplication conference shall serve the purpose of informally acquainting the Board with the overall scope and intentions of the proposed planned unit development and of acquainting the developer with the requirements of this Section. At the preapplication conference, the developer shall submit to the Board a sketch plan of the proposed planned unit development, which generally

shows the bounds of the total development and the mix of land uses proposed and their general locations. No action shall be required on the sketch plan, which is presented for informational purposes only.

- c. The preliminary development plan shall constitute a formal submission of a subdivision application and site plan review application to the Board. In addition to the submission requirements for subdivision and site plan review applications the following items are required to be submitted as part of any preliminary development plan:
 - i. a legal description of the total planned unit development boundaries and of any divisions of the land, existing or proposed, within these boundaries.
 - ii. a statement of present and proposed ownership of all lands within the proposed planned unit development.
 - iii. a reasonably complete development schedule that indicates when the project and stages thereof will begin and be completed.
 - iv. a statement sufficient to satisfy the Board that the project can be realistically financed and completed.
 - v. the subdivision and site plan shall include clear notations as to which facilities are proposed to be in public, private, or common ownership.
 - vi. the Board shall, as part of its review of the preliminary development plan, conduct a public hearing on the Planned Unit development.
- d. The final development plan shall constitute a formal submission of a final subdivision application and site plan review application to the Board, but only of such part of the Planned Unit Development that has received approval of a preliminary development plan. In addition to the submission requirements for subdivision and site plan review applications the following items are required to be submitted as part of any final development plan:
 - i. drawings that include all the information required under the preliminary development plan.
 - ii. copies of restrictive covenants or deed restrictions relating to the development.
 - iii. evidence of the formation and incorporation by the developer of any owner's association that may be proposed to manage and maintain common spaces and facilities.

4. **Standards**

- a. For the purpose of establishing space and bulk standards applicable to planned unit developments, notwithstanding district regulations to the contrary, the space and bulk standards for planned unit developments shall be as follows.

Dimensional reductions shall not be considered as a variance as provided for in Title 30-A MRSA Section 4353.4-C.

- i. A Planned Unit Development shall contain at least the minimum land area for the proposed uses as required in Section 3.I, Space and Bulk Standards. The acreage shall be contiguous, unless the Board finds that noncontiguous acres are part of a common, overall scheme of development. Allowable uses shall be only those listed as permitted in the District where the Planned Unit Development will be located.
 - ii. Areas may be created for nonresidential uses shall include sufficient land area to support any proposed structures, the required off-street parking for the uses, whether or not the parking actually is located on the lots, and safe pedestrian circulation.
 - iii. All buildings or structures shall be setback from the perimeter boundary lines of the planned unit development the minimum distances as required in Section 3.I.
 - iv. Principal structures shall be separated by a distance equal to at least the height of the tallest adjacent structure.
 - v. Maximum impervious surface coverage in a Planned Unit Development shall not exceed that set forth in Section 3.I.
 - vi. No lot or use shall have direct vehicular access to an existing off site public street.
 - vii. Other space and bulk dimensions for Planned Unit Developments shall be as shown and approved by the Board on the final development plan.
- b. Where possible, buildings shall be oriented with consideration scenic vistas, natural landscape features and topography.
 - c. All utilities shall be installed underground, unless specifically waived by the Planning Board.
 - d. A system of pedestrian circulation and amenities including sidewalks within and adjacent to the Planned Unit Development shall be provided.

E. Elder Cottage Housing Opportunity (ECHO) Units

1. **Purpose:** The purpose of these standards is to provide for the temporary habitation of a dwelling unit, to be occupied by an older person(s), on lots where single family dwellings exist, except in the Shoreland & Resource Protection Districts, so that adult children may care for aging parents or certain persons with a disability.
2. **General Requirements:** The construction or placement of an "ECHO" unit on a lot which a single family dwelling is located may be allowed by a permit granted by the Code Enforcement Officer regardless of lot size and frontage if the following are met.

- a. The owner of the principal structure must reside in either the principal structure or the "ECHO" unit.
- b. The owner of the principal structure shall be related to occupants by blood, marriage or adoption.
- c. The occupants of the "ECHO" unit must be at least 62 years of age or be unable to live independently due to a disability.
- d. The number of occupants of the "ECHO" unit shall be limited to two persons.
- e. All zoning setbacks and lot coverage requirements contained in Section 3 of this ordinance shall be met. Wherever possible, the unit shall be placed to the side or rear of existing structures.
- f. There shall be a separation of a minimum of fifteen (15) feet between the principal dwelling and the "ECHO" unit.
- g. The maximum size of the "ECHO" unit shall be 560 square feet of living space and shall be limited in size to accommodate one (1) bedroom (i.e. Park Model Mobile Homes will be allowed).
- h. The subsurface sewage disposal system on the property shall be functioning properly and be of sufficient size to accommodate the additional flow. In addition, there shall be sufficient land area for an expansion or replacement system which is in compliance with the State of Maine Subsurface Wastewater Disposal Rules, if needed.
- i. The parking requirements of the performance standards contained herein or those of the applicable zoning district apply.
- j. Proper ingress and egress shall be provided to an ECHO unit.
- k. Prior to the issuance of a building permit for the placement or construction of an ECHO unit by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of an ECHO unit for the purposes set forth in this subsection, and that ECHO unit must be removed or converted to a non-habitable accessory structure within ninety (90) days from the date of occupancy cessation or when no qualified person lives within. The agreement shall require the ECHO use permit to be renewed each year the ECHO unit is in use on or before April 1st. The CEO shall send notice of the renewal requirement each year by the end of January and shall notify all non-renewed permit holders to convert or remove the ECHO unit by May 30th.

F. Multi-Family Dwellings

1. In districts where permitted, multi-family development may be allowed by the granting of subdivision approval by the Planning Board in accordance with the Town of Turner Subdivision Ordinance, the following and other provisions of this Ordinance.
2. Dimensional requirements for all multi-family development shall meet or exceed the following:

- a. Within the area regulated by Title 38 M.R.S.A. Section 435 et seq., (Mandatory Shoreland Zoning Act) lot area and shore frontage shall be equal to that required for the equivalent number of single family dwelling units.
- b. In the Village District, the lot size shall be equal to or exceed the requirements of the State Plumbing Code per dwelling unit.
- c. In the General Residential I and II Districts, lot size shall equal or exceed 80,000 sq.ft. for the first three units and 20,000 sq.ft. for each additional unit in excess of three per structure.
- d. Street frontage for eight units or less shall be not less than the required frontage for a single-family dwelling. Street frontage for more than eight units shall be not less than twice what is required for a single family dwelling except in the Village District where street frontage shall be a minimum of 200 feet.
- e. A density bonus of up to 10% of the total lots or units shall be allowed in multi-family developments if, in the determination of the Planning Board, sewage disposal capacity exists and the applicant agrees to market such lots or units within defined affordable guidelines. Deed restrictions or other binding provisions must be made that continue the affordability to future purchasers or renters.

3. **Water Supply**

The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants as it deems necessary.

- 4. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six feet in height.
- 5. A 25-foot landscaped or natural vegetative buffer shall be provided and maintained along all property boundaries.
- 6. Storm water and surface drainage systems shall be designed in accordance with the Town of Turner Subdivision Ordinance.

7. **Access, Circulation and Parking**

- a. The proposed development shall provide for safe access to and from public or private roads. Safe access shall be assured by providing an adequate number and location of access points with respect to sight-distances, intersections, schools, and other traffic generators. All corner lots shall be kept clear from visual obstructions.
- b. The proposed development shall not have an unreasonable adverse impact on the public road system, and shall assure safe interior circulation within its site, by

separating pedestrian and vehicular traffic and by providing adequate parking and turn around areas.

8. Recreation and Open Space

All multi-family developments of 6 dwelling units or more shall provide a developed play area no smaller than 5,000 sq.ft. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

G. Elderly and Congregate Housing Complexes

1. For each elderly housing unit contained in an elderly housing complex, there shall be provided a minimum lot area of 20,000 square feet.
2. Minimum street frontage shall equal or exceed that required for a single family dwelling in the District.
3. All the provisions contained in Section 4.F.3.-8 shall be met for elderly housing complexes.
4. A density bonus of up to 10% of the total units shall be allowed in an elderly or congregate housing complex if, in the determination of the Planning Board, sewage disposal and water capacity exist for the project.

H. Mobile Homes

1. Mobile Home Parks

For each lot in a mobile home park, there shall be provided a minimum lot area, frontage and setbacks as follows:

- a. Lots served by individual subsurface waste water disposal systems.

Minimum lot area:	20,000 sq.ft.
Minimum lot width:	100 ft.

- b. Lots served by a central subsurface waste water disposal system approved by the Maine Department of Human Services.

Minimum lot area:	12,000 sq.ft.
Minimum lot width:	75 ft.

- c. The overall density of any park served by any subsurface waste water disposal system shall not exceed one dwelling unit per 20,000 sq.ft. of total park area.
- d. Minimum Setbacks
 - 1) Structures shall not be located less than 15 feet from any boundary line of an individual lot.

- 2) Mobile homes in a mobile home park adjacent to a public road shall be set back from the road a distance equal to the set back requirements for other residential developments in that district.
 - 3) No mobile home lot may have vehicular access directly onto a State or town-maintained road.
- e. A 50-ft. wide buffer strip shall be provided along all property boundaries that:
- 1) abut residential land which has a gross density of less than half of that proposed in the park, or
 - 2) abut residential land that is zoned at a density of less than half of that proposed in the park.
- Further, no structures, streets or utilities may be placed in the buffer strip except that they may cross a buffer strip to provide services to the park.
- f. No lot in a mobile home park may be sold or conveyed unless such lot sold meets the lot size requirement of the district in which it is located.

2. **Safety Standards**

The purpose of these standards is to establish a condition of safety that will allow the mobile home to perform in a manner that will greatly reduce hazards that present an imminent and unreasonable risk of death or serious personal injury to its inhabitants or other residents of the park.

- a. These standards shall apply to all manufactured housing built before June 15, 1976, or not built according to the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Chapter 70, to be located in a mobile home park.
- 1) All homes with roofs added after construction will require a professional engineer to review the roof design to determine that the roof and home can withstand the rigors of State of Maine winter or wind uplifts that may occur.
 - 2) A person holding a master license issued by the State of Maine Oil and Solid Fuel Examining Board shall inspect and certify that the heating and fuel system meets the requirements of NFPA-31 - Installation of Oil Burning Equipment as adopted by that Board, or other applicable standards here-after revised or enacted.
 - 3) A person holding a master license issued by the State of Maine Electricians Examining Board shall inspect and certify that the electrical system is safe and meets the National Electrical Code in effect at the time the home was constructed.

I. Open Space Subdivisions

1. Policy

It is the policy of the Town of Turner to encourage the use of open space subdivisions in order to preserve a sense of space, provide for agriculture and forestry as well as recreational land, preserve other resources identified in the Town of Turner Comprehensive Plan, and harmonize new development with the traditional open, wooded, agricultural and village landscapes of the Town.

This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design, placement of residential structures and road frontage requirements and by allowing the Planning Board to expedite procedure and to waive or reduce certain otherwise applicable standards and provisions of this ordinance and the Town of Turner Subdivision Ordinance if such landowners commit to the permanent preservation of important open space resources. It shall not be construed as granting variances to relieve hardship when the Planning Board grants waivers provided for in this section. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

2. Purposes

A open space subdivision achieves the purposes of this performance standard by reducing the lot size, frontage and setback requirements as contained in this Ordinance, modifying the road design standards contained in the Town of Turner Street Construction Ordinance, and clustering housing and uses in those areas where they have the least impact on identified environmental, agricultural and other open space resources. These resources are then permanently preserved by the use of covenants and restrictions or conservation easements that run with the land. The cluster principle can be applied to subdivisions of any size.

To qualify as an open space subdivision, a subdivision must achieve those of the following purposes that the Planning Board determines to be applicable to its specific circumstances:

- a. Long-term protection and preservation of existing natural and other resources and landscapes identified in the Town of Turner Comprehensive Plan, the Town of Turner Subdivision Ordinance and this Ordinance, including, but not limited to:
 1. State-defined critical areas and unique features and areas identified in the Comprehensive Plan;
 2. Historic land use patterns and historic structures;
 3. Points of visual access to or from water bodies, scenic vistas as identified in the Comprehensive Plan and points of access to water bodies;
 4. Agricultural land.

- b. Maintenance or establishment of compatibility with surrounding land uses and the overall character of the Town as defined by the Comprehensive Plan;
- c. Provision of adequate buffers for adjoining properties where needed;
- d. Contribution to townwide open space planning by creating a system of permanently preserved open spaces both within large parcels of land and among such parcels throughout the Town and by encouraging linkages between open space areas;
- e. Preservation of land suitable for production agriculture and forestry uses particularly where the open space subdivision borders active agricultural or forestry land or land suitable for the same;
- f. Preservation of traditional land uses;
- g. Construction of affordable housing;
- h. Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and
- i. Attainment of planned variety and coordination in the location of structures, architectural styles and building forms and relationships.

3. Grouping Contiguous Parcels

In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping and will help to achieve the purposes set forth in Section 4.I.2.a-i.

4. Planning Board Review

An individual may apply for approval of an open space subdivision either after pre-application review of a conventional subdivision or by initially filing an application for an open space subdivision. In either case, the Planning Board shall review the application in accordance with Title 30-A M.R.S.A. Section 4404 and the Town of Turner Subdivision Ordinance as modified by the provisions of this section.

a. Pre-application Procedure

- 1) Any applicant for an open space subdivision is encouraged but not required to submit at the pre-application stage, a complete build-out plan for the entire parcel.
- 2) After review of the pre-application, if the Planning Board determines that the proposed open space subdivision meets the purposes set forth in Section 4.I.2.a-i that are applicable to the proposed subdivision as well as other applicable provisions of this section, this Ordinance, the Subdivision Ordinance and the Comprehensive Plan, the

Board shall encourage or permit, as appropriate, the applicant to proceed with an application for an open space subdivision.

- 3) If a complete build-out plan for the parcel has been submitted, the Planning Board shall encourage, if appropriate, consideration of long-range planning to make the most effective use of the design standards and timing mechanisms available to accomplish the purposes set forth in Section 4.I.2.a-i and to maximize the economic benefits to the applicant and the Town over time.

b. Application Procedure

- 1) Required Plans: The submissions for an open space subdivision shall include all plans and materials required for a conventional subdivision under the Subdivision Ordinance and this Ordinance.

c. General Requirements

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance, The Town of Turner Subdivision Ordinance or Town of Turner, Maine, Street Construction Ordinance.

1) Use and District Requirements

- (a) All open space subdivisions shall meet the use standards of the Districts in which they are located.

2) Allowable Density

- (a) The overall density of the subdivision shall not exceed the density requirements of the Zoning District in which it is located. In the event that an open space subdivision is located in more than one Zoning District, the overall density of the subdivision shall not exceed the combination of the density requirements of the Districts in which the open space subdivision is located. In calculating overall density the land area contained in road rights-of-ways that are proposed for public acceptance shall be deducted prior to determining density. In the case where the road rights-of-ways will be less than 40 feet in width and to remain as privately owned, that land area may be counted in determining density.
- (b) The Planning Board may grant a density bonus of two (2) lots or dwelling units for each ten (10) lots or dwelling units when it makes a written finding that the open space subdivisions satisfies the policies of the comprehensive plan, achieves the applicable purposes contained in Section 4.I.2.a-i. and provides for adequate subsurface wastewater disposal.
- (c) The Planning Board may grant an additional density bonus of one (1) lot or dwelling unit for each 10 lots or dwelling units when it makes a written finding that the open space subdivision design provides

pedestrian friendly layouts through the use of sidewalks, wider paved roads or trail systems within the project or provides linkages for pedestrian or motorized vehicle movements between adjoining properties which contributes to Town wide open space planning. The Planning Board must find that the project can provide for adequate subsurface wastewater disposal and adequate supply and quality of water for both domestic and firefighting purposes of the additional density bonus is granted.

- 3) A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided, except that a lot for a dwelling unit created as part of an open space subdivision where such lot shall have within its bounds designated open space may not be further subdivided if the original approved plan shall have reserved future development of such lot, but any such further subdivision shall only be made in accordance with this performance standard.

5. **Layout and Siting Standards**

In planning the location and siting of residential structures in an open space subdivision, priority should be given to the preservation of the open space for its natural resource value with human habitation activity located and sited on the lower valued natural resource portion of a parcel taking into account the contours of the land and the reasonableness of slopes.

The building lots and/or residential structures shall be laid out and be sited according to the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

- a. In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where agricultural, forestry, or recreational, existing or future uses, are particularly sought to be preserved;
- b. Within woodlands, or along the far edges of open agricultural fields adjacent to any woodland to reduce encroachment upon agricultural soils, to provide shade in the summer, and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;
- c. In such manner that the boundaries between residential lots and/or structures and active agricultural or forestry land are well buffered by vegetation, topography, roads or other barriers to minimize potential conflict between residential and agricultural or forestry uses;
- d. In locations where buildings may be oriented with respect to identified scenic vistas, natural landscape features, topography and natural drainage areas, in accordance with an overall plan for site development, scenic vistas may be addressed by creating at least one scenic window per development with at least one turnout suitable for public use;

- e. In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the District;
- f. In locations such that diversity and originality in lot layout and individual building, street, parking layout is encouraged; and
- g. So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, so as to improve the view from and of buildings.

6. **Space Standards**

- a. Shore frontage, shore setback and shoreland density requirements shall not be reduced below the minimum required in the Zoning District.
- b. Distances between residential structures shall be a minimum of the height of the tallest adjacent structure.
- c. When individual lots will be laid out, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced to 20,000 sq.ft. except in the Village District where it may be reduced to 10,000 sq.ft. provided subsurface sewage disposal complies with the State of Maine Subsurface Wastewater.

Disposal Rules. The building envelope shall contain a minimum of 20,000 sq.ft. except in the Village District a minimum of 10,000 sq.ft. of land area which does not include 100 year floodplains, areas of two or more acres of sustained slopes greater than 20 percent or wetlands as defined by the Natural Resource Protection Act.

- d. Minimum road frontage requirements of this Ordinance may be waived or modified by the Planning Board provided that:
 - 1. Any applicable provisions regarding roads in Section 4.I.8. below are satisfied; and
 - 2. Adequate access and turnaround to and from all parcels and/or structures by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and/or common driveways; and
 - 3. No common driveway shall provide access to more than four (4) lots or dwelling units, except as provided in Section 4.I.8. below.
- e. A reduction of required setback distances may be allowed at the discretion of the Board, based upon the public benefits to be achieved from the design provided that the front and rear setbacks shall be no less than 25 feet or that required for the applicable Zoning District, whichever shall be less. For the perimeter of a multi-family cluster development, overall development setback shall not be reduced below the minimum front, side and rear setbacks required in the Zoning

District unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.

- f. No individual lot or dwelling unit shall have direct vehicular access onto a public road existing at the time of development.

7. Utilities

At the discretion of the Planning Board, in order to achieve the most appropriate design and layout of lots, residential structures and open space, utilities including individual wells and septic systems may be located on designated portions of the open space, if necessary, provided they shall not unreasonably interfere with the open space purposes or uses to be achieved under this section and for the particular parcel(s) that is the subject to the application for Open Space Subdivision.

- a. All structures requiring plumbing in the development shall be connected to individual septic systems or a private central collection and treatment system in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules. Proposed systems shall in no way endanger ground water supplies which are currently being utilized as a water source for any existing development or which are to be utilized as a common or individual water supply for the proposed development.
- b. If a private central collection system is proposed, the applicant must show either that at least one designated site for each lot, in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the State of Maine Subsurface Wastewater Disposal Rules, or that a second site on the parcel has the size, location and soil characteristics, to accommodate a system similar to the one originally proposed. In the case of the use of chambers, there shall be designed an excess capacity of thirty (30) percent.
- c. If a private central collection system is proposed, the system shall be maintained by an homeowners' association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners' association or the lot or unit owners in common and written evidence of said maintenance agreement shall be submitted to the Planning Board. The Planning Board may require the developer and homeowners association to retain a qualified third party to inspect and approve the system from time to time and furnish a copy of his report to the Code Enforcement Officer.

8. Roads

The Planning Board shall require private roads and common driveways to comply with the design standards set forth in the Turner Street Construction Ordinance except as provided in Subsection 4.I.8.d. below.

- a. The applicant shall submit to the Planning Board as part of the application for approval a professional engineers drawing showing the location and drainage characteristics, dimensions and grade of roads and common driveways as well as specifications setting forth their proposed composition.

- b. The subdivision plan shall show the road clearly labeled "private road."
- c. Whenever possible and as far as practicable, the roads and common driveways shall:
 - 1) follow natural contours in an effort to limit phosphorous export;
 - 2) be limited in width, curvilinear in design, and keeping within the rural character of the Town;
 - 3) shall turn away from the front access to public roads, and shall use sufficiently dimensioned culverts to accommodate predevelopment and post-development drainage and flows, where necessary.
- d. Travelways and shoulders of roads and common driveways within open space subdivisions shall meet the following minimums:
 - 1) Common driveways serving 3 or fewer dwelling units: 12 foot travel way.
 - 2) Roads serving 4 units: 16-foot travel way and 3-foot shoulders.
 - 3) Roads serving 5 to 10 units: service 16-foot paved travel way and 3-foot shoulders.
 - 4) Roads serving 11 to 50 units: 20 foot paved travel way and 3 foot shoulders.

9. **Open Space Requirements**

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of this Ordinance or the Town of Turner Subdivision Ordinance.

Open space set aside in an open space subdivision shall be permanently preserved as required by this section except where open space is dedicated by a landowner under contract with the Town for a term of years as set forth below. Land set aside as permanent open space may, but need not be, a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Section 4.I.9.c. below and provided that the Planning Board approves such configuration of the open space.

- a. **Open Space.** In all Districts, except the Village and General Residential I, at least fifty percent (50%) of the gross acreage shall remain as open space outside of building envelopes, assigned to individual dwelling units and/or road rights-of-ways that are proposed for public acceptance. In the case where road rights-of-ways will be less than 40 feet in width and to remain as privately owned, the land area on which roads are located may be considered as open space. In the Village and General Residential I Districts, at least forty percent (40%) of the gross acreage shall remain as open space outside of building envelopes, assigned to individual dwelling units and/or road rights-of-ways that are proposed for public acceptance. In the case where road rights-of-ways will be less than 40 feet in width and to remain as privately owned, the land area on which roads are located may be considered as open space.

- b. **Open Space Uses.** On all parcels, open space uses shall be appropriate to the site. Open space should include natural features located on the parcel(s) such as, but not limited to, stream beds, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:
- 1) On parcels that contain significant portions of land suited to agriculture, open space shall be preserved for agriculture or other compatible open space uses such as forestry, recreation (active or passive) and resource conservation.
 - 2) When the principal purpose of preserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.
 - 3) Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town.
 - 4) The use of any open space may be limited by the Planning Board at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.
 - 5) Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Section 4.I.9.c. below. Structures and buildings accessory to recreation or conservation uses may be erected on open space, subject to Planning Board approval under the Site Plan Review provisions of Section 5 of this Ordinance and this section.
- c. **Notations on Plan.** Open space areas must be clearly labeled on the Final Plan. The Final Plan shall include information or provide reference to a legal document which defines open space uses, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The open space land shall be permanently reserved for open space purposes and is subject to reservations for future development, including those provisions allowed under subsection d. below. Reference or notations shall also be provided for any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.
- d. **Preservation in Perpetuity.** An owner of a parcel of land may designate all or a portion of the parcel for open space use in perpetuity if the purposes set forth in subparagraph 4.I.2.a-i. are achieved and all other requirements of this performance standard are met subject to the following conditions:

- 1) A perpetual conservation easement, or declaration of covenants and restrictions, restricting development of the open space land must be incorporated in the open space plan.
- 2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, and acceptance at Town Meeting or to a qualified not-for-profit conservation organization acceptable to the Planning Board.
- 3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.
- 4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Turner if the Town is not the holder of the conservation easement or beneficiary of the declarations.
- 5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry and recreation) and shall not be amendable to permit such use.
- 6) The conservation easement or declaration shall be recorded in the Androscoggin County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Androscoggin County Registry of Deeds.
- 7) Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that:
 - a) The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;
 - b) The Planning Board grants approval for such lots; and
 - c) The applicant has reserved the rights to apply for approval for such additional lots.
- 8) **Ownership of Open Space Land.** Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a Homeowners' Association (HOA); dedicated to the Town, County or State governments or agencies; transferred to a non-profit organization such as a conservation trust, or association, acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the purposes set

forth in Section 4.I.2.a-i and under the other requirements of this Ordinance and the Town of Turner Subdivision Ordinance. The Planning Board shall, in its review, consider provisions for the ongoing maintenance and associated costs for such maintenance of the open space.

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to Section 4.I.9.a. above. Unless so determined, or unless deeded to the Town of Turner and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners' rights and interest and privileges in the association and the common land, shall be approved by the Planning Board and included in the deed for each lot.

- 9) **Flexible Open Space and Substitution; Phasing.** An applicant for an open space subdivision may at a future time designate other land to serve as the open space for such subdivision if the Planning Board finds that the purposes set forth in Section 4.I.2.a-i will better be served by promoting a more innovative design and layout of lots created over time in relation to the area(s) designated as open space if all other requirements under this performance standard may be met. Development that is phased over time, including a schedule over time for either sale of lots or layout of further lots as part of the open space subdivision plan, is encouraged so that more appropriate design of land use and preservation of greater open space may be achieved.
- 10) **Maintenance Standards**
 - a) Ongoing maintenance standards, where appropriate, shall be established, enforceable by the Town against the owner(s) of common land, including open space land, roads and other facilities as a condition of subdivision approval. Such maintenance standards may include such conditions, obligations, or costs to maintain their use, facilities and/or scenic character.
 - b) The owner(s) of common land or facilities including open space lands shall have the responsibility of operation and maintenance of the respective neighborhood recreational facilities within such common land(s), unless such lands or facilities or portions thereof are deeded or transferred to the Town of Turner and accepted by the citizens of the Town at Town Meeting, or unless an approved conservation easement or declaration of covenants and restrictions is established which assigns maintenance responsibilities to another party.
 - c) If a HOA or an agreement of owners of the lots or units is to be used, until 51% of all lots and/or units have been sold, and a homeowners association has been formally organized, the applicant for such

development shall be responsible for a maintenance of the common lands and facilities.

10. **Notations on Plan**

Common lands, roads or facilities, including open space lands, must be clearly labeled or referenced on the Final Plan. The Final Plan shall include information or provide reference to a legal document which defines use, ownership, management, method of preservation, and the rights, if any, of the owners in the subdivision to such land or portions thereof, and shall contain a reference or notation indicating any conservation easements, deed restrictions, or other documents regarding those provisions required to be recorded to implement such reservations, restrictions or provisions.

11. **Common Ownerships**

a. Homeowners' Associations or Agreements

- 1) Where any portion of a subdivision is proposed or required to be held in common by owners of lots, or owned in common by a Homeowners' Association (HOA) or similar entity, covenants for mandatory membership in the association setting forth the owners' rights, interest, privileges, responsibilities for maintenance, and obligations in the association and the common land, road or open space shall be approved by the Planning Board and included in the deed for each lot.
- 2) In such event, the ownership in the HOA or similar entity, or under the agreement of common ownership by all, the lot or unit owners shall be established or contain provisions covering the following:
 - a) The HOA or common agreement must be in legal existence before the lots or units are sold;
 - b) Each lot owner or unit owner shall be a member of the HOA or subject to the agreement and shall be required by recorded covenants and restrictions to pay fees to the HOA, or his pro rate share for taxes, insurance and maintenance of common areas or open space, private roads and other common facilities;
 - c) Property owners must pay their pro rate share of the costs in (b) above, and the assessment levied by the HOA, and from time to time adjusted to meet changed needs. The amounts due from each lot owner or unit owner shall, if not paid when due, constitute a lien on the property; and
 - d) The attorney for the Planning Board shall find that the HOA documents or common lot owners' agreement presented satisfy conditions (a) through (c) above and such other conditions as the Planning Board shall deem necessary.

J. Affordable Housing Incentive

1. **Purpose.** The purpose of the affordable housing incentive is to encourage developers of residential subdivisions and multi-family developments to provide lots or units which are affordable to very low, low and median income households as defined by the United States Department of Housing and Urban Development and comply with the policies of the Turner Comprehensive Plan.
2. **Incentive.** The Planning Board may, in approving a residential subdivision (but not a mobile home park) and multi-family development, allow for an increase of up to 10 percent in the total number of lots or units if the applicant can meet the following criteria and provisions:
 - a. Documentation is provided to the Planning Board that subsurface sewage disposal systems will be sufficient to meet the increased density and that adequate supply and quality of water for both domestic and firefighting purposes is available;
 - b. The Planning Board shall require all provisions of this Ordinance and the Town of Turner's Subdivision Ordinance to be met except provisions relating to density;
 - c. The applicant shall provide the Planning Board with information as to the upper income limits for very low, low and median family incomes prepared and published by the Department of Housing and Urban Development and affordability formulas and data used to calculate rents and prices;
 - d. Prior to the initial occupancy of any multi-family dwelling and prior to any occupancy thereafter of any multi-family dwelling unit which the affordable housing incentive created, the Code Enforcement Officer shall be provided proof that the occupant(s) meet the very low, low or median income criteria;
 - e. The Planning Board shall require the applicant to provide proof that upon transfer, sale or disposition of the multi-family unit and/or complex, those units created as the result of the affordable housing incentive shall continue to be occupied by very low, low or median income households;
 - f. Prior to the initial sale of any lot or lot and dwelling which the affordable housing incentive created the Code Enforcement Officer shall be provided proof that the purchaser meets the very low, low or median income criteria; and
 - g. The Planning Board shall at time of subdivision approval require the deed to the lot(s) or lots and dwelling units which the affordable housing incentive created contain a transfer, sale or disposition clause that provides legally enforceable assurances that upon transfer, sale or disposition that the property sale remains affordable to very low, low or median income households. The Planning Board shall require, at a Minimum, the following provisions to be contained in the deed.
 - 1) Transfer shall be to a very low, low or median income household;

- 2) Upon death of the owner, the property may be transferred to the following:
 - i) spouse;
 - ii) child or children;
 - iii) members of the household who have resided on the premises for at least one year;
 - iv) future sale prices of lots which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index and an improvement factor;
 - v) future sale prices of lots and dwellings which the affordable housing incentive created shall be based upon an inflation factor based upon the Consumer Price Index or if no longer published an equivalent index, improvement factors and wear and tear factor.

- h. The term of such deed restrictions shall be 40 years.

K. Home Occupation

1. Home occupations which meet the following conditions do not require a Code Enforcement Officer or Planning Board permit:
 - a. Do not employ any persons who do not make the residence their permanent home;
 - b. Do not display any exterior signs, exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building;
 - c. Do not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes, or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property; and
 - d. Are not likely to generate regular daily or seasonal traffic.

2. Home occupations that do not meet the provisions of Section 1.a-d above and are located in the Agricultural/Industrial, Commercial 1, Commercial II, Rural I, Rural II, General Residential I and General Residential II Districts shall obtain a permit from the Code Enforcement Officer and comply with the following conditions:
 - a. Not more than two persons who do not make the residence their permanent home may be employed (including part-time workers);
 - b. The appearance of the structure or accessory structure may not be altered, except as provided under subsection c. below or the occupation within the residence must be conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights or sounds;

- c. Additions to the residence or accessory structure for the express purpose of a home occupation shall be constructed and finished in the same manner as the original structure such that the character and appearance of the principal structure is maintained;
 - d. There is adequate off-street parking on the premises for customers' or clients' use;
 - e. There is no objectionable increase in commercial vehicle traffic over that traffic normal for the neighborhood.
 - f. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, watercourse or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
 - g. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises, according to state laws and local ordinances.
 - h. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building.
3. Auto body shops and auto repair/sales in all districts that meet the definition of home occupations and home occupations that do not meet the provisions of Section 1.a-d and are located in the Village, Shoreland and Resource Protection Districts shall obtain a permit from the Planning Board and comply with the following conditions:
- a. No more than one person who does not make the residence his or her permanent home may be employed;
 - b. Accessory structures or attached additions to the principal structure must be compatible with the residential character of the neighborhood;
 - c. Except as provided in Subsection b, the appearance of the structure is not to be altered, subject to Section 4.K.2.C. or the occupation within the residence is conducted in a manner that would not cause the residence to differ from its residential character by means of colors, lights and sounds;
 - d. There is no objectionable increase in traffic over that normal for the traffic normal for the neighborhood;
 - e. If the home occupation attracts any regular customer or client traffic, there shall be at least two but not more than three off-street parking spaces specifically designated for use by the employee and any customers of the home occupation. Such parking shall not be located within the front setback for the district in which the home occupation is located. When the required parking cannot meet the front

setback requirement, it shall not be located between the house and the road as defined by a line drawn parallel to the road which touches the point of the house nearest the road. Such parking areas shall be set back at least ten feet from side and rear lot lines.

- f. There shall be no public display of goods or wares or machinery used in the home occupation visible from any public or private way or adjacent properties.
 - g. The home occupation shall not generate any nuisance, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, radiation, fumes or electrical interference detectable to the normal senses or which interferes with normal radio or television reception, or causes other nuisances which extend beyond the limits of the subject property. All waste material from the home occupation shall be removed promptly from the premises according to state laws and local ordinances.
 - h. It does not adversely affect any natural resource or environmentally sensitive area including, but not limited to, a wetland, aquifer, water-course or water body. The home occupation shall not use chemicals not commonly found in a residence and shall not use any chemicals in quantities not commonly used in a residence.
 - i. Do not display any exterior exhibits, exterior storage of materials or any other exterior indications of the home occupation or variation from the residential character of the principal dwelling or accessory building.
 - j. Subsections a-i above shall be retroactive to June 12, 1993 in respect to auto body shops and auto repair/sales that meet the definition of home occupations. Such home occupations shall submit to the Planning Board a Home Occupation Permit Application no later than October 1, 1999.
4. Home occupations not meeting the above standards shall be considered commercial uses.

L. Standards for Non-Commercial Animal Raising in the Village and General Residential Districts

- 1. Persons keeping farm animals for non-commercial purposes on lots of less than five acres, after the date of this ordinance amendment (April 8, 2006), shall obtain a Planning Board Permit and shall comply with the following standards:
 - a. A parcel of land used for the keeping of horses, mules, cows, goats, sheep, poultry and similar size animals for the domestic use of the residents of the lot, shall contain a lot area inclusive of residential structures of at least 80,000 sq. ft. excluding water bodies of one quarter acre or larger, for the type and number of animals identified below.
 - 1) Cattle: 1 bovine animal per 40,000 sq.ft. lot; or
 - 2) Horse: 2 equine animals per 40,000 sq.ft. lot; or
 - 3) Sheep or goats: 6 animals per 40,000 sq.ft. lot; or
 - 4) Fowl: 50 animals per 40,000 sq.ft. lot; or

- 5) Combinations of the above: The required lot size shall be determined by the Planning Board and shall conform to the lot size for similar size animals.
- b. Fences shall be constructed so as to prevent any animal from grazing on adjacent property.
- c. Manure shall be removed at least every two weeks during the summer months or at such other periods so that odor and insect populations are not a nuisance.

M. 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 without limitation, 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 not be approved absent a soils report based on an on-site investigation and shall be prepared by a state-certified professional. Certified persons may include Maine Certified Site Evaluator, 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.

N. 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.

O. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 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 and shall require preservation or other appropriate actions to preserve the archaeological sites when identified.

P. Septic Waste Disposal

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules); and
2. Before the Building Permit is issued for construction, a soil suitability report shall be prepared by a Maine Licensed Site Evaluator showing full compliance with the requirements of the State of Maine Subsurface Wastewater Disposal Rules.

Q. Campgrounds

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

1. Campgrounds shall contain a minimum of 5,000 sq.ft. 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 100 feet from the normal high-water line of a great pond and 75 feet from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

R. Swimming Pools

1. Swimming pools installed after the effective date of this Ordinance shall require a permit issued by the Code Enforcement Officer.
2. All swimming pools shall meet setback requirements for the district they are to be located in.
3. Enclosures of swimming pools shall comply with the provisions of Title 22, M.R.S.A. Section 1632.
4. All electrical connections to the swimming pool and to electrical fixtures or outlets shall meet the requirements of the national electrical code Article 680, as amended.

S. Signs

1. **Purposes.** The purposes of these standards are to encourage the effective use of signs as a means of communication in the Town of Turner; to maintain and enhance the aesthetic environment of the Town of Turner; to create and maintain an attractive business climate in the Town of Turner; to improve and maintain pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and implement the intent of the Turner Comprehensive Plan.
2. Except as provided in Section 3.a-s, no sign may be erected, enlarged, illuminated or substantially altered without a Sign Permit issued by the Code Enforcement Officer after he/she finds that the sign is in accordance with the provisions of this section.
3. The following types of signs are permitted, except where otherwise prohibited by law and shall not require a Sign Permit issued by the Code Enforcement Officer.
 - a. All permanent on-premise signs erected prior to the effective date of this Ordinance, (ordinary maintenance and upkeep shall be allowed).

- b. Any sign approved by the Planning Board, as an element of Site Plan Review, prior to the effective date of this Ordinance or as proposed in a pending application.
- c. One sign not exceeding two (2) square feet used to display the street number and/or name of the occupants of the premises.
- d. One non-illuminated non-internally lit sign not exceeding six (6) square feet used to describe a home occupation.
- e. One sign not exceeding thirty-two (32) square feet on the premises of public or semi-public buildings, and charitable or religious institutions. These signs may incorporate a bulletin board.
- f. Temporary signs displayed for thirty (30) days or less to advertise school, non-profit, civic, church and like events and garage sales, auctions and like events.
- g. One real estate sign not exceeding sixteen (16) square feet relating to the sale, rental or lease of the premises. Such sign shall be removed within one (1) week after the property transaction.
- h. One sign each for a building contractor, architect or engineer; each sign shall not exceed sixteen (16) square feet relating to construction projects. Such sign shall be removed within one (1) week after construction is complete.
- i. One sign not exceeding thirty-two (32) square feet identifying the name of a farm.
- j. Sign(s) not exceeding thirty-two (32) square feet in total describing farm products for sale on the premise.
- k. Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruits and vegetable crops when crops are offered for sale on premises where those crops are grown from June 15th to November 1st of each year. Signs may advertise only those fruits and vegetables that are available for immediate purchase. A grower may not erect more than 4 signs. A sign may not exceed 8 square feet in size and must be located within 5 miles of the farm stand. The signs must be erected on private property with the landowner's written consent except that the signs may be erected within but at the edge of the right-of-ways of highways that receive no federal aid.
- l. Political signs, not exceeding thirty-two (32) square feet in total area for single faced signs, or sixteen (16) square feet on each side of double-faced signs, provided that:
 - 1) Such signs shall not be erected more than thirty (30) days prior to the election to which they pertain; and
 - 2) Such signs are removed within seven (7) days after the election to which they refer.
- m. Subdivisions may have one non-internally lit sign at each public entrance to the development not to exceed thirty-two (32) square feet per sign.

- n. Any sign(s) placed by the State or Federal Governments or Town of Turner that comply with the Department of Transportation standards.
 - o. Outdoor signs identifying restrooms, parking, entrance and similar information.
 - p. Four (4) or less Flags or insignia per commercial lot or business. Flags or insignia in excess of four per commercial lot or use shall comply with the provisions of this section.
 - q. Memorial signs or tablets, names of buildings and date of construction, or historic markers when cut into masonry, bronze or other permanent material affixed to the structure or placed on the property.
 - r. Signs relating to trespassing and hunting shall be permitted without restriction as to number provided that no such sign shall exceed two (2) square feet in area.
 - s. Signs not exceeding eight (8) square feet per sign which identify entrances and exists to parking and service areas.
4. **Prohibited Signs:** The following signs are prohibited in all areas of the Town of Turner.
- a. Signs, other than barber poles, time, and weather devices, that have visible moving parts or blinking, moving or glaring illuminations except for changeable message signs provided for in Section 4.S.7.a.8.
 - b. No permanent sign except traffic and similar public safety signs, official business directional signs shall be located in the public right-of-way of any street or highway except as may be provided for in Section 4.S.3.
 - c. No sign shall protrude beyond the property line of the lot on which it is placed.
 - d. No sign shall be located so that it interferes with the view necessary for motorists to proceed safely through intersections or to enter onto or exit public streets or private roads.
 - e. Signs painted on or attached to stationary-vehicles except for signs relating to the sale of the vehicle. For the purpose of this section, a stationary vehicle means any vehicle not registered and inspected as required by Maine law.
 - f. Inflatable signs, tethered balloons and pennants except associated with special events or sales for a duration not to exceed seven (7) days in any calendar year.
 - g. Signs relating to any businesses which has been out of business for more than 365 days. The owner of the property or his agent shall be responsible for removing such signs.
 - h. Temporary movable signs are not permitted except for the following uses with the issuance by the Code Enforcement Officer of a no fee temporary sign permit.
 - 1) To call attention to and/or to advertise the name of a new business and the products sold or activities to be carried on in connection with a new business. In such cases, no sign shall remain at a premises for more than 90 days in any calendar year.

- 2) To advertise a special sale or sales. In such cases, a sign shall be allowed for a period not to exceed 90 days in any calendar year.
 - 3) To promote community or civic activities. In such cases, no sign shall remain in place for more than ninety (90) days in any calendar year.
5. **Nonconforming Signs.** Nonconforming signs that were otherwise lawful on the effective date of this Ordinance may continue except as provided below.
- a. No nonconforming sign may be enlarged or altered in such a manner as to aggravate the nonconforming condition.
 - b. No illumination may be added to any nonconforming sign except if such illumination complies with the provisions of this section.
 - c. A nonconforming sign may not be moved except for maintenance, change in message or repair or replaced except to bring the sign into conformity with this section.
 - d. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities.
6. **General Provisions**
- a. Signs must be kept clean, legible and free from all hazards such as, but not limited to, faulty wiring, loose fastenings, or deterioration, and must be maintained at all times in such condition so as not to be detrimental to the public health or safety, detract from the physical appearance and the natural beauty of the community, or constitute a distraction or obstruction that may impair traffic safety.
 - b. Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials, and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
 - c. All signs shall meet the following setback standards:
 - 1) A minimum of twenty (20) feet from the outside edge of the paved portion of any public way with more than two travel lanes and/or a total paved portion in excess of twenty-four (24) feet in width.
 - 2) A minimum of five (5) feet from the right-of-way of any public or private street.
 - 3) All signs shall be setback a minimum of five (5) feet from side and rear lot lines.
 - d. Area and height of signs shall be computed as follows.
 - 1) Computation of area of individual signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing,

representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

- 2) Computation of area of multi-faced signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both are part of the same sign structure, the sign area shall be computed by the measurement of one of the faces.
- 3) Computation of height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be constructed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

7. Specific Standards

- a. Commercial I, Commercial II and Agricultural/Industrial Districts: The following standards apply to the Commercial I, Commercial II, and Agricultural/Industrial Districts.
 - 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises, under the terms of this section.
 - 2) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure or for each occupancy under common ownership operation or control therein. Such signs shall not occupy more than thirty (30) percent of the wall to which is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and architectural features.
 - 3) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.
 - 4) Projecting Signs: One projecting sign is permitted per structure. Such sign shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than fifteen (15) feet from any property line. No projecting sign shall exceed thirty-two (32) square feet.
 - 5) Free Standing Signs:

- a) One free standing sign per lot is permitted except for each additional 200 feet of street frontage per lot above the minimum frontage requirement for that district; an additional free standing sign is permitted provided it complies with Subsections b) and c) below.

No free standing sign shall exceed eighty (80) square feet in area, the top edge shall not be higher than twenty (20) feet vertical measure above average ground level from the base.

- b) For lots with 200 feet of frontage or less, or lots that meet the criteria in Section a.) above, no free standing sign shall exceed eighty (80) square feet in surface area.
 - c) For lots with linear street frontage of more than 200 feet, the size of a single free standing sign maybe increased by 0.4 square feet in surface area for every linear foot of street frontage above 200 feet.
 - d) Lots fronting on two or more public streets are allowed the permitted signage for each street frontage, but signage cannot be accumulated and used on a single street in excess of that allowed for lots with only one street frontage.
 - e) Multi-tenant or unit commercial development which lacks street frontage and is served by a right-of-way may have one free standing sign not to exceed 160 square feet.
- 6) Illumination: Signs shall be illuminated only by the following means:
- a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises;
 - b) Interior or surface mounted, non-exposed, white lights of reasonable intensity; and
 - c) Neon tube illumination may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which they are located.
- 7) Awning and canopy signs: Awning and canopy signs are permitted. Canopies over fuel island shall only advertise fuel and fuel products.
- b. Village District. The following standards apply to the Village District, except that for those lots with frontage on Route 4, and the primary sign is located adjacent to Route 4 and which the primary vehicle and/or visual access is from Route 4, signs shall comply with the standards set forth in Section 4.S.7.a., above.
- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.

- 2) On each premise, there shall be allowed one wall or roof sign affixed to the exterior of the structure for each occupancy under common ownership operation or control therein. Such sign shall not occupy more than twenty (20) percent of the wall to which it is attached or is above. For the purpose of this section, wall is defined as the facade of the building up to the roof line excluding windows, doors and major architectural features.
 - 3) Window and door signs are allowed without regard to the percentage of the window or door in which they are displayed.
 - 4) Projecting signs: One projecting sign is permitted per structure. Projecting signs shall extend no lower than ten (10) feet above ground level, project from the wall at an angle of ninety (90) degrees and be no nearer than eight (8) feet from any property line. No projecting sign shall exceed twenty-four (24) square feet.
 - 5) Free Standing Sign: One free standing sign is permitted per lot. No free standing sign shall exceed twenty-four (24) square feet in area. The top edge shall not be higher than twelve (12) feet vertical measure above average ground level from the base.
 - 6) Awning and canopy signs: Awning and canopy signs are permitted. Canopies over fuel islands shall only advertise fuel and fuel products.
 - 7) Illumination: Signs shall be illuminated only by the following means:
 - a) A steady, stationary light(s) of single color shielded and directed solely at the sign and not casting light off the premises.
 - b) Interior, non exposed, white lights of reasonable intensity.
 - c) Neon to be illuminated may be only used for window signs that do not exceed twenty-five (25) percent of the window area in which it is located.
- c. General Residential I and General Residential II Districts
- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
 - 2) All signs shall be mounted flat on the wall or free standing.
 - 3) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.
 - 4) Total Signage: The permitted total signage shall not exceed twenty-four (24) square feet.
- d. Rural I and Rural II Districts

- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
 - 2) All signs shall be mounted flat on the wall or be free standing.
 - 3) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light of the premises.
 - 4) Total Signage: The permitted total signage shall not exceed thirty-two (32) square feet.
- e. Shoreland and Resource Protection Districts
- 1) In the case of a multi-tenant or condominium development, it shall be the responsibility of the owner or property manager of such premises to allocate sign space upon the premises under the terms of this section.
 - 2) All signs shall be mounted flat on the wall or be free standing.
 - 3) Illumination: Signs shall be illuminated only by a steady stationary light(s) of single color shielded and directed solely at the sign not casting light off the premises.
 - 4) Signs shall not exceed two (2) per lot and not be larger than six (6) square feet in area.
8. **Changeable Message Signs.** Changeable message signs are permitted provided that each message remains fixed on the display surface, but "which may be changed at reasonable intervals by electronic process or remote control," and do not "include any flashing, intermittent or moving lights in accordance with Title 23 MRSA Section 1914.11-A. For the purpose of this section, signs whose text/numeric messages change by mechanical or electronic means are not prohibited as long as the intermitted lighting is used to change messages and not solely to attract attention and comply with the following.
- a) Static display with a eight (8) second hold rate of change minimum between changes including the use of subtle transitions such as fade, dissolve, travel and scrolling transitions and with frames that appear to move or change in size, or be revealed sequentially rather than at one including the movement of illumination or scintillation or varying of light intensity. Time and temperature signs are allowed to change a display with a two (2) second message hold rate.
 - b) In no event shall a display on a changeable message sign flash or display continuous streaming of information or video animation.
 - c) In no event shall a display on a changeable message sign obscure or interfere with traffic control devices.

Notification: Upon adoption of this section the Town shall notify in writing the Maine Department of Transportation.

T. Shoreland Areas

The following provisions shall apply only to the land areas within 250 feet, horizontal distance, of the normal high water line of any great pond and river; within 250 feet, horizontal distance, of the upland edge of a non-forested freshwater wetland; within 75 feet, horizontal distance of the normal high water mark of a stream; in the 100 year floodplain, as designated on the Federal Emergency Agency's Flood Boundary maps and as depicted on the Official Zoning Map.

1. If more than one residential dwelling unit or more than one principal commercial, governmental, institutional or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.
2. **Principal and Accessory Structures**
 - a. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds, 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 Village District the setback from the normal high-water line shall be not less than twenty-five (25) feet horizontal distance,. In addition:
 1. 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.
 2. The Planning Board may increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this section. Instances where a greater setback may be appropriate include, but are not limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.
 3. 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.
 - b. Principal or accessory structures and expansions of existing structures which are permitted 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.

- c. 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, the flood as defined by soil types identified as recent flood plain soils or by local information and knowledge. A development with 100 year flood plains must comply with the Flood Plain Management Ordinance.
- d. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the Shoreland and Resource Protection Districts shall not exceed twenty (20) percent of the lot or a portion there of, located within the shoreland area, including land area previously developed, except in the Village, Commercial I and Commercial II and Agricultural/Industrial Districts where maximum Impervious Surface Ratios shall not exceed those contained in the Space and Bulk Standards as set forth in Section 3.
- e. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, Title 38, Section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.
- f. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - 1. The site has been previously altered and an effective vegetated buffer does not exist;
 - 2. The wall(s) is (are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - 3. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - 4. The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - 5. Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils.
 - 6. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

7. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - a. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;
 - b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - c. Only native species may be used to establish the buffer area;
 - d. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - e. A footpath not to exceed the standards in Section 15(P)(2)(a), may traverse the buffer;

3. Piers, Docks, Wharfs, Bridges, and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland.
 - a. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
 - b. The location shall not interfere with existing developed or natural beach areas.
 - c. The facility shall be located so as to minimize adverse effects on fish habitat.
 - d. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall be no wider than six feet for non-commercial uses.
 - e. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
 - f. 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. Except in the Village 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.
 - g. New permanent piers and docks 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.

4. **Individual Private Campsites**

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

- a. 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.
- b. 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, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- c. Only one recreational vehicle shall be allowed per campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- d. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.
- e. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- f. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

5. **Parking Areas**

- a. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the District in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the Village District shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- b. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.

6. Roads and Driveways

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

- a. 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, 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.

This paragraph does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational use. Roads and driveways providing access to permitted structures within the setback areas shall comply fully with the requirements of subsection 6.a except for that portion of the road or driveway necessary for direct access to the structure.

- b. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland. Increases in the travel way width of privately owned streets which are less than 100 feet from the normal high water line of a great pond or 75 feet from the normal high water line of other water bodies shall not further encroach or reduce the existing setback.
- c. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the districts in which case the road or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- d. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 14.
- e. Road and driveway grades shall be no greater than ten (10) percent except for short segments of less than two hundred (200) feet.

- f. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- g. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway or ditch. To accomplish this, the following shall apply:
 - 1. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

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

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

7. Storm Water Runoff

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

- b. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

8. Essential Services

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

9. Mineral Exploration

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

10. Agriculture

- a. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).
- b. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of 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 area must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
- c. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, within the shoreland area shall require a Conservation Plan. Nonconformance with the provisions of said plan shall be considered to be a violation of this Ordinance.
- d. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies; nor within twenty-five feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not

in conformance with this provision may be maintained.

- e. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, 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.

11. **Reserved**

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

- a. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

- b. Except in areas as described in paragraph a, above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond, 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:

- 1. 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.
- 2. 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 a "well-distributed stand of trees" adjacent to a great pond or a river or stream flowing to a great pond, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

Diameter of 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.

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 2.b above "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.

3. 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 12.b and 12.b.1 above.
4. Pruning of tree branches, on the bottom 1/3 of the tree is allowed.
5. 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.

Paragraph 2 above 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.

- c. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond, 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.

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

13. Erosion and Sedimentation Control

- a. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
 - 1. Mulching and revegetation of disturbed soil.
 - 2. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - 3. Permanent stabilization structures such as retaining walls or riprap.
 - 4. When an excavation contractor will perform the activities, compliance with the following will be required:
 - i. A person certified in erosion control practices by the Department of Environmental Protection shall be responsible for management of erosion and sedimentation control practices on the site. This person shall be present at the site each day earth moving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation practices are followed. This is required until erosion and sedimentation control measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.
 - ii. Include on the required plan or permit application, the name and certification number of e person who will oversee activities causing or resulting in soil disturbance.

This section does not apply to:

Activities resulting in less than one cubic yard of earth material being added or displaced;

A person or firm engaged in agriculture or timber harvesting if best management practices for erosion and sedimentation control are used; and

Municipal, state and federal employees engaged in projects associated with that employment.

- b. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- c. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- d. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked by use of 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:
 - 1. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.
 - 2. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.
 - 3. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- e. Natural and manmade drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year 24-hour storm or greater, and shall be stabilized with vegetation or lined with riprap.

14. **Septic Waste Disposal**

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

15. **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.

U. Temporary Dwellings

1. **Purpose:** The purpose of these standards is to provide for the habitation of one dwelling during the construction or renovation of a second dwelling on lots that do not comply with Section 3.1.6 of this Ordinance.
2. **General Requirements:** The Code Enforcement Officer may issue a Temporary Dwelling Permit for the purpose of the owner residing in one dwelling while a new dwelling is constructed or an existing dwelling is renovated if all the following are met:
 - a. The structure to be resided in during the construction or renovation of the second structure shall be connected to an approved subsurface sewage disposal system.
 - b. All zoning setbacks and lot coverage requirements of this ordinance shall be met.
 - c. The owner must reside in one of the structures during construction or renovations.
 - d. The structure which is not to be the principle residence shall be resided in for not more than sixteen (16) months from the date of the issuance of the permit for the construction of primary residence.
 - e. Within sixteen (16) months from the date of the issuance of a permit or sixty (60) days from the issuance of an occupancy permit, whichever is less, the owner shall comply with the following: (1) in the case of a mobile home, it shall be removed from the lot. (2) Other structures shall be converted to an accessory structure or removed.
 - f. Prior to the issuance of a building permit for the construction and renovation on a lot where a temporary residential structure will be located the owner shall sign a binding agreement with the Town of Turner that the provisions of this section shall be complied with.

V. Non-Residential Accessory Structures

Accessory structures to commercial, manufacturing and industrial structures and uses of greater than 1,000 square feet in total floor area shall require review and approval of compatibility by the Code Enforcement Officer. Before making a determination of compatibility the Code Enforcement Officer shall make a positive written finding that the proposed accessory structure meets the following criteria:

1. The proposed structure shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed accessory

structure so as to have minimal adverse affect on the environment and aesthetic qualities of the developed and neighboring areas.

2. Materials shall have good architectural character and shall be selected for harmony of the building with adjoining buildings.
3. Colors shall be harmonious and shall use compatible accents. and
4. Exterior lighting shall be part of the architectural concept.

W. Commercial Telecommunications Towers and Related Facilities

1. Purpose

The Town of Turner finds that the regulation of the placement, spacing, installation, location and number of both wireless and conventional commercial telecommunications towers and related facilities, consistent with federal and state policies and law, is in the public interest:

- a. In order to reduce the potential adverse impacts of such towers and related facilities upon the unique natural assets of the Town of Turner including the scenic views and its rural environment according to the Turner Comprehensive Plan;
- b. In order to minimize the number, avoid congestion in their location and lessen their intrusive effect;
- c. In order to conserve and enhance property values; and
- d. In order to ensure the optimum location of telecommunications towers and related facilities.

2. Intent

In compliance with federal regulations and Section 5 Site Plan Review, of this Ordinance, the Town of Turner does not intend to create barriers to the ability to provide interstate or intrastate telecommunications services or to discriminate against or favor providers of commercial telecommunications facilities and services.

3. Guidance Standards

The purposes of these standards shall be as follows:

- a. To preserve the authority of the Town of Turner to regulate the siting of commercial telecommunications towers and related facilities and to determine the optimum location for such towers and facilities in order to provide commercial telecommunications services to the Town of Turner effectively and efficiently;
- b. To enable the Town to take such steps as may be needed to reduce any adverse impacts such facilities may create, including, but not limited to, impacts upon aesthetics, scenic resources, environmentally sensitive areas, recreational uses, safety, property values, and areas or sites of historic significance;

- c. To encourage the use of innovative siting and configuration options, including siting possibilities within or attached to existing structures or beyond the municipal jurisdiction of the Town and to require cooperation and collocation between competitors and the exhaustion of all other reasonable alternatives before the construction of new towers is permitted;
- d. To ensure that there is an adequate assumption of responsibility for maintenance, repair, and safety inspections of operational facilities, for the prompt and safe removal of abandoned telecommunications towers and related facilities and for the removal and upgrade of facilities that are technologically outdated; and
- e. Encourage personal wireless commercial telecommunications services to provide a blanket of coverage for the Town of Turner, not just nearby corridors, to ensure that the facilities constructed will provide the best possible service and benefits to the community.

4. **Specific Standards**

- a. Except to the extent of any inconsistency with federal or state law, and subject to the standards contained in this Section and Section 5, Site Plan Review, the siting, establishment, erection, installation or operation of a commercial telecommunications tower facility within the Town of Turner shall be considered to be a principal use.
- b. For the purpose of this Ordinance Commercial telecommunications towers and related facilities shall not be considered infrastructure, essential services or public utilities and the siting of such facilities shall constitute a use of the land to be regulated by this Ordinance.
- c. Towers, antennas or other commercial telecommunications facilities shall be located and designed so as to preserve the ability of the public to enjoy the scenic views as defined in the Turner Comprehensive Plan;
- d. Use of alternative technologies and of collocation shall be thoroughly studied, and determined to be infeasible before the construction of any new towers are approved;
- e. Commercial telecommunication towers, antennas, and other electrical and mechanical equipment shall be made with a neutral finish or color or otherwise be treated so as to reduce visual impact;
- f. Towers shall only be lighted if required by the FAA and such lighting shall be designed so as to cause the least impact upon the surrounding properties or abutting communities;
- g. Towers shall be located on sites where the topography and tree cover of the surrounding land shall be utilized to minimize any adverse visual impact;
- h. Existing mature vegetation and natural land forms on the site shall be preserved to the maximum extent possible;

- i. Towers shall not contain any permanent or temporary signs, writing, symbols or other graphic representation of any kind, except as may be allowed or required by the Turner Planning Board in the interest of public safety;
- j. The minimum land area for a commercial telecommunications tower and related facilities shall be 125% of the of the area required for the fall zone which may be by ownership, lease or easement;
- k. The minimum distance from a commercial telecommunications tower to any property line, road, structure, dwelling, recreational or institution use shall be 125% of the fall zone of the tower, including any antennas or other appurtenances, which may be by ownership, lease or easement;
- l. Towers shall be enclosed by security chain-link fencing a minimum of 6 feet in height and shall be equipped with appropriate anti-climbing devices;
- m. Access for motorized vehicles to tower compound shall reflect the access performance standards of this ordinance and minimize the impact upon the surrounding environment;
- o. The tower compound shall be landscaped and maintained with a vegetative buffer that effectively screens the view of the tower base and support facilities; and
- p. All towers, antennas and other telecommunications facilities and equipment shall meet or exceed current standards and regulations of the FAA, FCC and any other agency of the federal or state governments having controlling regulatory authority. If such standards or regulations are changed, the owners or operators of such facilities or equipment shall insure that it complies with the revised standards or regulations within six (6) months of the effective dates of any revisions unless the controlling authority mandates a more stringent compliance schedule.

NOTE: Items W.4.j-o may not apply when the telecommunication equipment is attached to or within an existing structure and the Planning Board determines that there will be no adverse impact on the subject or adjacent properties.

5. **Abandonment**

Failure to comply in accordance with the applicable schedule shall constitute abandonment and shall be grounds for the removal of such facilities or equipment at the owner's expense through the execution of the posted security.

- a. The owner of a tower, antenna, or other commercial telecommunications related facilities and equipment shall be responsible for insuring that such facilities and equipment at all times conform to applicable industry standards, as such standards may be amended from time to time. If upon inspection the Planning Board or their designee determines that such regulations or standards are not being met, or that the facilities or equipment pose a danger to persons, property, or the community they shall notify the owner of the facility in writing and the owner shall within thirty (30) days, remedy such defects. Failure to do so shall constitute abandonment and shall be grounds for the removal of the facilities

and equipment at the owner's expense through the execution of the posted security.

- b. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned and hazardous to the public health and safety, and such antenna or tower shall be removed in accordance with the following procedure:
 1. The Planning Board shall hold a public hearing after due notice to abutters and to the last known owner/operator of the antenna or tower;
 2. If at such hearing, the Planning Board determines that the antenna or tower is, in fact, abandoned, it shall issue a declaration of abandonment to the owner/operator;
 3. Within ninety (90) days after issuance of such declaration, the owner shall remove the abandoned structure and, if the owner/operator shall not, the town may execute the security and have the tower removed at the owners expense; and
 4. If there are two or more users of a single tower, the provisions of this subsection shall not become effective until all users cease using such tower.

6. **Security Bonds**

- a. Before, and as a condition of the approval of a Site Plan filed in connection with the installation of any commercial telecommunications tower and related facilities, the Planning Board shall require the developer or installer to file with the Town a bond in an amount adequate to cover the costs of removing the facility together with any structures or equipment appurtenant thereto and of returning the site to its condition prior to such installation. This performance bond shall remain on file with the town and shall not be released unless the installation has been decommissioned, dismantled, and removed.
- b. The Planning Board shall require the owner/operator of any antenna or tower to annually provide the Town office proof that it is maintaining a certificate of liability insurance covering accident or damage.

X. Individual Lot Phosphorous Management

1. **Purpose**

The purposes of these standards are to maintain the water quality of lakes and ponds in Turner and those it shares with adjacent communities by controlling the transport of phosphorous from their direct watersheds.

2. **Applicability of Standards**

- a. The following development activities shall require a Phosphorous Management Control Permit issued by the Code Enforcement Officer whenever located within the direct watershed of a lake or pond. For the purposes of this standard, Gulf Island Pond shall not be considered a pond.

1. New commercial, retail, industrial, institutional and recreational structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.
 2. New residential structures and uses that have not received approval by the Planning Board that included a Phosphorous Export Analysis.
 3. Expansions in any five (5) year period of any residential, commercial, retail, industrial, institutional or recreational structures and uses that will result in more than six hundred twenty-four (624) square feet of impervious surface that have not received approval by the Planning Board that included a Phosphorous Export Analysis.
- b. The following are exempt for this Section:
1. Legally existing buildings and uses as they existed on April 8, 2006; and
 2. Land development activities related to Subdivision and Site Plan Review activities when they are in conformance with an approved application by the planning Board to limit phosphorous export pursuant to Phosphorous Control in Lake Watersheds: A Technical Guide to Evaluating New Development, (Maine Department of Environmental Protection et al., September 1989 with revisions to Chapter 4, May 1990 and as amended).

3. Application Procedure

Before issuing a Building or Use Permit, the Code Enforcement Officer shall review and approve an application for Phosphorous Management Control.

a. Submission Requirements

1. The tax map and lot number of the lot and the name of the direct lake/pond watershed in which it is located.
2. A Site Map of the proposed activity drawn at a scale of one (1) inch equals fifty (50) feet unless otherwise approved by the Code Enforcement Officer showing:
 - i. The location and dimensions of all existing and proposed structures and driveways;
 - ii. Existing ground cover (woods, fields, lawns, etc.);
 - iii. Areas to be cleared for construction or landscaping;
 - iv. Present or proposed location of Subsurface Wastewater Disposal System;
 - v. Drainage Patterns.
3. A photograph of the project site.

b. Application Review

The Code Enforcement Officer shall review and approve a Phosphorous Management Control Permit based on one of the following methods.

1. Point System

The Code Enforcement Officer shall issue a Phosphorous Management Control Permit if the applicant meets or exceeds thirty (30) points based on the following schedule.

- i. 10 points for correcting an existing erosion problem on the project site.
- ii. 10 points for a clearing limitation of 15,000 square feet and less.
- iii. 15 points for a clearing limitation of 10,000 square feet and less.
- iv. 15 points for the installation of rock-lined drip edges or other infiltration system to serve the new construction.
- v. 20 points for a 50-foot wide buffer located downslope of the developed area.
- vi. 25 points for a 75-foot wide buffer located downslope of the developed area.
- vii. 30 points for a 100-foot wide buffer located downslope of the developed area.

2. Technical Analysis

The Code Enforcement Officer shall issue a Phosphorous Export Transport Permit if the applicant does not exceed the Phosphorous Export Per Acre as identified in Section 5.E.8.

4. Performance Standards

- a. Erosion. Existing erosion problems shall be corrected according to the Maine Erosion and Control Hand Book for Construction Best Management Practices (March 1991 and as amended).
- b. Clearing Limitations. Clearing limitations shall be determined based on the area where the natural vegetations is to be removed and converted to structures, gravel or paved surfaces and lawns.
- c. Rock-lined Drip Edges and/or Gutter Drains. A trench 6 to 8 inches in depth and 12 to 16 inches in width, filled with $\frac{3}{4}$ inch crushed stone, centered beneath the roof edge drip line and/or gutter drain.
- d. Other Infiltrations Systems. Other infiltrations systems shall be designed according to the Maine Erosion and Control Hand Book for Construction Best Management

Practices (March 1991 and as amended).

c. Buffers

- i. Natural Occurring. The natural occurring buffer shall be created by allowing the natural progressing of vegetation to develop by the lack of mowing.
- ii. Planted Buffers. Any planting or revegetation required 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 4.T.12.b.2 and the ground cover requirements of paragraph 4.T.12.b.3 when the vegetation matures within the fifty- (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 eighty (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 (6) feet tall for deciduous species. The planting plan must include a mix of at least three (3) native tree species found growing in adjacent areas with no one species making up more than fifty (50) percent 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.
- iii. Ground Cover. 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 while area is returning to its natural state.

Y. Farm Enterprise

1. Purpose

The purpose of Farm Enterprise is to assist in the implementation of the policies of the Comprehensive Plan relating to encouraging the presence of an agricultural land base for production agriculture and to encourage use of prime agriculture land for farming by providing farm owners and or operators to conduct business not otherwise permitted in the Rural I and Rural II Districts to supplement income from traditional farm operations. The Planning Board shall find in addition to the Provisions of Section 5, Site Plan Review, of this Ordinance that all of the following criteria will be met.

- a. The farm enterprise shall be owned by the owner of the farm.
- b. The farm enterprise is located on property owned by the owner of the farm.
- c. Should the farm enterprise not be conducted in an existing structure, new structure(s) constructed for the sole purpose of conducting a farm enterprise shall not exceed a total of 10,000 square feet of ground area.
- d. The owner of the farm enterprise shall provide the Planning Board with a legally binding statement that should his or her farm operation cease, the farm enterprise

shall also cease within 60 days unless the use is permitted in the district or, for those uses not permitted, the farm owner can provide proof by easement, lease, or other binding legal agreement that the usable farm land will continue to be farmed by others or has been set aside for conservation, recreational, or other open space uses. With such documentation, the Planning Board can allow the farm enterprise use to continue.

Z. Storage Tanks

All above or below ground storage tanks, of any size, used for the storage of fuels, hazardous substances, chemicals, industrial wastes, and flammable or combustible liquids shall be designed and installed in accordance with all applicable rules or standards set by the State of Maine, Maine State Fire Marshal's Office, or the Maine Department of Environmental Protection.

AA. Rental Cabins

Rental cabins are permitted with Planning Board approval providing the following conditions are met.

1. Density – one cabin per 30,000 square feet of lot area. 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 cabin.
2. Cabins/structures shall be set back 100' from the normal high water line of a great pond and 75' from the normal high water line of other waterbodies, tributary streams, or the upland edge of a wetland.
3. Cabins/structures shall be set back 100' from any public road and 50' from any lot line. Setbacks from a private road shall be 100' except setbacks from private roads or driveways located on the same parcel can be reduced to 25' by the Planning Board.
4. Cabins/structures can be constructed on permanent foundations or support posts set on the existing ground.
5. The clearing of vegetation for siting of the cabin/structure in a Shoreland District shall be limited to 1,000 square feet per unit. Clearing of vegetation in other districts shall be limited by the Planning Board to the minimum necessary for the practical use of the property.
6. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each cabin/structure. Installation of subsurface sewage disposal systems shall be in compliance with the State of Maine Subsurface Wastewater Disposal Rules.
7. The applicant shall demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes.

8. The owner of the rental cabin shall provide the Planning Board with a legally binding statement that should his or her facility cease operations, the rental cabins/structures will be removed within 60 days unless the rental cabins/structures meet all dimensional requirements for residential dwelling units contained in this ordinance. The Planning Board may also approve the continued use of the rental cabins/structures as residential dwelling units with new application and approvals under the Open Space Subdivision provisions of this ordinance.

BB. Shorefront Common Areas

Shorefront Common Areas used for more than one residential dwelling unit or family unit or other legal entity shall meet the following criteria:

1. Shorefront Common Areas shall have a minimum of 250' of shore frontage and a minimum of 100' of lot depth for the first 10 residential dwelling units or rights of use granted and there shall be an additional 25' of shore frontage with a minimum of 100' of lot depth for each additional residential dwelling unit or rights of use granted.
2. Use of common areas within a subdivision shall be limited to residential dwelling units contained within said subdivision.
3. The provisions of this Section shall not apply to municipal beach facilities.
4. The provisions of this Section shall apply to all new uses located within the shoreland zone.
5. Shorefront common areas established before April 8, 2006 are exempt from the preceding criteria if there has been no increase in rights of use granted since said date.

CC. Apartments Accessory to Commercial Uses

1. **Purpose.** The purpose of these standards is to allow the development of residential dwelling units as an accessory use in commercial structures while ensuring a suitable residential environment.
2. **General Requirements.** The Code Enforcement Office may issue a permit for one and the Planning Board may issue a permit for two residential dwelling units, in a commercial structure provided the following are met. Three or more residential dwelling units in a commercial structure shall require subdivision approval.
 - a. The residential dwelling units shall be clearly incidental to the principal commercial nature of the structure.
 - b. Each dwelling unit shall be provided with a private, outdoor yard space adjacent to the unit.
 - c. Each dwelling unit shall be provided two off-street parking spaces separate from customer parking.
 - d. Subsurface sewage disposal shall be provided that complies with the State of Maine Subsurface Sewage Disposal Rules.

- e. Each dwelling unit shall have access to and use of a minimum of 400 cubic feet of private storage space within the individual dwelling unit or in common storage facilities.
- f. No access to the residential dwelling unit shall be via commercial space.
- g. All provisions of the Building Code administered and enforced by the Town of Turner and the National Life Safety Code shall be met.

DD. In-law Apartments

An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall not be considered to be a dwelling unit in terms of space and bulk standards of Section 3.I. Apartments not meeting the standards for in-law apartments shall be considered as a separate dwelling unit and shall meet all applicable standards of this Ordinance and all other Ordinances and Codes.

- 1. The in-law apartment shall be accessory to the use of the premises as a single-family detached dwelling and only one in-law apartment shall be created as part of a single-family dwelling.
- 2. The in-law apartment shall be created within or attached to a single-family dwelling.
- 3. The person(s) occupying the in-law apartment must be a relative (a parent, grandparent, brother, sister, child or grandchild related by blood, marriage, adoption or domestic partner) of the principal occupant(s) of the single family dwelling and the burden of proof of this relationship shall be on the home owner.
- 4. The creation of the in-law apartment unit shall not alter the single-family character of the property. The following shall be met in creating the unit.
 - a. The in-law apartment must have a door that opens into the main dwelling and the in-law apartment shall have separate front, rear or side entrance from the outside to comply with applicable Code standards for egress.
 - b. Provisions for one additional parking space shall be made. No additional curb cuts or driveways may be created to facilitate the in-law apartment.
 - c. Subsurface sewage disposal shall comply with all provisions of the State of Maine Subsurface Wastewater Disposal Rules.
- 5. One of the units must be owner occupied.
- 6. Prior to the issuance of a permit for the creation of an in-law apartment by the Code Enforcement Officer, the owner of the property shall sign a binding agreement limiting the approval of in-law apartment unit for the purposes set forth in this subsection.
- 7. On each anniversary date of a permit issued under this Section the owner of the property shall provide the Code Enforcement officer with a sworn Statement that the person(s) residing in the in-law apartment meet the requirements in Section 3 above.

SECTION 5. Site Plan Review

A. The purposes of this section are:

1. To provide municipal review of projects that potentially could affect the environment and community;
2. To promote and protect the health, welfare and safety of the residents of the Town of Turner;
3. To provide local protection from those particular nuisances which are not governed by State law or regulation;
4. To balance the rights of landowners to use their land with the corresponding right of abutting and neighboring landowners to live without undue disturbance from noise, smoke, fumes, dust, odor, glare, traffic, storm water runoff or the pollution of ground or surface waters;
5. To reduce the off-site external problems created by developments thereby decreasing the cost of maintaining or improving municipal services;
6. To conserve the Town's natural beauty and visual character by ensuring that structures, signs and other improvements and uses of land are sited and developed with due regard to the aesthetic qualities of the natural terrain and that proper attention is given to exterior appearances of structures, signs, other improvements and uses of land; and
7. To implement the policies of the comprehensive plan.

B. Applicability

1. Site Plan Review by the Planning Board in conformity with the criteria and standards of this section shall be required for the following:
 - a. Uses in each district which require site plan review as identified in Section 3.H.
 - b. A change in use when the new use is subject to Site Plan Review.
 - c. New uses of existing structures or land or existing uses that require Site Plan Review as identified in Section 3.H. when such uses would alter normal traffic patterns, or which would employ new materials and/or processes.
 - d. Existing uses that require Site Plan Review as defined in Section 3.H which seek to expand within any five (5) year period, with regard to floor space, seating capacity or outdoor storage area, unless the expansion is

- less than 30% and the Code Enforcement Officer makes written findings that (1) the new use will comply with the standards in Section 5.E and F,(2), the hours of operation of the new use will be similar to those approved by the Planning Board for the previous use,and (3) traffic volumes will not increase from a low volume generator to a medium or high volume generator, or from a medium generator to a high volume generator as defined in Section 5.E.4.d.
- e. Resumption of conforming uses which have been abandoned for at least five years which would require review if being newly established.
 - f. The initial placement of above or below ground storage tank(s) used for fuels, hazardous substances or flammable and combustible liquids which contain 10,000 gallons or more in total or in combination.
2. Site plan approval is not required for the following:
- a. The normal and customary practices and structures associated with agriculture as defined in Section 8.
 - b. Sand and gravel pits approved or established prior to March 10, 1990 including the expansion of those pits approved or established on the same or adjacent parcels.
 - c. A new use of a structure and/or land area that has previously undergone Site Plan Review and approval by the Planning Board, when the Code Enforcement Officer makes written findings that (1) the new use will comply with the standards in Section 5.E and F, (2) the structure or land area will not be enlarged beyond what is permitted in Section 5.B.1.d.(3), the hours of operation of the new use will be similar to those approved by the Planning Board for the previous use, and (4) traffic volumes will not increase from a low volume generator to a medium or high volume generator, or from a medium generator to a high volume generator as defined in Section 5.E.4.d.

C. Administration

1. **Agenda.** In order to avoid unnecessary delays in processing applications, the Planning Board shall prepare an agenda for each regularly scheduled meeting. Applicants shall request to be placed on the Planning Board's agenda no less than twenty-eight (28) days in advance of a regularly scheduled meeting by contacting the Chair or the Planner. Applicants who attend a meeting but who are not on the agenda may be heard but only after all agenda items have been completed and then only if a majority of the Planning Board so votes.
2. **Preapplication Meeting.** Applicants are encouraged to schedule a meeting with the Planning Board prior to formal submission, to present a sketch plan and make a verbal presentation regarding the site and the proposed project.

- a. **Submission.** The Preapplication Sketch Plan shall show, in simple sketch form, the proposed development area, and other features in relation to existing conditions. The Sketch Plan, which may be a free- hand pencilled sketch, should be supplemented with general information to describe or outline the existing conditions of the site and the proposed development. It is recommended that the sketch plan be superimposed on or accompanied by a copy of the Assessor's Map(s) on which the land is located.
- b. **Contour Interval and On-Site Inspection.** Within 30 days of the pre-application meeting, the Planning Board shall determine and inform the applicant, in writing, of the required contour interval on the development plan and conduct an on-site inspection of the property.
- c. **Ownership Interest.** The applicant will furnish written evidence showing his right, title or interest (option, contract for sale, etc.) in the property to be developed to the Planning Board.

3. Application Procedure

- a. **Applications in Writing.** All applications for site plan approval shall be made in writing on forms provided for this purpose. Applications shall be received by the Planning Board in order filed and when the Board agenda permits.

All applications shall be made by the owner in the property or his agent, as designated in writing or person which shows evidence of right, title or interest.
- b. **Development Plan.** A Development Plan meeting the standards of this section shall be submitted to and reviewed by the Planning Board and shall be approved by the Planning Board before any building permit may be issued. In the case of proposed resumption of uses which have been abandoned for at least two years, Planning Board approval shall be required before such uses may be resumed if such a use requires review if being newly established.
- c. The applicant, or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the Development Plan. The Planning Board shall provide the applicant a dated receipt of a Site Plan Review application at the Planning Board meeting where the application is first presented.
- d. At the first meeting held, the Board shall notify the applicant whether or not the application is complete, and what, if any, additional submissions are required for a complete application. The Planning Board may request the applicant to provide additional information necessary for the Planning Board review after a determination that a complete application has been received.

- e. The Board shall hold a public hearing on each application at the first meeting the application is presented and shall publish notice of the date, time and place of the hearing in a newspaper of general circulation in the municipality at least two times, the date of the first publication to be at least seven (7) days prior to the hearing. Notice of the public hearing shall be mailed to all abutters of the proposed development at least seven (7) days prior to the hearing by the Town of Turner.

Within 30 days of receipt of a complete application, or within another time limit as may be otherwise mutually agreed to by the Planning Board and the applicant, the Planning Board shall issue an order and approve, approve with conditions, or deny the development plan. The Planning Board shall specify, in writing, its findings of facts and reasons for any conditions or denial.

4. **Additional Studies.** The Planning Board may require the applicant to undertake any study which it deems reasonable and necessary to demonstrate that the requirements of the Ordinance are met. The costs of all such studies shall be borne by the applicant.
5. **Financial Guarantee.** Prior to final approval or any Site Plan Review application, the Planning Board may require the posting of a bond, escrow agreement or letter of credit in such amount as is approved by the Planning Board. This amount shall be sufficient to ensure completion of all improvements required as conditions of approval of such plan in such form as approved by the Planning Board and Town Selectmen. The Town shall have access to the site at all times to review the progress of the work.
6. **Conditions.** The Planning Board may attach reasonable conditions to the Site Plan Review approvals to ensure conformity with the standards and criteria of this Ordinance.
7. **Duration of Site Plan Review Approval:** Construction or occupancy if no construction is involved shall commence within two (2) years of the date of the site plan review application approval and a certificate of occupancy issued within three (3) years from the date of approval. If construction or occupancy is not commenced or a certificate of occupancy issued within these limits, the site plan review approval shall be null and void. A statement of this effect must appear in the approval findings of facts and conclusion of law. Upon good cause shown and the project complies with current zoning requirements, the Board may extend the approval for additional two year period. The extension request must be made to the Board at least sixty (60) days prior to the time of expiration. Upon determining that a site plan review approval has expired under this paragraph, the Board shall have a notice placed in the Registry of Deeds to that effect.
8. **Minor Changes to Approved Plans.** Minor changes in approved plans necessary to address field conditions or structure orientation may be authorized by the Code Enforcement Officer provided that any such change does not affect the standards of this Ordinance or alter the intent of the approval. A request for a minor change to an approved plan shall be in writing to the Code Enforcement Officer. In making the

determination to approve a minor change to an approved plan the Code Enforcement Officer shall consult with the Planning Board Chair or the Chair's designee. All approvals for minor changes to approved plans shall be in writing by the Code Enforcement Officer. A copy of the written approval and revised site plan shall be filed with the Planning Board within thirty (30) days from the date of the written approval.

9. Approvals of site plans are dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed by the applicant. Any variation from the plans, proposals and supporting documents, except minor changes as permitted in 9 above, is subject to review and approval by the Planning Board.
10. **Inspections.** The Planning Board or Code Enforcement Officer may require the applicant to pay for professional oversight or inspections during construction of site or building improvements proposed under this ordinance. If required, at least five (5) days prior to commencing construction, the applicant shall:
 - a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completions of improvements required by the Planning Board or Code Enforcement Officer.
 - b. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.

D. Site Plan Review Application Requirements

Applications for Site Plan Review shall be submitted on application forms provided by the Town. Ten (10) copies of the completed application form, required plans, and related information shall be submitted to the Planning Board no less than twenty-eight (28) days prior to the regular scheduled meeting.

The Planning Board shall make available at Town Hall documents for review by the Fire Department, Rescue Chief, Road Commissioner, and Superintendent of Schools. The Planning Board can request that the Fire Chief, Rescue Chief, The Road Commissioner and Superintendent of Schools provide the Planning Board with official comments upon the adequacy of their department's existing capacity to service the proposed development.

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

1. The Development Plan shall consist of one or more reproducible, stable base transparent original, to be filed at the Town Office, drawn at a scale of not smaller than 50 feet to the inch or other scale as determined by the Planning Board. Space shall be provided on the Development Plan for the signatures of the Board and date with the following words. Approved: Town of Turner Planning Board
2. A fully executed and signed copy of the application for Site Plan Review.
3. **General information:**
 - a. Name of owner(s) of record and address and applicant's name and address, if different;
 - b. The name of the proposed development;
 - c. Names and addresses of all property owners within 100 feet of the edge of the property line;
 - d. Sketch map showing general location of the site within the Town;
 - e. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time;
 - f. The tax map and lot number of the parcel or parcels;
 - g. 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; and

- h. The name, registration number and seal of the land surveyor, architect, engineer and/or person who prepared the plan.
4. Every application shall be accompanied by the written certificate of the Town's Code Enforcement Officer that the applicant is not in violation of any Town Ordinance regulating land use. No application shall be considered complete, nor shall any application be in order for review or approval, unless accompanied by this written certificate. The Planning Board shall not waive this requirement.
5. **Existing Conditions**
- a. Zoning classification(s) of the property and the location of Zoning District boundaries if the property is located in two or more Zoning Districts or abuts a different district;
 - b. The bearings and distances of all property lines of the property to be developed and the source of this information. The Planning Board may require a formal boundary survey when sufficient information is not available to establish, on the ground, all property boundaries;
 - c. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land;
 - d. Location, names and present widths of existing streets and rights-of-way within or adjacent to the proposed development;
 - e. The location, dimensions and ground floor elevations of all existing buildings on the site;
 - f. The location and dimensions of existing driveways, streets and parking and loading areas and walkways on the site;
 - g. Location of intersecting roads or driveways within 200 feet of the site;
 - h. The location of open drainage courses, wetlands, significant wildlife habitat, known or potential archaeological resource, historic buildings and sites, significant scenic areas, mapped sand and gravel aquifers, rare and endangered, other important natural features with a description of how such features will be maintained or impacts upon them minimized;
 - i. The direction of existing surface water drainage across the site, if existing condition contours are not provided;
 - j. If any portion of the property is in the 100-year floodplain, its elevation shall be delineated on the plan;
 - k. The location and dimensions of existing and proposed signs; and

1. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.
6. **Proposed Development Activity**
- a. The location, dimensions, exterior elevations designed by a licensed architect or licensed professional engineer, and exterior materials of all proposed buildings and structures.
 - b. All existing and proposed setback dimensions.
 - c. The size, location and direction and intensity of illumination and method of installation of all major outdoor lighting apparatus.
 - d. The type, size and location of all incineration devices.
 - e. The type, size and location of all machinery likely to generate appreciable noise at the lot lines.
 - f. An on-site soils investigation report by a Maine Department of Human Services licensed Site Evaluator. The report shall identify the types of soil, location of test pits, and proposed location and design for the subsurface waste water disposal system.
 - g. The type and location of water supply to be used.
 - h. The amount and type of any raw, finished or waste materials to be stored outside of roofed buildings including their physical and chemical properties, if appropriate,
 - i. All existing contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour intervals shall be specified by the Board.
 - j. The location, type and size of all curbs, sidewalks, driveways, fences, retaining walls, parking space areas, and the layouts thereof, together with their dimensions.
 - k. Landscape plan indicating all landscaped areas, fencing and size and type of plant material proposed to be retained or planted with special emphasis placed on front setback areas.
 - l. All existing or proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.

- m. The property lines of all properties abutting the proposed development, including those properties across the street, with the names and addresses of the owners as disclosed on the tax maps on file in the Town Office as of the date of the development plan review application.
- n. Traffic Data: Traffic data shall include the following:
 - 1) The estimated peak-hour traffic to be generated by the proposal.
 - 2) Existing traffic counts and volumes on surrounding roads.
 - 3) Traffic accident data covering the most recent three-year period for which such data is available.
 - 4) The capacity of surrounding roads and any improvements which may be necessary on such roads to accommodate anticipated traffic generation.
 - 5) The need for traffic signals and signs or other directional markers to regulate anticipated traffic.
- o. A storm water drainage and erosion control plan prepared by a Licensed Professional Engineer.
- p. A ground water impact analysis prepared by ground water hydrologist for projects involving shared on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons or more per day.
- q. A utility plan showing, in addition to provisions for water supply and waste water disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
- r. The location, width, typical cross-section, grades and profiles of any proposed streets and sidewalks.
- s. Construction drawings for streets, sanitary sewers, water and storm drainage systems, designed and prepared by a professional engineer registered in the State of Maine.
- t. The estimated cost of the project and a written statement of the applicant's technical and financial capacity to carry out the project as proposed to include:
 - 1. Technical Ability

- a. The applicant shall demonstrate the qualifications of the contractors and consultants who will supervise, construct and inspect the improvements associated with the proposed street.
- b. In determining the applicant's technical ability the Board shall consider the applicant's previous experience, the experience and training of the applicant's consultants and contractors, and the number and nature of any violations of previous approvals granted to the applicant.

2. Financial Capacity.

The applicant shall demonstrate the availability of financial resources sufficient to implement the proposed plan. In determining the applicant's financial capacity, the Board shall consider cost estimates for implementation of the plan, letters from prospective sources of financing, the proposed time frame for construction, and performance guarantees required of the applicant.

- u. If located in the direct watershed of a great pond, a phosphorous control plan prepared in accordance with Section 5.E.8.
- v. A copy of the approved Driveway or Entrance permit issued by the Maine Department of Transportation if a driveway or entrance will enter onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road.

E. General Review Standards

The following criteria and standards shall be utilized by the Planning Board in reviewing applications for Site Plan Review approval. The standards are not intended to discourage creativity, invention and innovation. The Board shall approve the Development Plan unless the Board finds that the applicant has not satisfied one or more of the following criteria provided that the criteria were not first waived by the Planning Board in accordance with Subsection G.

- 1. **Preservation of Landscape.** The landscape will be preserved in its natural state, insofar as practical, by minimizing tree and soil removal, retaining existing vegetation where desirable, and keeping any grade changes in character with the general appearance of neighboring areas. If the site contains a scenic site and/or view as identified in the Town of Turner Comprehensive Plan, special attempts should be made to preserve the natural environment of the skyline and view.

Environmentally sensitive areas which include wetlands, significant wildlife habitat areas of two or more contiguous acres with sustained slopes greater than

20 percent, unique natural features and archaeological sites as identified in the Town of Turner Comprehensive Plan shall be conserved to the maximum extent.

The Board shall assess the proposed activities impact upon scenic areas and views as identified in the Town of Turner Comprehensive Plan. Where the Board finds that the proposed activity would have an undue adverse effect on identified scenic views, the Board shall require the applicant to minimize such effects.

2. **Commercial, Retail & Service Building Architectural Design Standards.** Turner encourages a greater sense of continuity and identity throughout its commercial and village areas. Its Comprehensive Plan states that commercial development will be encouraged to have landscaping and trees, pitched roofs and *a New England Village building character*. The Planning Board shall consider the following criteria in making a determination that this standard will be met.
 - a. Architectural style must relate to the New England Village vernacular. Evaluation of the appearance of a building shall be based on the quality of its design, compatibility, and relationship to surroundings. In making the determination that this criteria has been met the Planning Board shall find that applicable sections of Appendix 1, Turner, Maine Design Standards Commercial, Retail & Service Building Architecture, are complied with. Appendix 1 is an adopted part of this Ordinance.
 - b. The Planning Board, in making the determination if this standard will be met, shall consider the visibility of the proposed building(s) from public ways and adjacent properties.
 - c. Mechanical equipment or other utility hardware on roof, ground or buildings shall be screened from public view with materials harmonious with the building, or they shall be located so visibility from any public way is minimized.
 - d. Exterior lighting shall be part of the architectural concept. Fixtures, standards and all exposed accessories shall be harmonious with building design.
 - e. Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view from public ways, using materials as stated in criteria for equipment screening.
3. **Vehicular Access:** The proposed development shall provide safe vehicular access to and from public and private streets. When conflicts exist between this section and a Driveway Permit or Entrance Permit onto Route 4, Route 117, Route 219, Center Bridge Road, Upper Street or Weston Road, issued by the Maine Department of Transportation, the most stringent or restrictive shall apply. The applicant for a development to be located on a parcel of land of ten

(10) acres or greater or five hundred (500) feet or more of frontage on a public street shall file a conceptual Access Master Plan with the Planning Board. The conceptual Access Master Plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, and the coordination of access into and out of the site. The conceptual Access Master Plan shall demonstrate how the requirements for access as contained in this section will be met.

After the conceptual master plan has been filed with the Planning Board, any application for approval shall be consistent with the plan unless a revised plan is filed.

- a. Vehicular access to the site shall be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Inter-sections 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 must function at a minimum at 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 must not reduce the current level of service.

The geometrics of intersections that will serve the proposed development shall be of such design to provide for safe turning movements.

The Planning Board may approve a development not meeting these requirements if the applicant demonstrates improvements will be consistent with the Maine Department of Transportation Highway Design Guide, January 1994 Revision, and as may be revised and that:

- 1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard, or
 - 2) The applicant shall 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. Any exit driveway or driveway lane shall be so designed in profile and grading and so located as to provide the following minimum sight distance measured in each direction. The measurements shall be from the drivers seat of a vehicle standing on that portion of the exit driveway from distances between 10 and 15 feet behind the curblineline or edge of shoulder, with the height of the eye 3.5 feet to the top of an object 4.25 feet above the pavement.

Posted Speed Limit	Sight Distance (Standard Vehicle)	Sight Distance (Larger Vehicle)
25 mph	200'	300'
30 mph	250'	375'
35 mph	305'	455'
40 mph	360'	540'
45 mph	425'	635'
50 mph	495'	740'
55 mph	570'	855'

If more than 30% of the traffic projected to use the entrance will be larger vehicles the sight distances shown in the right hand column apply. Height of the eye should be six (6) feet with height of object no more than 4.25 feet above the pavement.

- c. Where more than one business or structure is located on a single parcel, all vehicular access to and from a public or private road shall be via a common access or entrance way(s) serving all business and structures except as provided for herein.
- d. The grade of any exit driveway or proposed street for a distance of fifty (50) feet from its intersection with any existing street shall be a maximum of three (3) percent.
- e. The intersection of any access drive or proposed street must function at a Level of Service of C following development if the project will generate 400 or more vehicle trips per 24-hour period or a level which will allow safe access into and out of the project if less than 400 trips are generated.
- f. Projects generating 400 or more vehicle trips per 24-hour period must provide two or more separate points of vehicular access into and out of the site.
- g. Where a proposed development is to be located at the intersection of Route 4, 117 or 219 and a minor or collector road, entrance(s) to and exit(s) from the site shall be located only on the minor or collector road provided that this requirement maybe waived where the applicant demonstrates that existing site conditions preclude the location of a driveway on the minor or collector road, or that the location of the driveway on the minor or collector road would interfere with a predominately residential neighborhood. In addition, this requirement may be waived when an analysis conducted by a traffic engineer, retained by the Planning Board, finds that the operation or safety at an intersection of Route 4, 117 or 219 and a minor or collector road would be improved with an entrance or exit from or onto Route 4, 117 or 219. Any such entrance or exit shall be a restricted entrance or exit point to supplement the primary entrance and exit from the minor or collector road. The

entrance or exit will maintain traffic carrying functions and minimize congestion and crash potential.

- h. Curb cuts or access points shall be limited to one per lot for all lots with less than 200 linear feet or less of road frontage. For lots with greater than 200 feet of frontage, a maximum of one curb cut per 200 feet of frontage shall be permitted to a maximum of three, provided the Planning Board makes a finding that (a) the driveway design relative to the site characteristics and site design provides safe entrance and exit to the site and (b) no other practical alternative exists.
- i. The maximum number of curbcuts to a particular site shall be governed by the following:
 - 1) No low volume traffic generator shall have more than one two-way access onto a single roadway.
 - 2) No medium or high volume traffic generator shall have more than two two-way accesses or three accesses in total onto a single roadway.
- j. Curb cut widths and design shall conform to the following standards:
 - 1) Low volume driveways: Defined as driveways with less than 50 vehicle trips/day based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended from time to time shall:
 - a) have two-way operation;
 - b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
 - c) not require a median;
 - d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet, with a slope no greater than 8 percent except where unique site conditions permit a waiving of the slope standard to 10 percent; and
 - e) provide a geometric design suitable for the proposed vehicle use for the project.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

- 2) Median volume driveways with more than 50 vehicle trips/day but fewer than 200 peak hour vehicle trips, based on the latest edition of the Institute of Traffic Engineers' Trip Generation Report, as the same may be amended

from time to time, and generally including all land uses not in the low or high volume groups, shall:

- a) have either two-way or one-way operation;
- b) intersect the road at an angle as close to 90 degrees as site conditions permit, but at no less than 60 degrees;
- c) not require a median;
- d) slope from the gutter line on a straight slope of 3 percent or less for at least 50 feet and a slope of no more than 6 percent thereafter, with the preferred grade being a 4 1/2 percent, depending on the site; and
- e) provide a geometric design suitable for the proposed vehicle use for the project. If one-way driveways, the maximum width shall be 24 feet; if two-way, the maximum width shall be 36 feet.

NOTE: The Planning Board may vary these standards due to unique factors such as a significant level of truck traffic.

3) High volume driveways defined as driveways with more than 200 peak hour vehicle trips shall:

- a) have two-way operations separated by a raised median of 6 to 10 feet in width and a 50 to 100 feet length depending upon necessary storage length for queued vehicles;
- b) intersect with the road at an angle as close to 90 degrees as possible, but at no less than 60 degrees;
- c) be striped for 2 to 4 lanes with each lane 12 feet wide;
- d) slope from the gutter line on a straight slope of 3 percent or less for at least 75 feet and a slope of no more than 5 percent thereafter;
- e) have a "STOP" sign control and appropriate "Keep Right" and "Yield" sign controls for channelization; signalization may be required. Level of service and traffic signal warrants should be conducted for all high volume driveways; and provide a geometric design suitable for the proposed vehicle use for the project. If one-way driveways, the maximum width shall be 24 feet; if two-way, the maximum width shall be 36 feet. However, if separate left and right exit lanes are required, the maximum width may be greater.

NOTE: The Planning Board may vary these standards due to unique

factors such as a significant level of truck traffic.

Driveway	Minimum Corner Clearance (feet)	
	Intersection Signalization	Intersection Unsignalization
Low Volume <50-100 trips/day	150	50
Medium Volume >50-100 trips/day <200 trips/hour	150	50
High Volume >200 trips/hour	500	250

f) Minimum distances between driveways serving the same parcel, measured from point of tangency to point of tangency by type of driveway, should be as follows:

Driveway Type	Minimum Spacing to Adjacent Driveway by Driveway Type		
	Medium (feet)	High w/o RT (feet)	High w/RT (feet)
Medium Volume	75		
High Volume W/O RT (without right-turn channelization)	75	150	
High Volume W/RT (with right-turn channelization)	75	250	500

g) The minimum distance between driveway to property line, as measured from point of tangency, should be:

Driveway Type	Minimum Spacing to Property Line (ft.)
Low Volume	10
Medium Volume	20
High Volume (without right-turn channelization)	75
High Volume (with right-turn channelization)	75

For lots with shared access, the driveway may be located along the property line. The minimum spacing to property line may be varied if (1) the safest point of access to the site is closer to the property line and (2) there are at least 20 feet of separation between low volume driveways serving adjacent parcels, 40 feet of separation between medium volume driveways, and 150 feet of separation between high volume driveways.

- h) When the proposed development is to be located on the opposite side of an existing development, the driveway shall be directly opposite of the existing driveway or separated from the opposite driveway by a minimum of seventy-five (75) feet whenever possible.
- i) When a conversion or expansion of an existing use is proposed at a property with known traffic issues, access shall be upgraded to comply with these standards. This requirement may be waived upon a written finding that (a) the need to demolish or relocate an existing building on the site or (b) denial of full access to Route 4, 117 or 219 where full access presently exists and cannot be provided by Route 4, 117 or 219 or adjacent side street.

4. **Pedestrian and Trail Access**

The proposed development shall provide safe pedestrian access within the project parcel and interconnection with existing facilities on abutting properties including connection and/or preservation of existing snowmobile trails with easements to maintain a multi-use trail system within the Town of Turner. To preserve these opportunities, the Planning Board may require the applicants to record easements or require conditions of approval which define future access rights between properties to accomplish the goals of the Zoning Ordinance.

5. **Off-Street Parking**

- a. A use shall not be extended and no structure shall be constructed or enlarged unless sufficient off-street automobile parking space is provided. The location of parking to the side or rear of buildings is encouraged.
- b. Parking areas with more than two parking spaces on all nonresidential uses shall be arranged so that it is not necessary for vehicles to back into the street.
- c. Where the development will abut an existing or potential parking area provisions shall be made for internal vehicular connections.
- d. Required off-street parking for all land uses shall be located on the same lot as the principal building or facility. In the Village District, the Planning Board may allow the required or provided off-street parking to be located

within 300 feet measured along lines of public access. Such off-lot parking areas shall be held in fee simple by the owner of the use served or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the Selectmen before the request is considered by the Board. Evidence of fee simple ownership or approved tenure shall be required.

- e. The joint use of a parking facility by two or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
- f. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
- g. 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.
- h. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.
- i. In paved parking painted strips shall be used to delineate parking stalls. Stripes should be a minimum of 4 inches in width.
- j. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.
- k. Off-street parking spaces shall comply with the following standards:
 - 1) Except as provided below, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required by this section.
 - 2) Up to twenty (20) percent of required parking spaces may contain a rectangular area of only eight (8) feet in width by fifteen (15) feet in length. If such spaces are provided, they shall be conspicuously designated as reserved for small or compact cars only.
- l. Off-street parking spaces shall be provided to conform with the number required in the following schedule.

Activity	Minimum Required Parking
Residential with 2 or more bedrooms with 1 bedroom	2 spaces per dwelling unit 1 ½ spaces per dwelling unit
Elderly Housing	1 ½ space per dwelling unit
Tourist home, boarding, lodging house, motel, hotel, inn, bed & breakfast	1 space per room/unit rental and for each employee on the largest shift
Church	1 space per three seats based upon maximum seating capacity
Schools Primary Secondary Post-Secondary	1.5 spaces per classroom 8 spaces per classroom 1 space for each student and 1 space for each faculty and staff member
Child care facility	1 space for every 4 children facility is licensed to care for
Private clubs or lodges	1 space per every 75 sq.ft. of floor space
Theater, auditoria, public assembly	1 space per three seats based upon maximum seating capacity
Funeral homes	1 space for every 100 sq.ft. of floor space
Medical care facilities	1 space for every 3 beds and every 2 employees on the maximum working shift
Offices, banks	1 space for every 150 sq.ft. of floor space
Medical offices	1 space per employee and 5 spaces per physician
Veterinarian clinic	5 spaces/veterinarian
Retail and service businesses	1 space for every 250 sq.ft. of floor space
Barber/beauty shop	3 spaces/chair
Restaurant	1 space per 3 seats based upon maximum seating capacity
Industrial businesses	1 space/employee on maximum working shift
Warehouse, wholesale	1 space/500 sq.ft. of floor area
Flea market	3 spaces/table
Mixed use	total of individual uses
Automobile repair garages and gasoline filling stations	5 spaces for each bay or area used for repair work

Activity	Minimum Required Parking
Library, museum, art gallery	1 space for 150 sq.ft. of floor space
Commercial recreation facility	1 space for each 100 sq.ft. of floor area
Motor vehicle sales	2 spaces- 25 or less vehicles displayed 3 spaces- 26-50 vehicles displayed 4 spaces- 51-75 vehicles displayed 5 spaces- 76-100 vehicles displayed 6 spaces- 101-150 vehicles displayed 1space- for each employee in the maximum working shift

NOTES:

1. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.
2. The above are minimum standards, and additional parking spaces shall be required by the Planning Board if necessary to provide off street parking.
3. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

6. **Surface Water.** The proposed activity will not result in undue surface water pollution. In making this determination, the Board shall at least consider the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and, if necessary, their ability to adequately support waste disposal and/or any other approved licensed discharge; the slope of the land and its effect on effluent.
 - a. All stormwater improvements for any proposed site construction shall be designed to be in compliance with the most current standards of the Stormwater Management Law as administered by the Maine Department of Environmental Protection.
 - b. All proposed construction that fall below the minimum thresholds of the Stormwater Management Law shall comply with the Conservation, Erosion and Sediment Control standards outlined below.

7. **Conservation, Erosion and Sediment Control.** Erosion soil and sedimentation of water-courses and water bodies shall be minimized. The following measures shall be included, where applicable, as part of any Site Plan Review and approval.

- a. Stripping of vegetation, regrading or other development shall be done in such a way as to minimize erosion.
 - b. Development shall keep cut-fill operations to a minimum and ensure conformity with topography so as to create the least erosion potential and so as to adequately handle surface water runoff.
 - c. The disturbed area and the duration of exposure of the disturbed area shall be kept to a practical minimum.
 - d. Disturbed soils shall be stabilized as quickly as practical.
 - e. Temporary vegetation or mulching shall be used to protect exposed critical areas during development.
 - f. The permanent (final) vegetation and mechanical erosion control measure shall be installed as soon as practical on the site.
 - g. Until the disturbed area is stabilized, sediment in the runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other acceptable methods.
 - h. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the developer causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his or her expense as quickly as possible.
 - i. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.
 - j. The standards set forth in the Maine Erosion and Sediment Control Handbook for Construction, Best Management Practices (March 1991 and as amended) shall be employed.
 - k. The most current standards set forth in the Stormwater Management Law administered by the Maine Department of Environmental Protection shall be employed.
8. **Phosphorous Export.** Projects proposed within the direct watershed of a lake or pond listed below shall be designed to limit phosphorus runoff to the levels defined below. The Board shall keep an accurate record of permits issued by watershed using an appropriate record keeping system, and shall review actual development rates and recommend adjustments to the table at five year intervals, subject to a reasonable appropriation by the Town to conduct such a reassessment, or the availability of adequate State or regional grant programs or

technical assistance programs. Adjustments shall be made by amendment of this ordinance and the town's comprehensive plan.

	Lake Protection Level	Phosphorus Loads	Allowable Phosphorus Export Per Acre (pounds)
Bear Pond	High	2.31	0.035
Blacksnake Pond	High	0.13	0.024
Crystal Pond	High	3.04	0.035
Lake Auburn	High	3.74	0.082
Lard Pond	High	0.85	0.034
Lily Pond	High	2.16	0.039
Little Wilson Pond	High	7.27	0.031
Mud Pond ⁽¹⁾	High	8.11	0.025
Mud Pond ⁽²⁾	High	0.39	0.037
Mud Pond ⁽³⁾	High	0.39	0.042
Pleasant Pond	High	8.48	0.045
Round Pond	High	0.35	0.038
Sandy Bottom Pond	High	0.74	0.037
The Basin	High	0.13	0.020

- (1) North of Little Wilson Pond
- (2) Mud Pond in Buckfield
- (3) North of Sandy Bottom Pond

- a. Phosphorus export from a proposed development shall be calculated according to the procedures defined in "Phosphorus Control in Lake Watersheds: A Technical Guide for Evaluating New Development" (Maine DEP et.al., September 1989 with revision in 1992 and as may be amended). Upon request, copies of all worksheets and calculations shall be made available to the Planning Board.
- b. Phosphorus control measures shall meet the design criteria contained in "Phosphorus Control in Lake Watersheds: A Technical Guide for Reviewing Development" (Maine DEP et al., September 1989 with revisions in 1992 or as may be amended). The Planning Board shall require the reasonable use of vegetative buffers, limits on clearing, and minimizing road lengths, and shall encourage the use of other non-structural measures prior to allowing the use of high-maintenance structural measures such as infiltration systems and wet ponds.

9. **Site Conditions**

- a. During construction, the site shall be maintained and left each day in a safe and sanitary manner. Site area shall be regularly sprayed with an environmentally safe product to control dust from construction activity.
- b. Developed areas shall be cleared of all stumps, litter, rubbish, brush, weeds, dead and dying trees, roots and debris, and excess or scrap building materials shall be removed or destroyed immediately upon the request and to the satisfaction of the Code Enforcement Officer prior to issuing an occupancy permit.
- c. Changes in elevation. No significant change shall be made in the elevation or contour of any lot or site by the removal of earth to another lot or site other than as shown on an approved Site Review Plan. Any non-permitted removal of greater than 1,000 cu.yds. in a 12-month period must be approved by the Code Enforcement Officer or Planning Board according to **Section 3.G.**

10. **Signs:** All signs shall comply with standards set forth within this Ordinance.

11. **Special Features.** Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures, shall be subject to such setbacks, plantings or other screening methods as shall reasonably be required to prevent their being incompatible with the existing or contemplated environment and the surrounding properties.

12. **Exterior Lighting.** All exterior lighting shall be designed to encourage energy efficiency, to ensure safe movement of people and vehicles, and to minimize adverse impact on neighboring properties and public ways. Adverse impact is to be judged in terms of hazards to people and vehicle traffic and potential damage to the value of adjacent properties. Lighting shall be arranged to minimize glare and reflection on adjacent properties and the traveling public.

13. **Emergency Vehicle Access.** Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to all buildings and structures.
14. **Municipal Services.** The development will not have an unreasonable adverse impact on the municipal services including municipal roads systems, fire protection, police department, emergency medical unit, solid waste disposal, schools, open spaces, recreational programs and facilities and other municipal services and facilities. The Planning Board shall consider the input from the Town's Department Heads and Superintendent of Schools in making a determination of an unreasonable adverse impact. If the Board makes a finding of unreasonable adverse impacts, the Planning Board, as a condition of approval, may require the applicant to make or pay for required upgraded municipal services necessitated by the development.
15. **Water Supply.** The development has sufficient water available for the intended use. When the location of the water supply source will be a public water supply as defined in Title 22 M. M.R.S.A. Section 2601, its location shall not restrict the location of a subsurface sewage disposal system on adjacent parcels. If subsurface sewage disposal will be restricted, the applicant shall obtain an easement.
16. **Ground Water.** The proposed development shall not result in undue affect of the quality or quantity of ground water. In making this determination, the Board shall consider the location of aquifers and aquifer recharge areas, the nature of the proposed development and its potential threat to ground water resources. The Board may place conditions upon an application to minimize potential impacts to the Town's ground water resources.
 - a. The development will not result in the existing ground water quality becoming inferior to the physical, biological, chemical, and radiological levels for raw and untreated drinking water supply sources specified in the Maine State Drinking Water Regulations, pursuant to 22 M.R.S.A., Section 601. If the existing ground water quality is inferior to the State Drinking Water Regulations, the development will not degrade the water quality any further.
 - b. For above ground tanks used for storage of fuels, hazardous substances, chemicals, industrial wastes and flammable or combustible liquids or other potentially harmful raw materials, an impermeable diked area shall be provided; the diked area must be sized to contain 110 percent of the volume of the largest tank; roofed to prevent accumulation of rainwater in the diked area and shall be property vented. There shall be no drains in the facility. All concrete, whether walls or pads, shall be reinforced concrete and shall be designed by a Professional Engineer Registered in the State of Maine when required by the Planning Board.

- c. All above or below ground storage tank(s) used for the storage of fuels, hazardous substances, chemicals, industrial wastes and flammable or combustible liquids shall be designed and installed in accordance with all applicable rules or standards set by the State of Maine, Maine State Fire Marshal's Office or the Maine Department of Environmental Protection.
17. **Air Emissions.** No emission of dust, ash, smoke or other particulate matter or gases and chemicals shall be allowed which can cause damage to human or animal health, vegetation or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fail to meet or cannot meet the standards set by the Maine Department of Environmental Protection.
 18. **Odor Control.** The proposed development shall not produce offensive or harmful odors perceptible beyond their lot lines either at ground or habitable elevation. For the purpose of this subsection, when land of the applicant is divided by a public way, the lot line shall not be considered to be the edge of the right-of-way.
 19. **Noise.** The proposed development shall not raise noise levels to the extent that abutting or nearby residents are adversely affected.
 - a. 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 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)

	7 a.m.10 p.m.	10 p.m.-7 a.m.
Residential	55	45
Commercial	65	55
Industrial	70	60

- b. 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 81 4-1961) "American Standard Specification for General Purpose Sound Level Meters."
- c. The following uses and activities shall be exempt from the sound pressure level regulations:
 1. Noises created by construction and temporary maintenance activities between 6:30 a.m. and 8:00 p.m.

2. The noises of safety signals, warning devices and emergency reassurance relief valves and any other emergency activity.
 3. Traffic noise on public roads.
20. **Sewage Disposal.** The development shall provide for a suitable sewage disposal.
 - a. All individual on-site systems will be designed by a licensed soil evaluator in full compliance with the Maine Subsurface Wastewater Disposal Rules.
 - b. The Planning Board may require an analysis and evaluation including nitrate-nitrogen concentrations of the impacts of the subsurface sewage disposal system on ground water. The Planning Board shall base its determination for the need for an analysis and evaluation on density, designed flows and nature of wastewater.
21. **Waste Disposal.** The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.
 - a. All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.
 - b. All hazardous waste will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility shall be submitted.
22. **Buffer Areas.** No industrial or commercial buildings or uses shall be established in, or adjacent to, a residential use, or an existing agricultural use unless a landscaped buffer strip is provided to create a visual screen between the uses. Where no natural vegetation can be maintained or due to varying site conditions, the landscaping screen may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, vehicle parking, mineral extraction, waste collection and disposal areas. Where a potential safety hazard to small children would exist, physical screening or barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to insure continuous year-round screening.
23. The applicant has adequate financial and technical capacity to meet these standards.
24. The proposed activity is in conformance with the comprehensive plan.
25. Prior to issuance of a Building Permit by the Code Enforcement Officer of any project which has received Site Plan Review approval, the applicant shall

provide proof to the Code Enforcement Officer that all necessary permits required by the Natural Resource Protection Act, Site Location of Development Act and Section 404 of the Federal Water Pollution Control Act have been obtained. Such proof of permits shall be placed in the Planning Board application record.

F. Specific Standards

1. Sand and Gravel Pits
 - a. Any gravel pit which requires a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall obtain written approval from the Department of Environmental Protection and approval by the Planning Board under the Site Plan Review procedures of this Ordinance. In addition to the submissions requirements contained in Section 5.D., the application and development plan shall include items 1-15 in Section 5.F. I.e. below.
 - b. Any gravel pit or mineral extraction activity which will remove more than 5,000 cubic yards of product in 12 successive months or which does not require a permit from the Maine Department of Environmental Protection under the Site Location of Development Act shall require a permit from the Planning Board. In addition to the submissions requirements contained in Section 5.D., the application and development plan shall include items 1-12 in Section 51.1.c. below.
 - c. Submission Requirements
 1. The existing and proposed limits of excavation clearly delineated.
 2. Location, function and ground area of all structures, facilities, parking lots, roads, and mud runoff areas.
 3. Entrance and exit layout.
 4. Gates or other means for controlling access.
 5. Pre- and post-development topography using an interval of ten foot contours for pits of less than five (5) acres and no greater than 10 foot contours for pits of five (5) acres or more if deemed necessary by the Planning Board.
 6. Location of topsoil stockpile areas.
 7. Areas where natural vegetation will be left and where plantings will be made to screen the operation from view.
 8. Slopes and vegetation for protecting adjacent structures.

9. Location of any test pits or borings and observation wells documenting the seasonal high water table.
10. Proposed disposal method of stumps and grubbings.
11. Plans and schedule for reclamation.
12. A spill preventing countermeasure plan to control spills of petroleum products and other hazardous materials.
13. The phases of excavation and reclamation.
14. Surface drainage and watersheds on parcel, pre- and post-excavation.
15. For pits of five (5) acres or more, at least one cross section along the long axis of the pit and another cross section at a right angle to it. The cross section diagrams should show the existing grade, the proposed final grade including maximum depth of elevation, depth to ground water and the stratigraphy of the surficial deposits at the site.

c. Review Criteria and Standards

1. A buffer strip of not less than 50 feet shall be maintained between the location of any extraction of materials and all property lines. This buffer strip may be reduced to 25 feet with written consent from abutting property owners. The Planning Board may reduce the front setback to twenty five feet from the right-of-way of a public road, if in the opinion of the Planning Board, suitable buffers and fencing are provided.
2. Buffers may be eliminated between abutting properties containing pits provided the Planning Board is shown proof of written permission of the abutting pit owners.
3. All petroleum products shall be kept out of the pit and no refueling or oil changes shall be conducted in the pit unless such activities comply with applicable standards promulgated by the Maine Department of Environmental Protection and a spill prevention and countermeasure plan is provided.
4. There shall be no storage or dumping on the pit of any substances that could produce harmful leachate unless such substances are placed under cover and on impermeable, spill-proof base. Such potentially deleterious substances include, but are not limited to salt, rubbish, creosoted timber and petroleum products.
5. No oiling of access and haul roads is permitted.

6. No gravel shall be excavated below a position that is 2 feet above the seasonally high water table without approval of the Maine Department of Environmental Protection and the Planning Board.
7. No ditches, trenches, pumping or other methods shall be used to lower the water table to permit more gravel extraction than could occur under natural conditions unless a plan for such activities has been approved by the Maine Department of Environmental Protection and the Planning Board.
8. Access to the pit shall be strictly controlled.
9. All final reclaimed slopes shall not exceed a horizontal to vertical ratio of 2:1.
10. Reclamation of the pit shall not be made with any substance that could either have a harmful leachate or create an impermeable base.
11. Stumps and grubblings shall be disposed of in a manner approved by the Planning Board and in conformance with all applicable State of Maine regulations.
12. Suitable traffic control measures shall be made available by the operator at all access points to public streets. Truck routes shall be restricted to collector and arterial streets. When direct access is not possible to a collector or arterial street, the Planning Board shall designate a suitable route to such a street.
13. Upon cessation of the extraction of materials or upon the expiration of the Planning Board approval, the site shall be rehabilitated in accordance with a plan approved by the Board.
14. No part of any extraction operation including drainage and runoff control features shall be permitted within one hundred (100) feet of the normal high-water line of a great pond classified GPA, and within seventy-five (75) feet of the normal highwater line of any other water body, tributary stream, or the upland edge of a wetland as defined.

2. Ground Water Protection

- a. In addition to the standards contained in Section 5. E. 16., the following standards shall be utilized by the Planning Board for reviewing development applications located on a mapped sand and gravel aquifer.
- b. The boundaries of sand and gravel aquifers shall be as delineated on the Sand and Gravel Aquifer Map prepared by the Maine Geological Survey

labeled Map 16 and identified as Open-File Report No. 85-82d, Plate 3 of 5.

- c. When the boundaries of the sand and gravel aquifer are disputed due to lack of sufficient detail on available maps, the applicant or agent may submit hydro geologic evidence prepared by a geologist certified in the State of Maine which identifies actual field locations of the aquifer boundaries within the project area. The Planning Board may require actual field identification if they believe the Maine Geological Survey Maps are incorrect.
- d. Hydrogeologic Study. Based on the size, location, surrounding uses or other characteristics of the proposed use or site to determine compliance with the requirements of this section and the water quality criteria of the Site Plan Review, the Planning Board may require submittal by the applicant of a hydro geologic impact study. The impact study shall be prepared by a State of Maine Certified Geologist with experience in hydro geology. The study shall contain the following components unless waived by a specific vote of the Board.
 1. A map showing: (1) soil types; (2) surficial geology on the property; (3) the recommended sites for individual subsurface waste water disposal systems and wells in the development; and (4) direction of ground water flow. (The Planning Board expects the detail of this study to vary with the intensity of the development.)
 2. The relationship of surface drainage conditions to ground water conditions.
 3. Documentation of existing ground water quality for the site.
 4. A nitrate nitrogen analysis or other contaminant analysis as applicable including calculation of levels of the property line(s) and well(s) on the property.
 5. A statement indicating the potential sources of contamination to ground water from the proposed use and recommendations on the best technologies to reduce the risks.
 6. For water intensive uses, analysis of the effects of aquifer drawdown on the quantity and quality of water available for other water supplies or potential water supplies.
 7. The Planning Board may require installation and regular sampling of water quality monitoring wells for any use or proposed use deemed to be a significant actual or potential source of pollutants or excessive drawdown. The number, location and depth of monitoring wells shall be determined as part of the hydro geologic study, and

wells shall be installed and sampled in accordance with "Guidelines for Monitoring Well Installation and Sampling" (Tolman, Maine Geologic Survey, 1983). Water quality sample results from monitoring wells shall be submitted to the Code Enforcement Officer with evidence showing that contaminant concentrations meet the performance standard for pollution levels.

8. A list of assumptions made to produce the required information.
- d. Conditions/Standards

In addition to the standards contained in Section 5.D. 16, the following standards shall be met:

1. No use including home occupations shall dispose of other than normal domestic waste water on-site without approval of the permit granting authority. Disposal of waste water shall be in strict compliance with the Maine Subsurface Wastewater Disposal Rules and other relevant State and local laws, rules and ordinances.
2. Indoor use or storage facilities where hazardous materials, wastes or other liquids with the potential to threatened ground water quality are used or stored shall be provided with containment which is impervious to the material being stored and have the capacity to contain 10 percent of total volume of the containers, or 110 percent of the volume of the largest container, whichever is larger.
3. Petroleum and Other Hazardous Material or Waste Transfer. A Spill Control and Countermeasure Plan shall be submitted and approved by the Planning Board.
4. In those areas identified as sand and gravel aquifers as defined in Section 5.F.2.b. The following land uses are prohibited unless the Planning Board finds that no discharges will occur such that water quality at the property line will fall below State Drinking Water Standards and all provisions of this ordinance are met.

dry cleaners
photo processors
printers
auto washes
Laundromats
meat packers/slaughter houses
salt piles/sand-salt piles
wood preservers
leather and leather products
electrical equipment manufacturers

plastic/fiberglass fabricating
chemical reclamation facilities
industrial waste disposal/impoundment areas
landfills/dumps/transfer stations
junk and salvage yards
graveyards
chemical manufacturing
pesticide/herbicide stores
metal platers
concrete/asphalt/tar/coal companies

3. Motor Vehicle Sales

Except where so indicated, motor vehicle sales shall be subject to and comply with the following standards in addition to all applicable standards contained in Sections 5.B and 5.E.

- a. All new or expanding motor vehicle sales businesses shall provide for buffering along roadways and abutting residential boundary lines. All areas within a buffer not covered by trees and shrubs shall be planted with grass or other suitable ground cover.
- b. Parking for outdoor motor vehicle display, required customer and employee parking shall be designated on the site plan.
- c. The entire motor vehicle display area and off street parking area shall be paved and a perimeter curb or barrier provided to prevent encroachment of the vehicle for sale into the required setback and landscape areas.
- d. There shall be a minimum area of 10 feet x 20 feet designated for each motor vehicle to be displayed outdoors. The 10 foot x 20 foot designated display area shall not include parking areas for employees and customers, entrances, exits, aisles, or unloading and loading areas. The Planning Board may vary the size of the designated display area if sales will be primarily larger vehicles.
- e. Adequate employee and customer parking must be provided in off street parking spaces in accordance with Section 5.E.5.m. The employee and customer parking shall be clearly designated and shall not be used for parking, storage or display of motor vehicles for sale, rent, or hire.
- f. The project site shall be designed so all loading and unloading of motor vehicles from vehicle carriers are on-site.
- g. The lot must contain a permanent building, containing a foundation and meeting applicable Building Code Standards.
- h. There shall be no outdoor storage of part vehicles and vehicle parts.
- i. Vehicles and equipment must be in operational condition.

- j. Any legally established motor vehicle sales business that is in compliance with this section shall be allowed to expand on its current site and/or extend the use onto a contiguous parcel of land and shall be required to comply with section d above in regards to the display area requirement added only. This provision is not applicable to the pre-existing portion of the sales lot.
- k. Any legally established motor vehicle sales business that is not in compliance with this section shall be allowed to expand on its current site and/or extend the use onto a contiguous parcel of land and shall be required to comply with sections a- i above. This provision is not applicable to the pre-existing portion of the sales lot.

4. Medical Marijuana Establishments

In addition to the review standards contained in Section E, General Review Standards, Medical Marijuana Establishments shall be subject to the following provision.

- a. **Authority.** This section is enacted pursuant to authority granted under 30-A M.R.S. § 3001 and under 22 M.R.S. § 2423-A(14) and 22 M.R.S. § 2429-D. The Town of Turner having approved a warrant article adopting new, and amending its existing, ordinances allowing registered caregiver retail stores, marijuana testing facilities and manufacturing facilities to operate within the municipality.
- b. **Purpose.** The purpose of this section is to provide procedures and standards relating to the operation of medical marijuana establishments and to require their annual licensing.
- c. **Registered Dispensaries.** The Town has intentionally omitted any regulation relating to Registered Dispensaries because the Town has not adopted or amended an ordinance or approved a warrant article allowing registered dispensaries to operate within the municipality.
- d. **Site Plan Review and License Required.** No person shall operate a medical marijuana establishment, nor shall any property owner permit the use of his or her premises to be operated as a medical marijuana establishment, without completing a site plan review, and receiving approval from the Planning Board. Additionally, the Applicant must obtain a license from the Board of Selectmen prior to commencing operations pursuant to the Medical Marijuana Establishment License for Registered Caregivers Ordinance.
- e. **Location of Medical Marijuana Establishments.** Medical Marijuana Establishments may be located in zoning districts pursuant to Section 3(H) of this Ordinance.
 - i. In addition to the zoning district restrictions, Medical Marijuana Establishments shall not be located within five-hundred (500) feet of an existing public or private school, certified family child care provider facility, park, playground, and/or church, as measured from the Medical Marijuana Establishments' actual structure or controlled area to the property line of the existing public or private school, certified family child care provider facility, park, playground, and/or church.

- f. **Additional Site Plan Review Documentation.** In addition to an applicant's site plan review application, an applicant for a Medical marijuana establishment shall provide the Planning Board, with the following supporting materials:
- i. A statement as to the precise nature of the business with a description of the nature of all products and services offered to its customers.
 - ii. A description of the premises for which the approval is sought, including a plan of the premises and a list of all equipment, parts and inventory used in the operation of the medical marijuana establishment.
 - iii. Evidence of an interest in the premises in which the medical marijuana establishment will be located, together with the written consent of the owner of the premises for such use, if the applicant is not the owner.
 - iv. Evidence of all land use approvals or conditional land use approvals required to operate the medical marijuana establishment, or applications that have been filed and are pending for the required approvals, such as, conditional or special use approval, change of use permits or approvals, approvals may be applied for as part of the site plan review.
 - v. An operator of a Medical Marijuana Establishment shall prepare an Operations Manual and Safety Plan and be submitted with the application. The Operations Manual and Safety Plan shall describe, at a minimum, production and building security, hours of operation, provisions and maintenance of ventilation and odor control, storage and use of hazardous materials, including but not limited to, chemicals and gases, waste management, and contamination protocols. The Operations Manual and Safety Plan shall be maintained at the facility and the Town of Turner Fire and Rescue Departments.
- g. **Operating Requirements.** In addition to normal site plan review requirements, the applicant shall demonstrate to the Planning Board that the applicant has the knowledge, skill, and ability to comply with the following operation requirements.
- i. **Fixed location.** The premises shall be fixed, permanent locations. Applicant shall not operate the Medical marijuana establishments in other than the permitted premises, such as at farmer's markets, farm stands or kiosks.
 - ii. **Security.**
 1. A Medical marijuana establishment shall have lockable doors and windows and shall be served by an alarm system.
 2. Additional security requirements for Registered caregiver retail store, Marijuana Manufacturing facility, and Marijuana testing facility.

- (a) A Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have video surveillance capable of covering the exterior and interior of the facility. The video surveillance system shall be operated with continuous recording twenty-four hours per day, seven days per week and video shall be retained for a minimum duration of thirty (30) days. Such records shall be made available to law enforcement agencies when investigating a criminal complaint.
- (b) A Registered caregiver retail store, Marijuana Manufacturing facility, or Marijuana testing facility shall have exterior spot lights with motion sensors covering the full perimeter of the building(s), subject to other ordinances and the Planning Board's discretion.

i. ***Ventilation.***

- 1. A Medical marijuana establishment shall comply with all odor and air pollution standards established by statute or ordinance, or as a condition of approval by the Planning Board.
- 2. A Medical marijuana establishment shall have an odor mitigation system installed that has been approved by a Maine licensed engineer, indicating that the system will provide odor control sufficient to ensure that no odors are perceptible off the premises.

ii. ***Waste disposal.*** A Medical marijuana establishment shall not dispose of waste and/or residue from the growth, cultivation, processing, and storage of medical marijuana in an unsecured waste receptacle not in its possession and control.

iii. ***Loitering.*** The Medical marijuana establishment's owner/operator shall make adequate provisions to prevent patrons or other persons from loitering on the premises. It shall be the permit holder's obligation to ensure that anyone found to be loitering or using marijuana or marijuana products in the parking lot or other outdoor areas of a permitted premises is ordered to leave.

iv. ***Compliance with requirements of state and local law.*** A medical marijuana establishment shall meet all operating and other requirements of state and local law. To the extent the state has adopted or adopts in the future any law or regulation governing medical marijuana establishments that conflicts in any way with the provisions of this ordinance, the more restrictive shall control.

G. Waivers

Any requests for waivers from submission requirements and/or review standards shall be in writing. Waiver requests shall indicate the requirements requested to be waived and shall indicate what special circumstances exist that the required improvements or standards are not necessary to provide for the public health, safety, or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development.

Where the Board finds, based on written justification by the applicant, and makes written findings of fact that due to extraordinary and unnecessary hardships that may result from strict compliance of this Ordinance, or where there are special circumstances of a particular application, certain required improvements or review standards are not necessary to provide for public health, safety or welfare, or are inappropriate because of inadequate or lacking connecting facilities adjacent to or in proximity of the proposed development, it may waive this requirement, subject to appropriate conditions provided that the performance standards of this ordinance have been or will be met. Waivers may not be granted if the waiver will have the effect of nullifying the intent and purpose of the Comprehensive Plan, this Ordinance, or any other ordinance or law, or if this ordinance expressly does not allow a waiver from the requirement a waiver is sought. In granting waivers, the Planning Board shall require such conditions as will assure the purpose of this ordinance is met.

H. Performance Guarantees

1. Types of Guarantees: With submittal of the application for a street approval, the applicant shall indicate one of the following performance guarantees that will be provided for an amount adequate to cover the total construction costs taking into account the time-span of the construction schedule and the inflation rate for construction costs.
 - a. Either a certified check payable to the 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;
 - c. An irrevocable letter of credit from a financial institution establishing funding for the construction from which the Town may draw if construction is inadequate approved by the Municipal Officers; or
 - d. An offer of conditional agreement.

The conditions and amount of performance guarantee shall be determined by the Board with the advice of the Town Engineer, Road Commissioner and Municipal Officers.

2. Contents of Guarantee: The performance guarantee shall contain a construction schedule, cost estimates for each major phase of construction taking into account inflation, provisions for inspections of each phase of construction, provisions for the release of part or all of the performance guarantee to the developer, and a date after which the developer will be in default, and the Town shall have access to the funds to finish construction.
3. Escrow Account: A cash distribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, the direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the applicant, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the applicant except for any portion of the interest earned which was needed in addition to the principal of the escrow account to pay for completion of the required improvements.
4. Performance Bond: A performance bond shall detail the conditions of the bond, the method for release of the bond or portions of the bond to the applicant, and the procedures for collection by the municipality. The bond documents shall specifically reference the project for which approval is sought.
5. Letter of Credit: An irrevocable letter of credit from a bank or other lending institution shall indicate that funds have been set aside for the construction of the street and may not be used for any other project or loan.
6. Conditional Agreement. The Board, at its discretion may permit 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 application on the condition that building permits be issued until either:
 - a. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance 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 recorded by the applicant subdivider at the Registry of Deeds. Release from the agreement shall follow

the procedures for release of the performance guarantees contained in Section 7. Proof of recording shall be provided by the applicant to the Board.

7. **Release of Guarantee:** Prior to the release of any part of the performance guarantee, the Board shall determine to its satisfaction that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.
8. **Default:** If, upon inspection, it is found that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, the Code Enforcement Officer shall so report in writing to the Municipal Officers, the Board, and the applicant or builder. The Municipal Officers shall take any steps necessary to preserve the Town's rights.

SECTION 6. Administration, Enforcement and Penalties

A. Administering Bodies and Agents

1. Code Enforcement Officer
 - a. **Appointment.** A Code Enforcement Officer shall be appointed or reappointed annually by July 1st by the Municipal Officers.
 - b. **Powers and Duties.** The Code Enforcement Officer shall have the following powers and duties:
 1. Enforce the provisions of this Ordinance.
 2. Act upon permit application that the Code Enforcement Officer is authorized to approve, refer permits requiring Site Plan Review approval to the Planning Board, and refer requests for variances and administrative appeals to the Board of Appeals.
 3. Enter any property at reasonable hours with the consent of the property owner, occupant or agent, to inspect the property or structure for compliance with the laws or ordinances set forth in this section.
 4. Investigate complaints and reported violations.
 5. Keep written inspection reports and thorough records.
 6. Issue violation notices.
 7. Participate in appeals procedures.
 8. Appear in court when necessary.
 9. Confer with citizens in the administration and enforcement of this Ordinance.
2. **Planning Board.** The municipal Planning Board shall be responsible for reviewing and acting upon applications for Site Plan Review approval and as may be required by other provisions of this Ordinance. Following site plan review approval, applicants shall return to the Code Enforcement Officer for a building permit.
3. **Board of Appeals.** A Board of Appeals shall be created in accordance with the provisions of Title 30-A M.R.S.A. Section 2691.

B. Permits Required

1. After the effective date of this Ordinance, no person shall engage in any activity or use of land requiring a permit in the district in which such activity or use would occur without first obtaining a permit. Notwithstanding the issuance of a permit or permits, no person shall engage in any activity or use of land in violation of this or any other ordinance of the Town of Turner. A person who is issued a permit pursuant to this Ordinance in the Shoreland Area shall have a copy of the permit on site while work authorized by the permit is performed.

2. Applications for permits shall be submitted in writing. The Code Enforcement Officer or Planning Board may require the submission of information which is necessary to determine conformance with the provisions of this Ordinance.
3. All building permits for permitted uses shall be obtained from the Code Enforcement Officer.
4. No building permit shall be issued for any structure or use involving the construction, installation or alteration of plumbing facilities unless a plumbing permit for such facilities has first been secured by the applicant or his authorized agent, according to the requirements of this Ordinance.
5. Permits shall not be denied if the proposed use is found to be in conformance with the provisions of this Ordinance. All permits shall either be approved or denied within 60 days of receipt of a completed application, including all information required except as otherwise provided in this Ordinance.
6. Except for the Shoreland Area, all permits and approvals issued by the Planning Board or Code Enforcement Officer shall expire if a start to construction of the building or structure, or commencement of the use is not begun within two (2) years after the date on which the permit or approval was issued except as may be provided for in other sections. Upon good cause shown, the person or board issuing the original permit or approval may extend its effectiveness for an additional six months. Any permits issued prior to July 1, 1992, will have one year from the effective date of this Ordinance in which to commence building or use. After the expiration of the time periods set forth above, permits shall lapse and become void.

In the Shoreland Area, 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.

7. In addition to the standards contained elsewhere in the Ordinance, the Planning Board shall consider the following in the Shoreland Area as defined.
 - 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 disposal of all wastewater,
 - d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat;
 - e. Will conserve shore cover and visual, as well as actual, points of access to inland waters;
 - f. Will protect archaeological and historic resources as designated in the comprehensive plan;
 - g. Will avoid problems associated with flood plain development and use.
8. **Inspections.** The Planning Board or Code Enforcement Officer may require the applicant to pay for professional oversight or inspections during construction of site or building improvements proposed under this ordinance. If required, at least five (5) days prior to commencing construction, the applicant shall:

- a. Notify the Code Enforcement Officer in writing of the time when (s)he proposes to commence construction so that the municipal officers can arrange for inspection to be made. The inspecting official shall assure that all municipal specifications, requirements and conditions of approval shall be met during the construction and shall assure the satisfactory completions of improvements required by the Planning Board or Code Enforcement Officer.
 - b. Deposit with the municipal officers a check for the amount of 2% of the estimated costs of construction and improvements to pay for the costs of inspection. If upon satisfactory completion of construction and cleanup there are funds remaining, the surplus funds shall be refunded to the applicant within 30 days. If the inspection account shall be drawn down by 90%, the applicant shall deposit an additional 1% of the estimated costs of construction and improvements.
9. **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 Area 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.

C. Fees

All applications for a permit, appeal, variance, Site Plan Review or petition for an ordinance text or map amendment shall be accompanied by the following fee: The Selectmen, upon recommendation of the Planning Board, shall have the authority to revise the fee schedule after holding a public hearing.

1. Permits issued by Code Enforcement Officer: not requiring a building permit: \$25.00. No fee is required for a permit for Timber Harvesting in the Resource Protection District.
2. Site Plan Review: An application for site plan approval shall be accompanied by a fee of \$50.00 plus \$10.00 per 1,000 sq.ft. or portion thereof of gross floor area. For mining operations and outdoor based uses such as but not limited to parking, storage areas, cemeteries, golf course, sludge spreading, (not associated with production agriculture), septic disposal sites, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be a fee of \$150.00. This application fee shall be paid by check payable to the Town of Turner, Maine. This fee shall not be refundable.

There shall be an additional payment of \$150.00 per 2,000 sq.ft. or portion thereof of gross floor area, parking and storage area. For mining operations and outdoor based uses such as but not limited to cemeteries, golf courses, sludge spreading, (not associated with production agriculture), septage disposal sites, recreation areas and campgrounds and for structures without floor areas such as communication towers, there shall be an additional payment of \$500.00. This portion of the application fee shall be known as the Planning Board Review Escrow Account. The initial payment into the Planning Board Review Escrow Account shall in no case exceed \$3,000.00. The monies shall be made by check payable to the Town of Turner, Maine. These funds or portion thereof may, from time to time, be used by the Town, at the request of the Planning Board, for purposes to be determined by the Planning Board in order to

make payments for reasonable costs, expenses and services incurred by, or contracted for by the Town through the Planning Board at its discretion which relates directly to the review of the Site Plan Review Application. Such services may include, but need not be limited to, consulting engineering fees, architectural fees, land use planner fees and attorney fees. All such fees must relate to the review of the application pursuant to the review criteria of the Town of Turner Ordinances and the laws of the State of Maine. If the balance in the applicant's portion of the Planning Board Review Escrow Account shall be drawn down by 75 percent, the Planning Board shall require that an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited. The Planning Board shall continue to notify and require an additional 50 percent of the original Planning Board Review Escrow Account Fee be deposited as necessary whenever the balance of the account is drawn down by 75 percent of the original deposit. The Town, at the request of the Planning Board shall refund all the remaining monies in the account upon payment of all costs and services related to the Planning Board review. Such payment of remaining monies shall be made no later than thirty (30) days after the approval of the application, denial of application, or approval with condition of the application. Such refund shall be accompanied by a final accounting of expenditures from the fund. The monies in such fund shall not be used by the Planning Board for any enforcement purposes.

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| 3. | Permits except Site Plan Review Issued by the Planning Board: | \$25.00 |
| 4. | Administrative Appeal: | \$75.00 |
| 5. | Variance Appeal: | \$75.00 |
| 6. | Signs | |
| | a. Permanent Signs | \$25.00
plus \$0.25 per square foot of area |
| | b. Temporary Signs | No fee |
| 7. | Zoning Ordinance Text and/or Map Amendments | \$100.00 |
| 8. | Site Plan Review Amendment for projects approved but not constructed or changes to the approved application where there will be no increase in project size. | \$25.00
+ \$200.00 for Planner review |
| 9. | Site Plan Review Amendment for projects approved but not constructed where there will be an increase in the project size. All fees required above for the areas to be increased in size. | |
| 10. | A change in use that involves no enlargement of structures, addition of parking area and/or outdoor storage when the new use is subject to Site Plan Review. | \$100.00
+\$200.00 of Planner Review |

D. Procedure for Administering Non-Site Plan Review Permits

Within 30 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 3. H., 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 or deny all permit applications in writing within 60 days of receiving a completed application. However, if the Planning Board has a waiting list of applications such approval or denial shall occur within 60 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 30 days of the public hearing, if one is held. Permits shall be approved if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. Permits may be made subject to reasonable conditions to insure conformity with the purposes and provisions of this Ordinance, and the permittee shall comply with such conditions. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local ordinance or regulation or any State law which the municipality is responsible for enforcing.

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

E. Enforcement

1. Enforcement Procedure

- 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 is being violated, he or she may notify in writing the person responsible for such violation indicating the nature of the violation and ordering the action necessary to correct it which may without limitation include 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. The failure of the CEO to follow the notice procedure set forth in this subsection shall not prevent the Municipal Officers from taking legal action to enforce this ordinance and to pursue all available legal remedies, including without limitation, injunctive relief, fines and attorneys fees.
- b. 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..

2. **Consent Agreements:** 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 collecting fines without court action.

3. **Legal Actions:** When the above action does not result in the complete 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.
4. **Fines:** Any person, including but not limited to a landowner, a landowners agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30-A M.R.S.A. Section 4452. Each day the violation exists shall be considered a separate violation.

SECTION 7. Appeals

A. Establishment

A Board of Appeals is hereby created in accordance with the provisions of Title 30-A, M.R.S.A. Section 2691. The Board of Appeals shall keep minutes of its proceedings, recording the vote of each member on all matters coming before the Board. The minutes of the Board, and all correspondence, shall be a public record. Three members of the Board shall constitute a quorum for conducting a meeting and taking action.

B. Powers and Duties

1. **Administrative Appeals:** To hear and decide administrative appeals, on an appellate basis, where it is alleged 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, provided the Board of Appeals shall have no jurisdiction to review the merits of an approval or denial by the Planning Board nor to consider the imposition of conditions of approval or the failure to impose one or more conditions 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.

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.

2. **Variance Appeals:** To authorize variances upon appeal within the limitations set forth in this Ordinance.
 - a. Dimensional variances may be granted only from dimensional requirements including but not limited to frontage (including shore frontage), lot area, lot

width, height, percent of lot coverage, impervious surfaces and setback requirements.

- b. Variances shall not be granted for establishment of any use.
- c. The Board shall not grant a variance unless it finds that:
 - 1) The proposed structure or use would meet the performance standards of this Ordinance except for the specific provision which has created the nonconformity and from which relief is sought; and
 - 2) The applicant has proved to the Board that strict application of the terms of this Ordinance would result in undue hardship.

To prove "undue hardship" the applicant must prove all of the following:

- i) That the land in question cannot Yield a reasonable return unless a variance is granted;
 - ii) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
 - iii) That the granting of a variance will not alter the essential character of the locality; and
 - iv) That the hardship is not the result of action taken by the applicant or a prior owner.
- d. Notwithstanding section 7.B.2.c above the Code Enforcement Officer may grant a variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who is living in the dwelling or regularly uses the dwelling. The Code Enforcement Officer 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 Code Enforcement officer may impose conditions on the variance including without limitation 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 ramps and associated railings, wall or roof systems necessary for the safety or effectiveness of the ramps.

- e. Notwithstanding section 7.B.2.c above the Board of Appeals may grant a variance to an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability for the construction of a place of storage and parking for a noncommercial vehicle owned by that person and no other purpose. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle. The owner shall submit proposed plans for the structure with the request for the variance pursuant to this paragraph to the Board. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

For purposes of this section, "noncommercial vehicle" means a motor vehicle as defined in Title 29-A, section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, section 521 and owned by the person with the permanent disability.

The board may impose conditions on the variance granted pursuant to this subsection.

- f. The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance and all subsequent owners or occupants shall comply with any conditions imposed.

- 3. **Setback Reduction Appeals:** To hear and decide upon appeal in specific cases for a reduction from the standard setback requirements for residential uses and their accessory structures. The Board may reduce setbacks as authorized by Subsection 7.B.3.j.(1-6) of this section, provided that the Board finds that the appeal meets the requirements stated below. If that criteria is not met, a variance under Section 7.B.2. may be requested.

Upon granting a setback reduction which complies with the standards in subsection j. below, the Board of Appeals may attach reasonable conditions which it finds necessary to protect the privacy of abutting property owners and neighbors. These conditions are limited to specifications for landscaping, fencing, parking, construction materials and construction design. The Board shall grant a setback reduction as provided herein if the Board finds that the applicant has proved that the reduction, if granted, will meet the following criteria:

- a. The setback reduction will not encroach upon or further reduce a non-conforming setback from the normal high water mark of the shoreland area as defined;
- b. The lot in question was created before the effective date of this ordinance as evidenced by a recorded deed or subdivision plan;
- c. The lot is in single-family residential use or within a district where single family use is permitted and is the primary year-round residence of the applicant;
- d. The setback reduction will not allow construction or renovation which will create additional new dwelling units;
- e. The setback reduction is due to the unique circumstances of the property and not the general conditions in the neighborhood;
- f. The setback reduction will not alter the essential character of the locality;
- g. The hardship is not the result of action taken by the applicant or a prior owner;
- h. The granting of the variance will not substantially reduce or impair the use of abutting property; and
- i. That the granting of a set back reduction is based upon demonstrated need, not convenience, and no other feasible alternative is available.

- j. Setback reductions shall be subject to the following:
- 1) The maximum encroachment areas for garage, decks, additions and swimming pool structures in front, side or rear yards shall be:
Front: 30 percent
Side: 30 percent
Rear: 30 percent
 - 2) A detached garage shall be no more than one story in height, not to exceed 20 feet in height, and shall contain no habitable living space.
 - 3) There shall be no more than one garage per lot which does not meet setback requirements.
 - 4) The addition shall not allow the creation of more than one (1) kitchen in any dwelling.
 - 5) Any addition which extends the footprint of the principal structure must not exceed the height of the principal structure except where the principal structure height is also increased as part of the addition project to the same height as the addition.
 - 6) Only one setback reduction shall be allowed per lot after the effective date of this Ordinance. Whenever the Board grants a setback reduction under this section, a certificate indicating the name of the current property owner identifying the property by reference to the last recorded deed in the chain of title indicating the fact that a setback reduction including any conditions on the setback has been granted and the date of the granting shall be prepared in a recordable form and shall be recorded by the applicant in the Androscoggin County Registry of Deeds within 90 days of final approval or the setback reduction shall be void. No rights may accrue to the setback reduction recipient or his/her heirs, successors or assigns unless and until the recording is made within 90 days.

C. Appeal Procedure

1. **Time Limit:** 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 subject to the jurisdictional limits set forth elsewhere in this ordinance. Such appeal shall be taken within 30 days of the date of the decision.
2. **Written Notice:** Such appeal shall be made by filing with the Chairman of the Board of Appeals a written notice of appeal which includes:
 - a. A concise written statement indicating what relief is requested and why it should be granted.
 - b. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief requested.
3. **Record of Case:** 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.

4. **Public Hearing:** The Board of Appeals shall hold a public hearing on the appeal within 35 days of its receipt of an appeal request.
5. **Decision by Board of Appeals**
 - a. **Quorum:** A majority of the Board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.
 - b. **Majority Vote:** The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter which it is required to decide under this Ordinance, or to effect any variation in the application of this Ordinance from its stated terms.
 - c. **Burden of Proof.** The person filing the appeal shall have the burden of proof.
 - d. **Action of Appeal:** Following the public hearing on an appeal, the Board may affirm, affirm with conditions, remand, or reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.
 - e. **Time Frame:** The Board shall decide all appeals within 35 days after the close of the hearing, and shall issue a written decision on all appeals.
 - f. All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefore, and the appropriate order, relief or denial thereof.
 - g. **Shoreland Area Variances:** The following shall be undertaken when the Board of Appeals receives a request for variance in the Shoreland Area.
 - 1) A copy of the variance application and all supporting information provided by the applicant shall be mailed to the Commissioner of the Department of Environmental Protection by the Code Enforcement Officer at least twenty (20) days prior to action by the Board of Appeals.
 - 2) Any comments received from the Commissioner of the Department of Environmental Protection, prior to final action, shall be made part of the variance record and considered by the Board of Appeals.
6. **Appeal to Superior Court:**
 - a. 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.

- b. An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within 30 days from the date of any order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance.
 - c. An appeal may be taken by any aggrieved party to Superior Court in accordance with State laws within 30 days from the date of any approval or denial by the Planning Board or the imposition of conditions of approval or the failure to impose one or more conditions.
7. **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.
8. All variances granted shall be recorded by the applicant in the Registry of Deeds as required by Title 30-A M.R.S.A. Section 4353.5. Any variance not so recorded shall be void.

SECTION 8. Definitions

A. Construction of Language

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

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

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

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

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

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

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

The words "Town" or "municipality" means the Town of Turner, Maine.

Abandoned Activity, Use, or Business: An activity, use, or business (1) that has stopped, and (2) from which the major portion of the materials, goods, equipment, or facilities necessary for its operation has been removed.

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.

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

Aggrieved Party: An owner of land whose property is directly affected by the granting or denial of a permit or variance; or a person whose land abuts or is across a road or street or body of water from 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.

Agricultural/Sales/Services: The use of buildings or land for the sale of equipment or products or services to those engaged in agriculture.

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 green house products. Agriculture does not include the growing of marijuana for resale, forest management, and timber harvesting activities, or confined feeding operations.

Agriculture Products, Processing and Storage: Establishments engaged in the manufacturing processing and/or packaging foods, dairy products, commercial composting and storage of such products.

Airport: An area of land or water that is used or intended to be used commercially for the landing and takeoff of aircraft and includes its buildings and facilities, if any. This definition is not intended to include private landing strips used for ultra light aircrafts or personal planes associated with a residential use or agricultural use.

Alteration: Any change or modification in construction, or change in the structural members of a building or structure such as bearing walls, columns, beams or girders or in the use of a building.

The term shall include change, modification, or addition of a deck, dormer, staircase, or roof of the building.

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

Animated Sign: Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Antenna: Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.

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

Arterial Street: A major thoroughfare which serves as a major traffic way for travel between and through the municipality.

Authorized Agent: An individual or a firm having written authorization to act on behalf of a property owner or applicant. The authorization shall be signed by the property owner or applicant.

Auto Repair: An establishment primarily engaged in major maintenance and repair of automobiles. Maintenance and repair include but not limited to engine overhauls, transmission repair brake work and the like.

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

Automobile Graveyard: A yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, section 101, subsection 42, or parts of the vehicles.

"Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

1. "Automobile graveyard" does not include:

a. An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;

- b. An area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist, except that a municipal ordinance may require areas used by an automobile hobbyist to comply with the screening requirements in section 3754-A, subsection 1, paragraph A and the standards in section 3754-A, subsection 5, paragraph A, paragraph B, subparagraph (1) and paragraph C. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
- c. An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;
- d. An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, chapter 5;
- e. An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, section 851;
- f. An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, section 851;
- g. An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
- h. An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner.

This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.

Should the definition of Automobile Graveyard as contained in Title 30-A M.R.S.A. Section be changed, such change shall be reflected above.

Automobile Recycling: A business premises of a dealer or a recycler licensed under Title 29-A, sections 851 to 1112 who purchases or acquires salvage vehicles for the purpose of reselling the vehicles or component 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 in section 3755-A, subsection 1, paragraph C is used for automobile recycling operations.

"Automobile recycling business" does not include:

1. Financial institutions as defined in Title 9-B, section 131, subsections 17 and 17-A;
2. Insurance companies licensed to do business in the State;
3. New vehicle dealers, as defined in Title 29-A, section 851, licensed to do business in the State; or
4. That portion of the business premises that is used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business.

Should the definition of Automobile Recycling Business Graveyard as contained in Title 30-A M.R.S.A. Section 3752.1-A be changed such change shall be reflected above.

Average Daily Traffic (ADT): The average number of vehicles per day that enter and exit the premises or travel over a specific section of road.

Back Lot: Any lot or parcel of land that does not have frontage on a public road or privately-owned street meeting the standards contained in Section VI.H. of the Town of Turner Street Construction Ordinance or lacks the minimum frontage as required under Section 3.I of this Ordinance.

Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

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 six (6) feet or more and having more than 50% of its volume below the existing ground level.

Bed and Breakfast: Any dwelling in which transient lodging or boarding and lodging are provided and offered to the public for compensation for less than one week. This dwelling shall also be the full-time, permanent residence of its owner. There shall be no provisions for cooking in any individual guest room.

Boarding, Lodging Facility: Any residential structure where lodging and with or without meals are provided for compensation for a period of at least one week, and where a family residing in the building acts as proprietor or owner. There shall be no provisions for cooking in any individual guest room.

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.

Breeder Barn: A barn which houses more than 200 mature hens and roosters for the purpose of production of fertilized hatchery eggs.

Brooder Barn: A barn used for the raising of more than 200 chickens prior to reaching egg laying age.

Building Coverage Ratio: The ratio derived by dividing the area covered by building(s) by the area of the lot.

Building Envelope: That portion of the lot located within the prescribed front-, rear- and side-yard setback distances.

Bulk Grain Storage: Establishments primarily engaged in the warehousing and storage of grain for resale or own use other than normal storage associated with on-site consumption.

Business and Professional Offices: The place of business of doctors, lawyers, accountants, financial advisors, architects, surveyors, real estate and insurance businesses, psychiatrists, counselors and the like or in which a business conducts its administrative, financial or clerical operations including banks and other financial services, but not retail sales nor activities utilizing trucks as part of the business operation.

Cabin/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. The term includes structures temporarily or permanently located, such as decks and satellite dishes.

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.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Caregiver: A person or an assistant of that person that provides care for a qualifying patient in accordance with section 2423-A, subsection 2.

Cemetery: Property used for the interring of the dead.

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

Changeable Copy Sign: A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this Ordinance. A sign on which the copy that changes is an electronic or mechanical indication of time or temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for purposes of this Ordinance.

Changeable Message Sign: A sign capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

Church: A building or structure, or group of buildings or structures, designed primarily intended and used for the conduct of religious services excluding Sunday School.

Clinic: An establishment where patients are accepted for treatment by a group of physicians practicing medicine together but shall not offer domiciliary arrangements; medical and dental.

Club: Any voluntary association of persons organized for social, religious, benevolent, literary, scientific or political purposes; whose facilities, especially a clubhouse, are open to members and guests only and not the general public; and not engaged in activities customarily carried on by a business or for pecuniary gain. Such term shall include fraternities, sororities and social clubs generally.

Club, Private: Any building or rooms, which serves as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Club, Recreational: Any building or land which serves as a meeting place or recreation area for an incorporated or unincorporated association or group operated for the benefit of its members and guests and not open to the general public, and not engaged in activities customarily carried on by a business for pecuniary gain.

Code Enforcement Officer: A person appointed by the municipal officers to administer and enforce this code.

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

Colocation: The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

Commercial Composting: The processing and sale of more than 1,000 cubic yards of compost per year.

Commercial Hazardous Waste Facility: As defined in 38, M. M.R.S.A., Section 1303 as may be amended.

Commercial Recreation: Any commercial enterprise which receives a fee in return for the provision of some recreational activity including but not limited to: racquet and tennis clubs, health facility, amusement parks, gymnasiums and swimming pools, sporting/recreational facilities and bowling alleys but not including amusement facilities, as defined herein.

Commercial School: An institution which is operated for profit, but is not authorized by the State to award baccalaureate or higher degrees, which offers classes in various skills, trades, professions or fields of knowledge.

Commercial Telecommunications Tower and Related Facilities: Any structure, antenna, tower, or other device which provides to the public for a fee radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services and personal communications service (PCS) or pager services. This definition does not include ham radio towers/antenna, or towers/antenna used to provide communication for a single business.

Commercial Use: Commercial shall include the use of lands, buildings, or structures, other than home occupations, the intent and result of which activity is the production of income from the buying and selling of goods or services, exclusive of rental of residential buildings or dwelling units.

Common Driveway: A vehicle access way serving two dwelling units.

Community Center: A building which provides a meeting place for local, nonprofit community organizations on a regular basis. The center shall not be engaged in activities customarily carried on by a business.

Complete Application: An application shall be considered complete upon submission of the required fee, a signed application and all information required by this Ordinance except as validly waived a vote by the Planning Board to waive the submission of required information.

Comprehensive Plan: Comprehensive plan means a document or interrelated documents containing the elements established under Title 30-A, M.R.S.A. Section 4326, subsection 1 to 4, including the strategies for an implementation program which are consistent with the goals and guidelines established under subchapter II.

Confined Feeding Operations: Specialized livestock production enterprises with confined beef cattle and hog feeding and poultry and egg farms and accessory structures. These operations have large animal populations restricted to small areas. For the purpose of this definition, breeder and brooder barns are not considered confined feeding operations.

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

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

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

Constructed: 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.

Cultivation Area: "Cultivation area" means a Registered Caregiver's indoor or outdoor area used for cultivation of marijuana for a qualifying patient that is enclosed and equipped with locks or other security devices that permits access only to a person authorized to have access to the area as defined in Title 22 Chapter 558-C of the Maine Revised Statutes.

Day Camp: Homes and centers licensed as such by the Maine Department of Human Services.

Demolition/Waste Disposal: A facility including a landfill operated by a public, quasi-public or private entity which purpose is to dispose of useless, unwanted or discarded solid material with insufficient liquid content to be free flowing, including by way of example, and not by limitation to, rubbish, garbage, scrap materials, junk, refuse, inert fill material, landscape refuse, and demolition debris. The definition does not, however, include commercial hazardous waste disposal facilities or recycling of products.

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

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

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

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

Direct Watershed: That portion of the watershed which does not first drain through an upstream lake.

Disability: 1. A physical or mental impairment that:

- a. Substantially limits one or more of a person's major life activities;
- b. Significantly impairs physical or mental health; or
- c. Requires special education, vocational rehabilitation or related services;

2. Without regard to severity unless otherwise indicated: absent, artificial or replacement limbs, hands, feet or vital organs; alcoholism; amyotrophic lateral sclerosis; bipolar disorder; blindness or abnormal vision loss; cancer; cerebral palsy; chronic obstructive pulmonary disease; Crohn's disease; cystic fibrosis; deafness or abnormal hearing loss; diabetes; substantial disfigurement; epilepsy; heart disease; HIV or AIDS; kidney or renal diseases; lupus; major depressive disorder; mastectomy; intellectual disability; multiple sclerosis; muscular dystrophy; paralysis; Parkinson's disease; pervasive developmental disorders; rheumatoid arthritis; schizophrenia; and acquired brain injury;

3. With respect to an individual, having a record of any of the conditions in paragraph 1 or 2; or

4. With respect to an individual, being regarded as having or likely to develop any of the conditions in paragraph 1 or 2.

Disqualifying Drug Offense: "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 one year or more, but does not include (1) An offense for which the sentence, including any term of probation, incarceration or supervised release, was completed 10 or more years earlier; or (2) An offense that consisted of conduct that would have been permitted under the Maine Medical Use of Marijuana Act.

Dissolve: A mode of message transition on a changeable message sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second message.

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

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

Duplex: A building containing only two dwelling units for occupation by not more than two families.

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

1. **Single-family Dwelling:** Any structure containing only one dwelling unit for occupation by not more than one family.
2. **Multi-family Dwellings:** A building containing three or more dwelling units such buildings being designed exclusively for residential use and occupancy by three or more families living independently of one another with the number of families not exceeding the number of dwelling units.

Dwelling Unit: A room or suite of rooms used by a family as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, sleeping, bathing and sanitary facilities but not including transient lodging facilities such as motels, hotels, inns, bed and breakfasts, rental cabins, boarding houses and tourist homes.

"ECHO" Unit: A small (not more than 560 square feet of living space) residential structure placed or constructed to the side or rear of an existing single family dwelling to be occupied by one or two people who are (a) age is 62 or older or (b) disabled, who are related by birth, marriage, or adoption to the occupants of one principal residence, and who benefit from living close to the family.

Elderly Housing: A multi-unit (three or more dwelling units per structure) development where each dwelling unit is occupied by only persons 62 years of age or older (or in the case of couples at least one of the two persons shall be 62 years of age or older) and/or handicapped persons as a residential living environment with other persons 62 years of age or older and/or handicapped persons. Each dwelling unit will be designed to meet the minimum standards for State and Federal elderly accessibility requirements.

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

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

Expansion of a Structure: An increase in the 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 month to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

FAA: The Federal Aviation Administration, or its lawful successor.

Fade: A mode of message transition on a changeable message sign accomplished by varying the light intensity, where the text message gradually reduces the intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Fall Zone: The distance from the base of a tower that a tower would fall should a catastrophic failure occur.

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

Farm Labor Housing: Dwelling units solely occupied by employees and their families, intended to provide housing for help required to carry out agricultural uses and located on the farm itself.

Farm Enterprise: A use of land or structures intended to supplement the income of farm owners that is compatible with agricultural uses but may not normally be allowed under the current zoning designation of the land.

Farm Stand: A structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A farm stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

FCC: The Federal Communications Commission, or its lawful successor.

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

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

Flag: Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as symbol of a government, political subdivision or other entity.

Flood or Flooding: Means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. the overflow of inland or tidal waters; and
 - b. the unusual and rapid accumulation or 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 by some similarly unusual and unforeseeable event which results in flooding.

Floodplain or Flood Prone Area: Means land areas 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 floodplain, grading or erosion control ordinances) 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.

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.

Forested Wetlands: Freshwater wetland dominated by woody vegetation that is six meters (approximately 19.7 feet) tall or taller.

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

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.

Frame: A complete, static display screen on a changeable message sign.

Frame Effect: A visual effect used on a changeable message sign to change from one message to another.

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.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Freshwater Wetland: Freshwater swamps, marshes, bogs and similar areas which are:

- I. 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.
 3. This definition does not include forested wetlands.

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

Should the definition of freshwater wetland be amended by statute or rule, this definition shall be deemed amended to correspond to that statute or rule.

Frontage, Road: The linear distance between the sidelines of a lot measured along the lot line that borders upon whatever right-of-way serves as legal access to the lot.

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, inland waters and that cannot be located away from these waters. The uses include, but are not limited to recreational fishing and boating facilities, excluding recreational boat storage, waterfront dock facilities, boat yards and boat building facilities, navigation aides, retaining walls, industrial uses requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site.

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

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

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

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 where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Gravel Pit: See mineral extraction.

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

Group Home: A housing facility for mentally handicapped or developmentally disabled persons which is approved, authorized, certified or licensed by the State. A group home may include a community living facility, foster home or intermediate care facility.

Hazardous Waste: As defined in 38 M.R.S.A. Section 1303 as may be amended.

Heavy Manufacturing: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials.

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

High Intensity Soil Survey: A soil survey conducted by a Certified Soil Scientist meeting the standards of the National Cooperative Soil Survey which identifies soil types down to 1/10 acre or less at a scale equivalent to subdivision plan submitted. The mapping units shall be the soil series. Single soil test pits and their evaluation shall not be considered to constitute high intensity soil surveys.

Historic Structure: Means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
2. 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;
3. 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
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: a) by an approved state program as determined by the Secretary of the Interior; or b) directly by the Secretary of the Interior in states without approved programs.

Home Occupation: An occupation or business activity which results in a product or service and is conducted in whole or in part in the dwelling unit or accessory structure.

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

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

Increase in the Nonconformity of a Structure: any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of the nonconformance of the existing structure shall not be considered to increase the

nonconformity. For example, there is no increase in nonconformity if the expansion extends no further into the required setback area than does any portion of the existing nonconforming structure.

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 gravel pads, parking areas, fire places, or tent platforms. The term individual private camp site does not include sites used by property owners for infrequent cook-outs or "camping out."

Industrial Park or Development: A subdivision developed exclusively for industrial uses, or a subdivision planned for industrial uses and developed and managed as a unit, usually with provision for common services for the users.

Impervious Surface Ratio: A measure of the intensity of land use that is determined by dividing the total area of all impervious surfaces on the site by the area of the lot. For the purpose of this ordinance, impervious surfaces include buildings, structures, paved and gravel surfaces.

Industrial Use, Heavy: The use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

Industrial Use, Light: The use of real estate, building or structure, or any portion thereof, which main processes involve the assembly of prefabricated parts and which will not create a nuisance by noise, smoke, vibration, odor or appearance.

In-law Apartment: A small accessory apartment containing not more than 540 square feet of living area contained in a single-family dwelling that meet the standards of Section 4. DD.

Junkyard: A yard, field or other outside area used to store, dismantle or otherwise handle:

- a. discarded, worn-out or junked plumbing, heating supplies, electronic or industrial equipment, household appliances and furniture;
- b. discarded, scrap and junked lumber; and
- c. old or scrap copper, brass, rope, rags, batteries, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material.

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

Land Management Road: 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.

Landscape Ratio: The area of land devoted to pervious landscaping divided by the area of lot.

Larger Vehicle: A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pickup trucks, including busses, commercial trucks, construction equipment and forestry/timber harvesting equipment.

Level of Service: a description of the operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1985 edition, published by the National Academy of Sciences, Transportation Research Board. There are six levels of service ranging from Level of Service A with free traffic flow and no delays to Level of Service F with forced flow and congestion resulting in complete failure of the roadway.

Larger Vehicle: A vehicle that has a larger length, width, or turning radius and/or lesser acceleration capability than standard passenger vehicles or pickup trucks, including busses, commercial trucks, and recreational vehicles.

Light Manufacturing: A use engaged in the manufacture, predominantly only from previously prepared materials, of finished products or parts, processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products.

Line of Sight: The direct view of the object from the designated scenic resource.

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

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

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

Lot, Coverage: The percentage of a lot covered by all buildings, parking areas and impervious services.

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

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

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

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 Androscoggin County Registry of Deeds on or before July 12, 1993, or other date set forth in the specific regulations of this Ordinance.

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

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

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

Manufacturing: The making of goods and articles by hand or machinery. Manufacturing shall include assembling, fabricating, finishing, packaging or processing operations.

Marijuana: The leaves, stems, flowers and seeds of all species of the plant genus cannabis, whether growing or not. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or sterilized seed of the plant which is incapable of germination.

Marijuana Manufacturing Facility: "Marijuana Manufacturing facility" means a Marijuana Manufacturing facility authorized under state law to manufacture marijuana products for medical use or to engage in marijuana extraction for medical use.

Marijuana Testing Facility: "Marijuana testing facility" means a public or private laboratory authorized under state law to test medical marijuana for contamination, potency or cannabinoid profile.

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 equipment, boat and tackle shops, and 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.

Medical Marijuana Establishment: "Medical marijuana establishment" means a registered caregiver retail store, marijuana testing facility, Marijuana Manufacturing facility, or Cultivation area.

Medical Use: The acquisition, possession, cultivation, manufacture, use, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a qualifying patient's medical diagnosis or symptoms for which a medical provider has provided the qualifying patient a written certification in accordance with Title 22 Chapter 558-C of the Maine Revised Statutes.

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 exploration shall not include testing for a quarry.

Mineral Extraction: Any operation within any twelve (12) successive month period removes more than 5,000 cubic yards of soil, topsoil, loam, sand, gravel, clay, peat, or other like material from its natural location, and to transport the product removed, away from the extraction site. Mineral extraction shall not include the term quarry.

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.

Minor Street: A street with average daily traffic of less than 200 vehicles per day.

Mobile Home Park: A parcel of land under unified ownership approved by the Town of Turner Planning Board pursuant to the Town of Turner Subdivision Ordinance for the placement of three (3) or more manufactured homes.

Mobile Home Park Lot: Mobile home park lot means the area of land on which an individual home is situated within a mobile home park and which is reserved for use by the occupants of that home.

Motor Vehicle Sales: An establishment primarily engaged in the sale of new or used motor vehicles together with any accessory repair and service facilities which are incidental to the sales operation.

Motor vehicle: Motor vehicle" means a self-propelled vehicle but does not include:

- A. A snowmobile as defined in Title 12, section 13001
- B. An all-terrain vehicle as defined in Title 12, section 13001

Multi-Unit Residential: A residential structure containing three (3) or more residential dwelling units.

Native: Indigenous to the local forests.

Neighborhood "Convenience" Stores: A store of less than 1,500 square feet of floor space intended to service the convenience of a residential neighborhood primarily with the sale of merchandise including such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items.

Net Residential Acreage: The total acreage available for a subdivision, and shown on the proposed subdivision plan, minus the area for streets or access and the areas which are unsuitable for development. **Net Residential Density:** The number of dwelling units per net residential acre.

New Construction: Means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming 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.

Nonconforming Sign: Any sign that does not conform to the requirements of this Ordinance.

Nonconforming 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.

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

Nonhabituated Accessory Structure: A structure which is incidental and subordinate to the principal use or structure which is not considered a dwelling unit.

Normal High-Water Line: That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers 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 during the period of normal high-water are considered part of the river.

Nursing Home: A privately operated establishment where maintenance and personal or nursing care are provided for persons who are unable to care for themselves.

100 Year Flood: The flood having a one percent chance of being equaled or exceeded in any given year.

Open Space Development: A subdivision in which the dimensional requirements are reduced below those normally required in return for permanently preserved open space.

Park Model Mobile Home: Recreational vehicles primarily designed as living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels and have a gross trailer area not exceeding 400 square feet in the set-up mode.

Parks and Recreation: Recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, restrooms, bath houses and the maintenance of such land and facilities. The term shall not include campgrounds or commercial recreation and amusement centers.

Peddler: Any person selling or offering for sale tangible commodities from any public street or other public place or private property within the Town of Turner, and where delivery is made at the time of sale. The word "peddler" shall include the words "hawker" and "huckster". The word "peddler" does not include yard sales as defined and regulated by the Town of Turner Zoning Ordinance or lemonade stands and the like run by children.

For the purposes of this definition the term "person" shall include the singular and the plural, and shall also mean and include any person, firm or corporation, association, club, partnership or society, excepting bonafide charitable, service, religious, municipal, athletic, educational organizations or agencies or events sponsored by bonafide charitable, service, religious, municipal, athletic, educational organizations or agencies.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire or string usually in series, designed to move in the wind.

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

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, Wharfs, 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.

Planned Unit Development: A planned unit development is a mixed-use land development which is developed under unified management; is planned as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, open space and preserved natural features, recreational facilities, and design principles for proposed buildings; that may be developed in clearly

identified stages; and provides for the operation and maintenance of common facilities.

Planning Board: The planning board of the Town of Turner.

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

Principal Use: A use other than one which is incidental or accessory to another use on the same premises.

Private Common Docking Facility: Privately owned piers, docks, wharfs, moorings or other structures extending over or below the normal high water line the use of which is intended for the docking and or securing of watercraft for more than one residential dwelling unit, family unit or other legal entity.

Privately-Owned Street: A residential street meeting the standards contained in Section VI.H. of the Town of Turner Street Construction Ordinance not including a street serving a mobile home park which is not intended to be dedicated as a public way.

Professional Engineer: A professional engineer, registered in the State of Maine.

Projecting Sign: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Public and Private Schools: Primary and secondary schools, or parochial schools, which satisfy either of the following requirements: the school is not operated for a profit or as a gainful business; or the school teaches courses of study which are sufficient to qualify attendance in compliance with state compulsory education requirements.

Public Docking Facility: Publicly owned piers, docks, wharfs, moorings or other structures extending over or below the normal high water line the use of which is intended for the docking and or securing of watercraft.

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.

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. Public Utility shall not include commercial communication towers and related facilities.

Qualifying Patient: Qualifying patient or patient means a person who has been a resident of the State for at least 30 days and who possesses a valid written certification regarding medical use of marijuana in accordance with section 2423-B.

Quarry: A place where stone is excavated from rock.

Registered Caregiver Retail Store: “Registered caregiver retail store” means a registered caregiver authorized under state law to cultivate medical marijuana for qualifying patients that operates a retail store

to sell medical marijuana to qualifying patients.

Registered Dispensary: “Registered dispensary” means a dispensary authorized under state law to cultivate and dispense medical marijuana to qualifying patients and caregivers.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

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

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

Reconstructed: The rebuilding of a road or section of a road to improve its serviceability.

Recording Plan: A copy of the Final Plan which is recorded at the Registry of Deeds and which need not show information not relevant to the transfer of an interest in the property, such as sewer and water line locations and sizes, culverts, and building lines.

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.

Registered caregiver: "Registered caregiver" means a caregiver who is registered by the Department of Administrative and Financial Services pursuant to section 2425-A.

Rental Cabin/Structure: Any structure or room or group of rooms inhabited for temporary family recreational use by a person or persons who pay some form of monetary compensation to the owner of the structure or to the primary occupant of the structure or room/rooms.

Repair: to take necessary action to fix normal damage or storm damage.

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. The term shall include mobile homes, but not recreational vehicles.

Residual Basal Area: The average of the basal area of trees remaining on a harvested site.

Restaurant: An establishment where meals are prepared and served to the public for consumption on the premises entirely within a completely enclosed building; and where no food or beverages are served directly to occupants of motor vehicles or directly to pedestrian traffic from an exterior service opening or counter, or any combination of the foregoing; and where customers are not permitted or encouraged by the design of the physical facilities, by advertising, or by the servicing or packaging procedures, to take-out food or beverage for consumption outside the enclosed building.

Resubdivision: The division of an existing subdivision or any change in the plan for an approved subdivision which effects the lot lines including land transactions by the subdivider not indicated on the approved plan.

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

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

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

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

Road (Shoreland Area): For the purpose of the performance standards of Section 4.T. of this Ordinance, 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. This definition is intended to expand the applicability of the performance standards applicable to the shoreland area and not to change the road frontage requirements under Section 3 of this Ordinance or to permit substandard roads to be used to meet frontage requirements.

Roof Sign: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

Sand and Gravel Pit: See mineral extraction.

Scroll: A mode of message transition on a changeable message sign where the message appears to move vertically across the display surface.

Seasonal Dwelling: A dwelling unit lived in for periods aggregating less than seven months of the year and not the principal residence of the owner.

Service Business: Establishments engaged in providing services for individuals and businesses such as laundries, beauty shops, barbershop, advertising and equipment leasing.

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

Setback, Front: The minimum horizontal distance measured from the front line of the property or the sideline of the street, whichever is closer to the nearest part of a building, including porches, steps and railings.

Setback (Shoreland Zoning): The nearest horizontal distance from the normal high-water line to the nearest part of a structure, road, parking space or other regulated object or area.

Setback, Rear: The minimum horizontal distance measured from the rear or back property line to the nearest part of a building, including porches, steps and railings.

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

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

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.

Shorefront Common Area: Any land area having shoreline frontage on any water body regulated by this ordinance and intended for use by more than one residential dwelling unit or family unit or other legal entity, excluding visitors and guests. This definition shall also include areas for which easements, rights of way, or other use rights are granted or sold.

Shoreland Area: The land area located within two hundred and fifty (250) feet, horizontal distance,

of the normal high-water line of any great pond or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high- water line of a stream.

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

Sign: Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind of the public.

Significant Scenic View Locations: Points where scenic views can be accessed as identified in the Turner Comprehensive Plan.

Sketch Plan: Conceptual maps, renderings and supportive data describing the project proposed by the applicant for initial review prior to submitting an application for subdivision approval. May be used by the applicant as the basis for preparing the subdivision plans as part of the application for subdivision approval.

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.

State Registration Authority: “State registration authority” means the authority created or designated by the State for the purpose of regulating and controlling registration for medical marijuana establishments.

Stream (Shoreland Area): 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 Zone or flows to another water body or wetland within the shoreland area.

Stream, River or Brook: River, stream or brook means a channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the 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 on exposed soil, parent material or bedrock.

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

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.

Subdivision: The division of a tract or parcel of land into three or more lots as defined by Title 30-A M.R.S.A. Section 4401. In addition shall include developments where there are three or more units involved such as mobile home parks, multiple family housing, apartment houses, multiple housing units.

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 Start: Completion of thirty (30) percent of a permitted development, structure or use, as the

case may be, measured as a percentage of estimated total cost.

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. The term shall not include any wastewater discharge system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 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.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

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

Swimming Pool: A body of water in an artificial receptacle or other container, whether in the ground or above the ground, used or intended to be used for swimming or bathing and designed for a water depth of thirty-eight (38) inches or more.

Temporary Movable Sign: Any sign not permanently attached to the ground, a building, or other permanent structure by direct attachment to a rigid well, frame or structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; and balloons used as signs.

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 4.T.12, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

Time and Temperature Sign: A type of changeable message sign that is capable of displaying only public service information such as time, date, temperature, but not words, symbols or other advertising messages.

Tract, or Parcel, of Land: All contiguous land in the same ownership, provided that lands located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

Travel: A mode of message transition on a changeable message sign where the text appears to move horizontally across the display surface.

Tributary Stream (Shoreland Area): A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone

of the receiving water body or wetland.

Trucking/Distribution Terminal: An establishment primarily engaged in furnishing trucking or transfer services with or without storage.

Undue Hardship: As used this Ordinance, the words "undue hardship" shall mean all of the following:

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

A variance is not justified unless all elements are present in the case.

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

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

Variance: A relaxation of the terms of this Ordinance where such relaxation will not be contrary to the public interest where, owing to conditions peculiar to the property, and not the result of the actions of the applicants, a literal enforcement of the code would result in undue hardship.

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

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

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.

Wall Sign: Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Warehousing/Storage: The storage of goods, wares and merchandise in a warehouse.

Water Body: Any great pond, river, 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 course or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well

as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland: A freshwater wetland.

Wetlands Associated with Great Ponds and Rivers: Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

Window Sign: Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

Wholesale Business: The use of land and/or buildings engaged in the selling of merchandise to retailers to industry, commercial, institutional, farm or professional business users or other wholesalers as distinguish from the sale to the general public.

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

Yard: An open, landscaped area adjacent to the property line which is not and may not be occupied by buildings, structures, parking lots, storage or similar uses. Access roads or drives and sidewalks may be located to allow vehicular and pedestrian traffic to cross yard areas.

Yard Sale: So-called garage sales, porch sales, tag sales and the like occurring for not more than five (5) days per month. Goods, even those protected by temporary cover, shall not be visible from public or adjacent private property at any time other than at the time of the yard sale. Yard sales exceeding this definition shall be considered home occupations or commercial use and require review and approval by the Code Enforcement Officer or Planning Board.

Appendix 1 Turner,
Maine Design
Standards
Commercial, Retail & Service
Building Architecture

Adopted April 9, 2016

INTRODUCTION

Turner encourages a greater sense of continuity and identity throughout its commercial and village areas by describing and illustrating high quality architectural design. Its Comprehensive Plan states that commercial development will be encouraged to have landscaping and trees, pitched roofs and *a New England Village building character*. These standards are not intended to dictate building styles. Rather, they establish criteria by which any new or renovated development can be compared with its surroundings.

Architectural Goals

- New England Village-scale architecture that is sited and designed to offer a positive experience to both pedestrians viewing the buildings up close and motorists on the highway.
- Good neighborhood buildings that thoughtfully consider scale, form, orientation, height, setback, massing, materials, and architectural features that will be consistent with the goals of the comprehensive plan.
- Buildings that are designed as permanent, positive additions to Turner, constructed of high quality, long lasting materials.
- Architecture that utilizes energy conservation measures wherever possible.

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Drawing from traditional forms, the scale of this new commercial building has been effectively reduced by variations in the massing, wall projections, and careful attention to detailing.

OBJECTIVES

The purpose of these guidelines is to encourage architectural forms that draws inspiration from traditional New England Village examples (e.g., Cape Cod, Federal, Classic Revival, etc.) and from local rural region architecture. Building design should be developed to a human scale through careful consideration of architectural forms, massing, detailing, number and use of materials, and color

DESIGN STANDARDS

Design. Design new buildings to fit the specific characteristics of their particular site. The architecture should be influenced by traditional New England building forms and town-making patterns, the specific needs of the intended users, the nature of the intended use, and other site-specific factors.

Architectural Styles. Contemporary architecture may be appropriate, provided it is designed in accordance with these standards.

Human Scale. Design buildings and site elements to human scale. The forms, massing, and openings of buildings should be proportional to the size of the human figure. Many architectural elements can add scale to a building – waterables, planters, recessed openings, divided pane windows, building mounted light fixtures, dormers, cupolas, projecting rooflines, covered walkways, colonnades, and similar features – provided they are designed as integral parts of the overall structure.

Energy Conscious Design. Consider energy conservation and sustainability in the design and siting of all new and renovated buildings. While LEEDs (Leadership in Energy and Environmental Design) certification is not required, developers are strongly urged to use the principles of sustainability and energy conservation. This may be achieved by specifying proper insulation, reduced lighting, landscaping for windbreaks and shading, recycled materials, and a host of other appropriate techniques. The Maine Uniform Building & Energy Code standards will be met.



Examples of high quality contemporary Maine architecture – a branch bank, an office building, and a library – that have been designed to fit their uniquesites.



Many elements of New England architecture – pitched roof, gable ends, overhanging roof – are used in this attractive bank building.



This building pays little attention to the site where it is located, nor gives much attention to detailing and the roofline. Flat roofs such as this are discouraged.



An office supply store in a new shopping center. The design of all buildings feature pitched rooflines, traditional materials, and great attention to architectural detail.



The themed design of this restaurant is out of character in a New England village setting.

OBJECTIVES

Building materials should be treated as significant design elements that define the appearance of the structure.

DESIGN STANDARDS

Types of Materials Encouraged. Traditional, high-quality building materials common to northern New England (e.g., brick, clapboard, shingles or other similar products) should be used as the primary siding material. Contemporary materials that have the same visual characteristics as traditional materials (e.g., cement plank clapboards or vinyl siding) are acceptable if attention is paid to detailing (e.g., corners, trim at openings, changes in material). Painted Medium Density Overlay (MDO) plywood is acceptable as a secondary material when used in combination with traditional materials to give it scale. Consider long-term maintenance in the selection of all building materials.

Types of Materials Discouraged. Highly reflective or processed materials (e.g., sheet metal or plastic panels, brushed aluminum, bronzed glass), stucco or synthetic stucco (Exterior Insulation and Finish Systems (EIFS)), adobe, concrete block, T-111, untreated plywood, particle board, tilt-up concrete panels, and multicolored brick (incorporating occasional white bricks in a random pattern) should not be used as the primary facade material.

Colors. Facade colors should be low reflectance. High intensity, high reflectance, chrome, metallic, fluorescent colors, or black should not be used on the primary building face.

Trim. Where trim is used, it should be a color that is similar or complementary to the building's primary color.

Detailing. Arbitrary changes in materials or embellishments that are not in keeping with the rest of the building are discouraged.



Highly reflective surfaces and bright colors are not characteristic of traditional New England architecture.



This branch bank uses materials, forms, and details that are common to Maine.

Unacceptable building materials. Examples of materials that lack reference to traditional architectural styles and would not meet the design standards.



Metal panels



Split face block



Painted concrete block



Reflective metallic siding



Corrugated plastic panels



Synthetic stucco (Exterior Insulation and Finish Systems (EIFS))

BUILDING



Acceptable building materials. Examples of the richness and variety of traditional New England materials and colors that would be appropriate to Turner.



OBJECTIVES

Facades for new or renovated structures should provide visual interest from all accessible sides. The windows, doorways, and architectural detailing should complement the building’s form and façade

DESIGN STANDARDS

Entrances. Building entrances should be clearly visible from Route 4 and other public streets and provide unobstructed areas for pedestrians. Design features, such as canopies, projecting rooflines, integrated signage, recesses, patios, lighting, and landscaping, can be used to reinforce the entrance.

Street Facades. For retail structures, any facade that faces public or private streets should have display windows, entry areas, or other transparent features. As an alternative, other features may be used to provide scale and visual interest to the front facade, as long as they are integrated into the design of the building by color, form, materials, and architectural design.



The facade treatment on this shop wraps around the corner to present a unified design from all visible faces. The entrance is emphasized by columns and the lower roofline.

Rear and Side Facades. Facades that are visible or potentially visible from adjacent properties should be designed to match or complement the architectural treatment of the front facade. Blank or unadorned walls should not face public roads, abutting properties, residential areas, or other public viewpoints, except when such wall faces a service area.

Wall Murals will be allowed if they are integrated into the facade of the building and done in a professional manner. Murals should not contain advertising.

Maintenance of the painted surface should be considered in the placement and execution of the mural.

Wall Treatments. Facades should not extend for more than 50 feet in length without incorporating architectural features such as pilasters, windows, cornices, porches, or offsets. Where the plane of the wall is broken, the offset should be proportional to the building’s height and length. Projections used to break up the mass of the building should extend to the ground.

Site Design. Signage, lighting, landscaping, and other exterior elements should all be planned to complement the facade. These elements should be coordinated with the architectural plans to avoid unnecessary conflicts and to retain the proper level of visibility.

Functional Elements. All vents, downspouts, flashing, electrical conduits, meters, HVAC equipment, service connections, and other functional elements should be treated as integral parts of the architecture, starting at the conceptual building design phase. When these elements need to be part of the facade (e.g., downspouts, vents) they should be incorporated into the architecture through detailing or matching colors. Meters, utility banks, HVAC equipment, and other exterior service elements should be located out of view from the public. Building elevations which show the location and treatment of all functional elements should be presented for Planning Board review.



Details are critical to maintain long-term value. Plastic columns in this example are susceptible to snowplow damage. Bases are not flush with the pavement.

Architectural Details. Architectural detailing and trim should be proportional to the scale and design of the entire building.

Trim. When in public view, windows, doors, ventilation fixtures, and other openings in frame construction should be trimmed to create a frame around the opening. Materials used for trim should match those used on the facade of the building.

Shutters. If shutters are used, they should be sized to fit the openings and provided for all windows on a given wall.

Illustrations. Elevations of proposed buildings should be presented with the application for design review. The Planning Board may request perspectives of the building to illustrate the relationship between the front and side elevations. Elevation and perspective drawings should include all landscape elements (trees, shrubs, lighting, street furnishing, signs, etc.) that will be seen in conjunction with the facade.



The main entrance to this grocery store is emphasized by the circular window. Brick banding gives visual support to the building while providing protection from snowplows.



HVAC equipment and service connections are highly visible, adding unnecessary clutter to this small restaurant.



Architectural illustrations should be presented to give an understanding of how new development will fit into the surrounding area.





While the front plane of the wall of this building is broken, the offset does not continue to the ground. The projection becomes a billboard and the building is seen as a large box.



A similar building with a facade composed of New England forms and materials. The overhang provides protection for pedestrians and emphasizes the entranceway. The sign is over scaled (i.e., too large) for the facade.



Three views of a branch bank set in a mixed-residential neighborhood. All facades were treated with equal importance. The front (top photo) faces the street and is built to the sidewalk, providing a welcoming presence to pedestrian traffic. The side of the building (middle photo), facing a single family home, is residential in scale and design. The canopy over the rear entrance (bottom photo) provides a transition area between the parking lot and the doorway.

OBJECTIVES

Awnings and canopies can enhance the appearance and function of a building by providing shade, shelter, shadow patterns, and visual interest. Where awnings are used, they should complement the design, materials, color, and appearance of the building.

DESIGN STANDARDS

Location. When used, fixed or retractable awnings and canopies should be an integral element of the architecture. They should be located directly over windows or doors to provide protection from the elements.

Materials. Awnings and canopies should be made of canvas or similar non-reflective material. Their color should be the same or complementary to the facade of the building.

Design Elements. Graphics used on awnings for identification or advertising should be designed as an integral part of the signage for the property, and be coordinated with other sign elements in terms of type-face, color, and spacing. Awnings should not be used as advertising features or light sources. Internally lit awnings are discouraged.



Awnings can be used effectively to add scale, visual interest and provide shade to the building facade.

OBJECTIVES

Rooflines should be designed to provide diversity in the form of the building and add visual interest to the streetscape. Rooflines can be used to reduce the mass of large buildings, emphasize entrances, and provide shelter and shade for the pedestrian. _

DESIGN STANDARDS

Pitched Roofs. Buildings with pitched roofs are strongly encouraged. Where pitched roofs are used, the minimal pitch should be at least 5/ unless this is not feasible from an engineering or technical standpoint. Buildings with projecting rooflines should be designed to create strong patterns of shade and shadow.

Roof Forms. Roofs should have traditional roof designs, such as gambrel, gable, hipped, and saltbox. Non-traditional roof forms – such as false mansard, a-frames, and shed roofs – should not be used as the primary roofline.



The use of false mansard roofs or vertical panels are inappropriate for rooflines.

Flat Roofs. Flat roofs on single-story isolated buildings are discouraged in most applications. Flat roofs may be allowed, provided that the design creates no horizontal line greater than 50 feet. Where parapets are used to break up a flat roofline, the height of the parapet should be at least five percent of the total length of the wall.

Preferred Materials for Visible Roofs. Composite asphalt shingles and standing-seam non-glare metal are acceptable for visible roofing. High gloss roofing materials should not be used.



The cupola projecting from this pitched roof is an example of traditional forms used in a contemporary structure.

Roof Colors. Where the roof will be visible, the roofing materials should be selected to complement the color and texture of the building’s facade. Roof colors should be dark muted earth tones or a color that is darker than the facade. Stripes, patterns, or advertising features on the roof are strongly discouraged.

Roof-Mounted Equipment. Mechanical and other equipment mounted on rooftops must be screened from public view or grouped at the rear of the structure where visibility is limited. Rooftop screening should be designed as an integral part of the architecture to complement the building’s mass and appearance. These design standards are sensitive to the placement of communication reception equipment such as satellite dishes and other external components.

Shedding Snow and Ice. All roofs should be designed to shed snow, ice, and rainwater in a manner that does not cause a safety hazard or interfere with pedestrians or vehicles.



Roof-mounted mechanical equipment has been effectively screened by balustrades.



The roof-mounted mechanical equipment (as well as the dumpsters and downspouts) present an unsightly facade in a highly visible location.



An unusual roofline derived from the shingle style makes a distinctive profile while maintaining a New England aesthetic.



A flat roofed building that is designed as a large billboard with no variations in form to add human scale.



The scale of this commercial building has been effectively reduced through variations in its roofline and projecting gables.



The scale of this large retail building has been reduced through variations in its roof line and roof materials

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OBJECTIVES

Some structures in Turner were built a number of years ago and may be coming before the Planning Board for Site Plan approval as they undergo renovations or additions. This can be an opportunity to add visual interest to a building and to strengthen its relationship with the site and nearby structures. In many instances, existing buildings can be greatly improved by well-designed additions or remodeling efforts. The Town expects high quality architectural and site design for all renovated structures.

DESIGN STANDARDS

Alterations. Where the existing building currently meets the design standards, renovations should be designed to respect the proportions, fenestration patterns, and details of the original building. Where the existing building does not meet the design standards, the owner is strongly encouraged to upgrade the entire structure.

Design. Applications to the Planning Board that involve renovations should show all improvements as well as the existing structure. A narrative should accompany the application which explains the designer's intent to relate the old to new.



The addition to this restaurant does not relate to the former building materials of the existing structure.

Materials. Where a building meets the design guidelines, additions or renovations should complement or match the materials of the original structure in color, detailing, and texture. Where the building does not meet the standards, the owner should demonstrate how the materials used in the renovation will complement the existing structure.

Architectural Features. Renovations should retain any distinctive architectural features or examples of skilled craftsmanship. Where such features occur, similar details should be incorporated into the addition where possible.

A former school house was transformed into bank with drive up window adding interest and variety to the streetscape.



OBJECTIVES

National franchises (e.g., restaurants, service stations, retail stores) are permitted in commercial and village districts. Without proper attention to architectural characteristics, the design of buildings for these uses can contribute to the loss of community identity by repeating generic architectural forms found throughout the country.

DESIGN STANDARDS

Franchise Styles. Architectural forms primarily derived from building styles from other regions of the country are strongly discouraged. New England Village prototypes from national franchises are desirable, provided they meet the Design Standards for architectural principles, scale, color, rooflines, and materials. Buildings that are stylized to the point where the structure is a form of advertising are not suitable.

Coordination of Site Features. As part of the Site Plan application, provide illustrations (including perspective views) of all sides of the proposed building(s). Include all site features and accessory structures (e.g., dumpster screens, storage buildings, refrigeration lockers, playgrounds, vending machines, signage, and lighting) in the illustrations to demonstrate how they are being coordinated with the principle building.



The addition of an outdoor playground bears no relationship to the existing structure.



A national franchise that has been designed with a 'kit of parts' approach. The result is a box with applied facade features that has no reference to New England design, and would not meet these Design Standards.



A restaurant that was designed to complement the vision for a Rural highway corridor.

NATIONAL FRANCHISES

Unacceptable Franchise Designs. Examples of building forms commonly used by national franchises that would NOT meet the Design Standards and would not be desirable.



Acceptable Franchise Designs. Examples of architecture for similar uses which respond to New England traditions, meeting the Design Standards.



OBJECTIVES

Due to their visibility and mass, the design of new or renovated large structures (20,000 square feet or greater) such as 'big box' retail or grocery stores have the ability to greatly enhance or detract the visual character of the commercial and village districts. These structures should be designed as attractive pieces of commercial architecture, responsive to their site and respectful of adjacent neighbors.

DESIGN STANDARDS

Design and Massing. Large structures should be designed to break up their mass into smaller visual components through the use of projections, recesses, and varied facade treatment. The resultant design should provide variation to create a logical building hierarchy and to add shadow, depth and scale.

Site Design. Scale reductions of large buildings should be reinforced by site features such as pedestrian pathways, landscaping, site furnishings, and clearly defined entrances. Avoid major grade changes and retaining walls in site development.

Architectural Details. Architectural details should be used to reduce the scale and uniformity of large buildings. Elements such as colonnades, pilasters, gable ends, canopies, display windows, and light fixtures can be effective measures to add visual interest and scale, providing they are proportional to the size of the building.

Entrances. Large structures should have clearly defined and highly visible customer entrances, incorporating at least three of the following:

- significant variations in roof lines
- distinctive lighting and landscaping,
- canopies or porticos
- overhangs, recesses, or projections
- pedestrian arcades
- raised corniced parapets over the door
- peaked roof forms in scale with building
- outdoor patios
- display windows
- architectural details such as tile work and moldings which are integrated into the building structure and design.

Where additional stores will be located in the principal building and customer entrances to such stores are outdoors, each additional store should incorporate at least two of the aforementioned elements.

Facades and Exterior Walls. Horizontal facades greater than 50 feet in length should incorporate wall plane projections or recesses having a depth of at least 3% of the length of the facade and extending at least 20% of the length of the facade. No uninterrupted facade should exceed 50 horizontal feet.

Other devices to add interest to long walls include strong shadow lines, changes in rooflines, pilasters and other architectural details, patterns in the surface material, and wall openings. Facade elements should be coordinated with the landscape plan to maintain visibility from public areas.

Ground floor facades that are visible from public roads should have display windows, entry areas, awnings, or other such features along a minimum of 40% of their horizontal length.



Two examples of large-scale buildings whose mass has been reduced by a rhythmic architectural treatment and subtle changes in geometry. Contrasting vertical elements draw the eye to the entranceways.

Central Features and Amenities. Each largeretail establishment should contribute to the establishment or enhancement of the pedestrian environment by providing one or more of the following:

- Patio/seating area
- Pedestrian area with benches
- Kiosk area
- Fountain
- Clock tower
- Other such deliberately shaped area and/or a focal feature or amenity that, in the judgement of the Planning Board, adequately enhances the pedestrian environment of the large retail store. Any such area should have direct access to the public sidewalk network and such features should be constructed of materials that will enhance the pedestrian environment and are similar and complimentary to the principal materials of the building and the landscape.

Additional Structures. Development of smaller commercial buildings on out-parcels is encouraged to reduce the scale of large parking areas. Site planning for renovated and new buildings on large parcels should illustrate how additional structures and pedestrian and vehicular movement could be accommodated on the property.

Cart Storage. Shopping carts must be stored inside the building, or in 'cart corrals', out of the way of pedestrian circulation. Where cart corrals are proposed they should be subject to the design standards for accessory structures.



This smaller retail store attached to a large grocery has been designed as an individual building, with a separate entrance and architectural detailing. A covered walkway connects all the storefronts.



Large retail buildings can be designed to avoid the appearance of a 'big box' through careful massing and detailing.

OBJECTIVES

Linear commercial structures (e.g., strip shopping centers and multi-tenant offices) are appropriate within the commercial and village areas, provided that they are designed with facades and rooflines that reduce their scale, add architectural interest, and provide for comfortable pedestrian movement.

DESIGN STANDARDS

Design. Buildings with multiple store-fronts (e.g., strip shopping centers, one story office buildings) should be visually unified through the use of complimentary architectural forms, similar materials and colors, consistent details, and coordinated signage.

Entrances. Linear commercial buildings should have clearly defined and highly visible customer entrances that are designed as integral architectural elements. Individual entrances should be emphasized.

Facade Offsets. Variations in the building plane facing the public road should be included to add visual interest such as spaces for common entries, outdoor eating / social spaces and similar landscaped spaces. Offsets should be a minimum of four feet.

Covered Walkways. Where a linear commercial building has two or more entrances, it should include a permanently covered walkway, arcade, or open colonnade along its long facade to provide shelter, encourage pedestrian movement, and visually unite the structure.

Focal Points. Linear commercial buildings should include a focal point – such as raised entrance way, clock tower, or other architectural elements – to add visual interest and help reduce the scale of the building.

Roof Lines. Variations in rooflines, detailing, and building heights should be included to break up the scale of connected linear buildings.

Covered walkways add a shadow line which can reduce the scale of a long building and unify its facade.



Colonnades effectively add visual interest to linear buildings, while providing scale and protection from the elements.



Long commercial buildings should have a focal point and/or an offset in the roofline to break up their mass.



Covered walkways add a shadow line which can reduce the scale



A linear building that has been effectively scaled down by variations in the roofline and facade. Each storefront is treated as a separate entity. Variety in the use of materials adds visual interest to all facades. The colonnaded walkway encourages pedestrian movement and window shopping.



SERVICE STATIONS AND CONVENIENCE STORES

OBJECTIVES

Service stations, car washes, convenience stores that sell fuel and other automobile-oriented facilities should be designed with facade and roofline elements that reduce their scale and add architectural interest. Drive-throughs (for restaurants, banks, pharmacies, and similar uses) should be subordinate to the design of the main building.

DESIGN STANDARDS

Design. The architecture of service stations, convenience stores, and other auto-oriented commercial buildings should follow the same standards recommended for other buildings. All architectural details should be related to an overall design theme. Windows or other forms of fenestration should be included on the facade facing the street which should be treated as a front facade.

Orientation. Service stations, convenience stores, and similar uses should be sited to face the street. On corner lots, said uses may face both streets. Pump islands and canopies should be located at the rear or on the side of the building so the primary building is the major feature seen from the road.

Canopies. Canopies should be visually compatible with the main structure through consistency in roof pitch, architectural detailing, materials, and color. Pitched roofs and fascia trim are preferred for canopies. Bands of bold colors on the canopy and back-lighting inside the canopy are strongly discouraged.



The gas station canopy has been designed to complement the main building. The town strongly encourages the use of attached canopies, especially in service stations that are being retrofitted.

Site Design. The site design must address off-site noise exposure, underground drainage systems to keep water off public streets (e.g., in the case of car washes), snow storage, vehicular and pedestrian circulation, room for vehicle stacking, and other issues peculiar to these uses.

Large Openings. Openings for car washes or service bays should be integrated into the design of the building and sited so they are not directly visible from public roadways or adjacent residential areas.

Pedestrian Circulation. The front facade should include a pedestrian entrance from the street. Vehicular access routes should minimize conflicts with pedestrian circulation. Where walkways must cross driveways, motorists should be made aware of pedestrians through signage, lighting, raised crosswalks, changes in paving, or other devices.



This service station canopy is designed to be an extension of the building. The columns, roofline, dormers, and signage contribute to a sense of continuity in the architecture.



The flat-roofed canopy bears no design relationship to the well-detailed convenience store in terms of form, materials, or architectural style. The store was designed to fit into the residential surroundings.

OBJECTIVES

Drive-throughs (for restaurants, banks, pharmacies, and similar uses) should be subordinate to the design of the main building.

DESIGN STANDARDS

Drive-Throughs. Drive-through windows should be incorporated into the design of the building through their scale, color, detailing, massing, and other architectural treatments.

Location. Drive-throughs should be located at the side or rear of the building and avoid facing the main street, unless there are no alternative for safety or security. Where they are located at the rear, consideration should be given to their visibility to ensure the safety of patrons.



The design of this drive-through bank continues the theme of adaptive re-use and traditional materials.



The drive-through window on this bank repeats the same architectural elements used throughout the building.

OBJECTIVES

Non-habitable structures – such as freestanding ATMs, garages, storage units, canopies, recycling sheds, cart corrals, and utility buildings – should be treated as architectural elements and meet the same standards as larger buildings.

DESIGN STANDARDS

Design. Accessory structures should be designed as a coordinated element of the site plan by complementing or matching the materials, form, roof pitch, detailing, and color of the main building.

Site Planning. The location of all accessory structures should be illustrated on the site plan to show how they will be coordinated with plans for circulation, landscaping, lighting, parking, and other site features.



The design of this successful drive-through repeats the same roof pitch, forms, and materials found in the main bank building.



This ATM machine does not relate in form, color, or materials of the adjacent building.



This cart corral does not reflect the architecture of the large retail building and appears out of place in the parking lot.



By using the same form and materials the canopy over the drive-through is visually compatible with the main bank building.



The design of this successful drive-through repeats the same roof pitch, forms, and materials found in the main bank building.

