

SHORELAND ZONING ORDINANCE FOR THE MUNICIPALITY OF HARTFORD

SECTION 1. PURPOSES

THE PURPOSES OF THIS ORDINANCE ARE TO FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS; TO PREVENT AND CONTROL WATER POLLUTION; TO PROTECT FISH SPAWNING GROUNDS, AQUATIC LIFE, BIRD AND OTHER WILDLIFE HABITAT; TO PROTECT BUILDINGS AND LANDS FROM FLOODING AND ACCELERATED EROSION; TO PROTECT ARCHEOLOGICAL AND HISTORIC RESOURCES; TO PROTECT FRESHWATER WETLANDS; TO CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES; TO CONSERVE SHORE COVER, AND VISUAL AS WELL AS ACTUAL POINTS OF ACCESS TO INLAND WATERS; TO CONSERVE NATURAL BEAUTY AND OPEN SPACE; TO ANTICIPATE AND RESPOND TO THE IMPACTS OF DEVELOPMENT IN SHORELAND AREAS; AND TO RESTRICT THE AMOUNT OF PHOSPHORUS REACHING WATER BODIES AS A RESULT OF STRUCTURES, USES AND LAND MODIFICATIONS.

SECTION 2. AUTHORITY

THIS ORDINANCE HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF TITLE 38 SECTIONS 435-449 OF THE MAINE REVISED STATUTES ANNOTATED.

SECTION 3. APPLICABILITY

THIS ORDINANCE APPLIES TO ALL LAND AREAS WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THE NORMAL HIGH-WATER LINE OF ANY GREAT POND OR RIVER; WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THE UPLAND EDGE OF A FRESHWATER WETLAND; AND WITHIN 75 FEET, HORIZONTAL DISTANCE OF THE NORMAL HIGH-WATER LINE OF A STREAM. THIS ORDINANCE ALSO APPLIES TO 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.

SECTION 4. EFFECTIVE DATE AND REPEAL OF FORMERLY ADOPTED ORDINANCES

THIS AMENDED ORDINANCE, WHICH WAS ADOPTED BY THE MUNICIPAL LEGISLATIVE BODY ON JUNE 22, 1996, SHALL BE EFFECTIVE UPON APPROVAL OF THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION. A CERTIFIED COPY OF THE ORDINANCE, ATTESTED AND SIGNED BY THE MUNICIPAL CLERK, SHALL BE FORWARDED TO THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR APPROVAL. IF THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FAILS TO ACT ON THIS ORDINANCE WITHIN FORTY-FIVE (45) DAYS OF THE COMMISSIONER'S RECEIPT OF THE ORDINANCE, IT SHALL BE DEEMED APPROVED. UPON APPROVAL OF THIS ORDINANCE, THE SHORELAND ZONING ORDINANCE PREVIOUSLY ADOPTED ON 3-9-74, AND AMENDED ON 4-11-75, 3-12-88, 3-10-90, 6-23-90, 6-20-92 AND 6-18-94 IS HEREBY REPEALED.

ANY APPLICATION FOR A PERMIT SUBMITTED TO THE MUNICIPALITY WITHIN THE FORTY-FIVE (45) DAY PERIOD SHALL BE GOVERNED BY THE TERMS OF THIS ORDINANCE IF THE ORDINANCE IS APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

SECTION 5. AVAILABILITY

A CERTIFIED COPY OF THIS ORDINANCE SHALL BE FILED WITH THE MUNICIPAL CLERK AND SHALL BE ACCESSIBLE TO ANY MEMBER OF THE PUBLIC. COPIES SHALL BE MADE AVAILABLE TO THE PUBLIC AT REASONABLE COST AT THE EXPENSE OF THE PERSON MAKING THE REQUEST. NOTICE OF AVAILABILITY OF THIS ORDINANCE SHALL BE POSTED.

SECTION 6. SEVERABILITY

SHOULD ANY SECTION OR PROVISION OF THIS ORDINANCE BE DECLARED BY THE COURTS TO BE INVALID, SUCH DECISION SHALL NOT INVALIDATE ANY OTHER SECTION OR PROVISION OF THIS ORDINANCE.

SECTION 7. CONFLICTS WITH OTHER ORDINANCES

WHENEVER A PROVISION OF THIS ORDINANCE CONFLICTS WITH OR IS INCONSISTENT WITH ANOTHER PROVISION OF THIS ORDINANCE OR OF ANY OTHER ORDINANCE, REGULATION OR STATUTE, THE MORE RESTRICTIVE PROVISION SHALL CONTROL.

SECTION 8. AMENDMENTS

THIS ORDINANCE MAY BE AMENDED BY MAJORITY VOTE OF THE LEGISLATIVE BODY. COPIES OF AMENDMENTS, ATTESTED AND SIGNED BY THE MUNICIPAL CLERK, SHALL BE SUBMITTED TO THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WITHIN FOURTEEN (14) DAYS 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 OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FAILS TO ACT ON ANY AMENDMENT WITHIN FORTY-FIVE (45) DAYS OF THE COMMISSIONER'S RECEIPT OF THIS AMENDMENT, THE AMENDMENT IS AUTOMATICALLY APPROVED. ANY APPLICATION FOR A PERMIT SUBMITTED TO THE MUNICIPALITY WITHIN THE FORTY-FIVE (45) DAY PERIOD SHALL BE GOVERNED BY THE TERMS OF THE AMENDMENT, IF SUCH AMENDMENT IS APPROVED BY THE COMMISSIONER.

SECTION 9. DISTRICTS AND ZONING MAP

A. OFFICIAL SHORELAND ZONING MAP

THE AREAS TO WHICH THIS ORDINANCE IS APPLICABLE ARE HEREBY DIVIDED INTO THE FOLLOWING DISTRICTS AS SHOWN ON THE OFFICIAL SHORELAND ZONING MAP WHICH IS MADE A PART OF THIS ORDINANCE;

1. RESOURCE PROTECTION
2. LIMITED RESIDENTIAL
3. STREAM PROTECTION

B. SCALE OF MAP

THE OFFICIAL SHORELAND ZONING MAP SHALL BE DRAWN AT A SCALE OF NOT LESS THAN: 1 INCH = 2000 FEET. DISTRICT BOUNDARIES SHALL BE CLEARLY DELINEATED AND A LEGEND INDICATING THE SYMBOLS FOR EACH DISTRICT SHALL BE PLACED ON THE MAP.

C. CERTIFICATION OF OFFICIAL SHORELAND ZONING MAP

THE OFFICIAL SHORELAND ZONING MAP SHALL BE CERTIFIED BY THE ATTESTED SIGNATURE OF THE MUNICIPAL CLERK AND SHALL BE LOCATED IN THE MUNICIPAL OFFICE. IN THE EVENT THE MUNICIPALITY DOES NOT HAVE A MUNICIPAL OFFICE, THE MUNICIPAL CLERK SHALL BE THE CUSTODIAN OF THE MAP.

D. CHANGES TO THE OFFICIAL SHORELAND ZONING MAP

IF AMENDMENTS, IN ACCORDANCE WITH SECTION 8, ARE MADE IN THE DISTRICT BOUNDARIES OR OTHER MATTER PORTRAYED ON THE OFFICIAL SHORELAND ZONING MAP, SUCH CHANGES SHALL BE MADE ON THE OFFICIAL SHORELAND ZONING MAP WITHIN THIRTY (30) DAYS AFTER THE AMENDMENT HAS BEEN APPROVED BY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

SECTION 10. INTERPRETATION OF DISTRICT BOUNDARIES

UNLESS OTHERWISE SET FORTH ON THE OFFICIAL SHORELAND ZONING MAP, DISTRICT BOUNDARY LINES ARE PROPERTY LINES, THE CENTERLINE OF STREETS, ROADS AND RIGHTS OF WAY, AND THE BOUNDARIES OF THE SHORELAND AREA AS DEFINED HEREIN. WHERE UNCERTAINTY EXISTS AS TO THE EXACT LOCATION OF DISTRICT BOUNDARY LINES, THE BOARD OF APPEALS SHALL BE THE FINAL AUTHORITY AS TO LOCATION.

SECTION 11. LAND USE REQUIREMENTS

EXCEPT AS HEREINAFTER SPECIFIED, NO BUILDING, STRUCTURE OR LAND SHALL HEREAFTER BE USED OR OCCUPIED, AND NO BUILDING OR STRUCTURE OR PART THEREOF SHALL HEREAFTER BE ERECTED, CONSTRUCTED, EXPANDED, MOVED OR ALTERED AND NO NEW LOT SHALL BE CREATED EXCEPT IN CONFORMITY WITH ALL OF THE REGULATIONS HEREIN SPECIFIED FOR THE DISTRICT IN WHICH IT IS LOCATED, UNLESS A VARIANCE IS GRANTED.

SECTION 12. NON-CONFORMANCE

A. PURPOSE. IT IS THE INTENT OF THIS ORDINANCE TO PROMOTE LAND USE CONFORMITIES, EXCEPT THAT NON-CONFORMING CONDITIONS THAT EXISTED BEFORE THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE ALLOWED TO CONTINUE, SUBJECT TO THE REQUIREMENTS SET FORTH IN THIS SECTION. EXCEPT AS OTHERWISE PROVIDED IN THIS ORDINANCE, A NON-CONFORMING CONDITION OR USE SHALL NOT BE PERMITTED TO BECOME MORE NON-CONFORMING.

B. GENERAL

1. TRANSFER OF OWNERSHIP: NON-CONFORMING STRUCTURES, LOTS, AND USE MAY BE TRANSFERRED, AND THE NEW OWNER MAY CONTINUE THE USE OR CONTINUE TO USE THE NON-CONFORMING STRUCTURE OR LOT, SUBJECT TO THE PROVISIONS OF THIS ORDINANCE.
2. NOTICE TO ABUTTERS: IF APPLICATION IS FOR EXPANSION OF A NON-CONFORMING USE OR STRUCTURE, THE APPLICANT SHALL PROVIDE NAMES AND ADDRESSES OF ALL ABUTTERS WITHIN 250 FEET, AND THE BOARD SHALL NOTIFY THE ABUTTERS AT LEAST TWO WEEKS PRIOR TO THE MEETING AT WHICH THE APPLICATION WILL BE DISCUSSED.
3. REPAIR AND MAINTENANCE: THIS ORDINANCE ALLOWS, WITHOUT A PERMIT, THE NORMAL UPKEEP AND MAINTENANCE OF NON-CONFORMING USES AND STRUCTURES INCLUDING REPAIRS OR RENOVATIONS WHICH DO NOT INVOLVE EXPANSION OF THE NON-CONFORMING USE OR STRUCTURE, AND SUCH OTHER CHANGES IN A NON-CONFORMING USE OR STRUCTURE AS FEDERAL, STATE OR LOCAL BUILDING AND SAFETY CODES MAY REQUIRE.

NOTE: SEE SECTION 17 FOR THE DEFINITIONS OF NON-CONFORMING STRUCTURES, NON-CONFORMING USES AND NON-CONFORMING LOTS.

C. NON-CONFORMING STRUCTURES

1. EXPANSIONS: A NON-CONFORMING STRUCTURE MAY BE ADDED TO OR EXPANDED AFTER OBTAINING A PERMIT FROM THE SAME PERMITTING AUTHORITY AS REQUIRED FOR A NEW STRUCTURE, IF SUCH ADDITION OR EXPANSION DOES NOT INCREASE THE NON-CONFORMITY OF THE STRUCTURE.

FURTHER LIMITATIONS:

- a. NO STRUCTURE OR PORTION OF ANY STRUCTURE WHICH IS LESS THAN THE REQUIRED SETBACK MAY BE EXPANDED TOWARD THE WATER. A DECK, PORCH, OR PATIO SHALL BE CONSIDERED AN EXPANSION.
- ± b. AFTER JANUARY 1, 1989 IF ANY PORTION OF A STRUCTURE IS LESS THAN THE REQUIRED SETBACK FROM THE NORMAL HIGH WATER LINE OF A WATER BODY OR TRIBUTARY STREAM OR THE UPLAND EDGE OF A ~~WELL AND~~ WETLAND THAT PORTION OF THE STRUCTURE SHALL NOT BE EXPANDED IN FLOOR AREA OR VOLUME BY 30% OR MORE DURING THE LIFETIME OF THE STRUCTURE. IF A REPLACEMENT STRUCTURE CONFORMS WITH THE REQUIREMENTS OF SECTION 12C(3), AND IS LESS THAN THE REQUIRED SETBACK FROM A WATER BODY, TRIBUTARY STREAM OR WETLAND, THE REPLACEMENT STRUCTURE MAY NOT BE EXPANDED IF THE ORIGINAL STRUCTURE EXISTING ON JANUARY 1, 1989 HAD BEEN EXPANDED BY 30% IN FLOOR AREA OR VOLUME SINCE THAT DATE.
- B c. CONSTRUCTION OR ENLARGEMENT OF A FOUNDATION BENEATH THE EXISTING STRUCTURE SHALL NOT BE CONSIDERED AN EXPANSION OF THE STRUCTURE PROVIDED:
 1. THAT THE STRUCTURE AND NEW FOUNDATION ARE PLACED SUCH THAT THE SETBACK REQUIREMENT IS MET TO THE GREATEST PRACTICAL EXTENT AS DETERMINED BY THE PLANNING BOARD AND THAT THE SEPTIC SYSTEM CAPACITY IS DOCUMENTED, BOTH BASED ON THE CRITERIA SPECIFIED IN SUBSECTION 2. RELOCATION, BELOW;
 2. THAT THE COMPLETED FOUNDATION DOES NOT EXTEND BEYOND THE EXTERIOR DIMENSIONS OF THE STRUCTURE; AND
 3. THAT THE FOUNDATION DOES NOT CAUSE THE STRUCTURE TO BE ELEVATED BY MORE THAN THREE (3) FEET, AS MEASURED FROM THE LOWEST POINT OF THE SILL (i.e., FROM THE ORIGINAL GROUND LEVEL TO THE BOTTOM OF THE FIRST FLOOR SILL).
- € d. EXPANSIONS OF NON-CONFORMING STRUCTURES OTHER THAN UNENCLOSED DECKS SHALL BE SUBJECT TO THE STATE PLUMBING LAWS (TITLE 30-A, M.R.S.A. SECTION 4211, SUBSECTION 3) REQUIRING DOCUMENTATION OF THE WASTEWATER DISPOSAL CAPABILITIES.

2. RELOCATIONS: A NON-CONFORMING STRUCTURE MAY BE RELOCATED WITHIN THE BOUNDARIES OF THE PARCEL ON WHICH THE STRUCTURE IS LOCATED, PROVIDED:
- a. THAT THE SITE OF RELOCATION CONFORMS TO ALL SETBACK REQUIREMENTS TO THE GREATEST PRACTICAL EXTENT AS DETERMINED BY THE PLANNING BOARD, AND
 - b. THAT THE APPLICANT DEMONSTRATES THAT THE PRESENT SUBSURFACE SEWAGE DISPOSAL SYSTEM MEETS THE REQUIREMENTS OF THE STATE LAW AND THE MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (RULES), OR THAT A NEW SYSTEM CAN BE INSTALLED IN COMPLIANCE WITH THE LAW AND SAID RULES. IN NO CASE SHALL A STRUCTURE BE RELOCATED IN A MANNER THAT CAUSES THE STRUCTURE TO BE MORE NON-CONFORMING.

IN DETERMINING WHETHER THE BUILDING RELOCATION MEETS THE SETBACK TO THE "GREATEST PRACTICAL EXTENT," THE PLANNING BOARD SHALL CONSIDER THE:

- SIZE OF THE LOT,
- SLOPE OF THE LAND,
- POTENTIAL FOR SOIL EROSION,
- LOCATION OF OTHER STRUCTURES ON THE PROPERTY AND ON ADJACENT PROPERTIES,
- LOCATION OF THE SEPTIC SYSTEM AND OTHER ON-SITE SOILS SUITABLE FOR SEPTIC SYSTEMS, AND
- TYPE AND AMOUNT OF VEGETATION TO BE REMOVED TO ACCOMPLISH THE RELOCATION.

WHEN IT IS NECESSARY TO REMOVE VEGETATION WITHIN THE WATER OR WETLAND SETBACK AREA IN ORDER TO RELOCATE A STRUCTURE, THE PLANNING BOARD SHALL REQUIRE REPLANTING OF NATIVE VEGETATION TO COMPENSATE FOR THE DESTROYED VEGETATION. IN ADDITION, THE AREA FROM WHICH THE RELOCATED STRUCTURE WAS REMOVED MUST BE REPLANTED WITH VEGETATION. REPLANTING SHALL BE REQUIRED AS FOLLOWS:

- i. TREES REMOVED IN ORDER TO RELOCATE A STRUCTURE MUST BE REPLANTED WITH AT LEAST ONE NATIVE TREE, THREE (3) FEET IN HEIGHT, FOR EVERY TREE REMOVED. IF MORE THAN FIVE TREES ARE PLANTED, NO ONE SPECIES OF TREE SHALL MAKE UP MORE THAN 50% OF THE NUMBER OF TREES PLANTED. REPLANTED TREES MUST BE PLANTED NO FURTHER FROM THE WATER OR WETLAND THEN THE TREES THAT WERE REMOVED.

OTHER WOODY AND HERBACEOUS VEGETATION, AND GROUND COVER, THAT ARE REMOVED OR DESTROYED IN ORDER TO RELOCATE A STRUCTURE MUST BE RE-ESTABLISHED. AN AREA AT LEAST THE SAME SIZE AS THE AREA WHERE VEGETATION AND/OR GROUND COVER WAS DISTURBED, DAMAGED, OR REMOVED MUST BE REESTABLISHED WITHIN THE SETBACK AREA. THE VEGETATION AND/OR GROUND COVER MUST CONSIST OF SIMILAR NATIVE VEGETATION AND/OR GROUND COVER THAT WAS DISTURBED, DESTROYED OR REMOVED.

ii. WHERE, FEASIBLE, WHEN A STRUCTURE IS RELOCATED ON A PARCEL THE ORIGINAL LOCATION OF THE STRUCTURE SHALL BE REPLANTED WITH VEGETATION WHICH MAY CONSIST OF GRASSES, SHRUBS, TREES, OR A COMBINATION THEREOF.

3. RECONSTRUCTION OR REPLACEMENT: ANY NON-CONFORMING STRUCTURE WHICH IS LOCATED LESS THAN THE REQUIRED SETBACK FROM THE NORMAL HIGH-WATER LINE OF A WATER BODY OR UPLAND EDGE OF A WETLAND AND WHICH IS REMOVED, OR DAMAGED OR DESTROYED BY MORE THAN 50% OF THE MARKET VALUE OF THE STRUCTURE BEFORE SUCH DAMAGE, DESTRUCTION OR REMOVAL MAY BE RECONSTRUCTED OR REPLACED WITHIN ONE YEAR OF THE DATE OF SAID DAMAGE, DESTRUCTION OR REMOVAL PROVIDED THAT SUCH RECONSTRUCTION OR REPLACEMENT IS IN COMPLIANCE WITH THE WATER SETBACK REQUIREMENT TO THE GREATEST PRACTICAL EXTENT AS DETERMINED BY THE PLANNING BOARD IN ACCORDANCE WITH THE PURPOSES OF THIS ORDINANCE. IN NO CASE SHALL A STRUCTURE BE RECONSTRUCTED OR REPLACED SO AS TO INCREASE ITS NON-CONFORMITY. IF THE RECONSTRUCTED OR REPLACEMENT STRUCTURE IS LESS THAN THE REQUIRED SETBACK IT SHALL NOT BE ANY LARGER THAN THE ORIGINAL STRUCTURE, EXCEPT AS ALLOWED PURSUANT TO SECTION 12 C (1) ABOVE, AS DETERMINED BY THE NON-CONFORMING FLOOR AREA AND VOLUME OF THE RECONSTRUCTED OR REPLACED STRUCTURE AT ITS NEW LOCATION. IF THE TOTAL AMOUNT OF FLOOR AREA AND VOLUME OF THE ORIGINAL STRUCTURE CAN BE RELOCATED OR RECONSTRUCTED BEYOND THE REQUIRED SETBACK AREA, NO PORTION OF THE RELOCATED OR RECONSTRUCTED STRUCTURE SHALL BE REPLACED OR CONSTRUCTED AT LESS THAN THE SETBACK REQUIREMENT FOR A NEW STRUCTURE. WHEN IT IS NECESSARY TO REMOVE VEGETATION IN ORDER TO REPLACE OR RECONSTRUCT A STRUCTURE, VEGETATION SHALL BE REPLANTED IN ACCORDANCE WITH SECTION 12 C (2) ABOVE.

ANY STRUCTURE WHICH IS DAMAGED OR DESTROYED BY 50% OR LESS THAN THE MARKET VALUE OF THE STRUCTURE MAY BE REPAIRED OR RECONSTRUCTED IN PLACE WITHIN ONE YEAR OF SUCH DAMAGE OR DESTRUCTION, WITH A PERMIT, PROVIDED THAT THE FLOOR AREA IS NO GREATER THAN THE FLOOR AREA OR VOLUME BEFORE THE DAMAGE OR DESTRUCTION. AFTER ONE YEAR, REPAIR OR RECONSTRUCTION OF ANY SUCH STRUCTURE SHALL REQUIRE A PERMIT FROM THE SAME PERMITTING AUTHORITY AS THAT FOR A NEW SUCH STRUCTURE.

IN DETERMINING WHETHER THE BUILDING RECONSTRUCTION OR REPLACEMENT MEETS THE WATER SETBACK TO THE "GREATEST PRACTICAL EXTENT," THE PLANNING BOARD SHALL CONSIDER IN ADDITION TO THE CRITERIA IN PARAGRAPH 2. ABOVE, THE TYPE OF FOUNDATION PRESENT, IF ANY. IT IS NOT THE INTENT OF THIS SECTION TO REQUIRE THE DESTRUCTION OF ~~FUNCTIONAL~~ A PERMANENT CONCRETE OR BLOCK FOUNDATIONS WITH A FOOTING IN ORDER TO MEET THE SETBACK REQUIREMENTS.

4. CHANGE OF USE OF A NON-CONFORMING STRUCTURE:

THE USE OF A NON-CONFORMING STRUCTURE MAY NOT BE CHANGED TO ANOTHER USE UNLESS THE PLANNING BOARD, AFTER RECEIVING A WRITTEN APPLICATION, DETERMINES THAT THE NEW USE WILL NOT HAVE A GREATER ADVERSE IMPACT ON THE WATER BODY OR WETLAND, OR ON THE SUBJECT OR ADJACENT PROPERTIES AND RESOURCES THAN THE EXISTING USE.

IN DETERMINING THAT “NO GREATER ADVERSE IMPACT” WILL OCCUR, THE PLANNING BOARD SHALL REQUIRE WRITTEN DOCUMENTATION FROM THE APPLICANT REGARDING THE PROBABLE EFFECTS ON PUBLIC HEALTH AND SAFETY, EROSION AND SEDIMENTATION, WATER QUALITY, FISH AND WILDLIFE HABITAT, VEGETATIVE COVER, VISUAL AND ACTUAL POINTS OF PUBLIC ACCESS TO WATERS, ARCHEOLOGICAL AND HISTORIC RESOURCES, AND OTHER FUNCTIONALLY WATER-DEPENDENT USES.

D. NON-CONFORMING USES

1. EXPANSIONS: EXPANSIONS OF NON-CONFORMING USES ARE PROHIBITED, EXCEPT THAT NON-CONFORMING RESIDENTIAL USES MAY, AFTER APPLICATION TO THE PLANNING BOARD AND PERMIT FROM THE CEO, BE EXPANDED WITHIN EXISTING RESIDENTIAL STRUCTURES OR WITHIN EXPANSIONS OF SUCH STRUCTURES AS PERMITTED IN SECTION 12.C.
2. RESUMPTION PROHIBITED: A LOT, BUILDING OR STRUCTURE IN OR ON WHICH A NON-CONFORMING USE IS DISCONTINUED FOR A PERIOD EXCEEDING ONE YEAR, OR WHICH IS SUPERSEDED BY A CONFORMING USE, MAY NOT AGAIN BE DEVOTED TO A NON-CONFORMING USE EXCEPT THAT THE PLANNING BOARD MAY, FOR GOOD CAUSE SHOWN BY THE APPLICANT, GRANT UP TO A ONE YEAR EXTENSION TO THAT TIME PERIOD. THIS PROVISION SHALL NOT APPLY TO THE RESUMPTION OF A USE OF A RESIDENTIAL STRUCTURE PROVIDED THAT THE STRUCTURE HAS BEEN USED OR MAINTAINED FOR RESIDENTIAL PURPOSES DURING THE PRECEDING FIVE (5) YEAR PERIOD.
3. CHANGE OF USE: AN EXISTING NON-CONFORMING USE MAY BE CHANGED TO ANOTHER NON-CONFORMING USE PROVIDED THAT THE PROPOSED USE HAS NO GREATER ADVERSE IMPACT ON THE SUBJECT AND ADJACENT PROPERTIES AND RESOURCES THAT THE FORMER USE, AS DETERMINED BY THE PLANNING BOARD. THE DETERMINATION OF “NO GREATER ADVERSE IMPACT” SHALL BE MADE ACCORDING TO CRITERIA LISTED IN SECTION 12 C (4) ABOVE.

E. NON-CONFORMING LOTS:

1. NON-CONFORMING LOTS: A NON-CONFORMING LOT OF RECORD AS OF THE EFFECTIVE DATE OF THIS ORDINANCE OR AMENDMENT THERETO MAY BE BUILT UPON, WITHOUT THE NEED FOR A VARIANCE, PROVIDED THAT SUCH LOT IS IN SEPARATE OWNERSHIP AND NOT CONTIGUOUS WITH ANY OTHER LOT IN THE SAME OWNERSHIP, AND THAT ALL PROVISIONS OF THIS ORDINANCE EXCEPT LOT SIZE AND FRONTAGE CAN BE MET. VARIANCES RELATING TO SETBACK OR OTHER REQUIREMENTS NOT INVOLVING LOT AREA, LOT WIDTH OR SHORE FRONTAGE SHALL BE OBTAINED ONLY BY ACTION OF THE BOARD OF APPEALS.
2. CONTIGUOUS BUILT LOTS: IF TWO OR MORE CONTIGUOUS LOTS OR PARCELS ARE IN A SINGLE OR JOINT OWNERSHIP OF RECORD AT THE TIME OF ADOPTION OF THIS ORDINANCE, IF ALL OR PART OF THE LOTS DO NOT MEET THE DIMENSIONAL REQUIREMENTS OF THIS ORDINANCE, AND IF A PRINCIPAL USE OR STRUCTURE EXISTS ON EACH LOT, THE NON-CONFORMING LOTS MAY BE CONVEYED SEPARATELY OR TOGETHER, PROVIDED THAT THE STATE MINIMUM LOT SIZE LAW AND SUBSURFACE WASTEWATER DISPOSAL RULES ARE COMPLIED WITH.

IF TWO OR MORE PRINCIPAL STRUCTURES EXISTED ON A SINGLE LOT OF RECORD ON THE EFFECTIVE DATE OF THIS ORDINANCE, EACH MAY BE SOLD ON A SEPARATE LOT PROVIDED THAT THE ABOVE REFERENCED LAW AND RULES ARE COMPLIED WITH. WHEN SUCH LOTS ARE DIVIDED EACH LOT THUS CREATED MUST BE AS CONFORMING AS POSSIBLE TO THE DIMENSIONAL REQUIREMENTS OF THIS ORDINANCE.

3. CONTIGUOUS LOTS – VACANT OR PARTIALLY BUILT: IF TWO OR MORE CONTIGUOUS LOTS OR PARCELS ARE IN SINGLE OR JOINT OWNERSHIP OF RECORD AT THE TIME OF OR SINCE ADOPTION OR AMENDMENT OF THIS ORDINANCE, IF ANY OF THESE LOTS DO NOT INDIVIDUALLY MEET THE DIMENSIONAL REQUIREMENTS OF THIS ORDINANCE OR SUBSEQUENT AMENDMENTS, AND IF ONE OR MORE OF THE LOTS ARE VACANT OR CONTAIN NO PRINCIPAL STRUCTURE THE LOTS SHALL BE COMBINED TO THE EXTENT NECESSARY TO MEET THE DIMENSIONAL REQUIREMENTS.

SECTION 13. ESTABLISHMENT OF DISTRICTS

A. RESOURCE PROTECTION DISTRICT

THE RESOURCE PROTECTION DISTRICT INCLUDES AREAS IN WHICH DEVELOPMENT WOULD ADVERSELY AFFECT WATER QUALITY, PRODUCTIVE HABITAT, BIOLOGICAL ECOSYSTEMS, OR SCENIC AND NATURAL VALUES. THIS DISTRICT SHALL INCLUDE THE FOLLOWING AREAS WHEN THEY OCCUR WITHIN THE LIMITS OF THE SHORELAND ZONE, EXCLUSIVE OF THE STREAM PROTECTION DISTRICT.

1. AREAS WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THE UPLAND EDGE OF:
 - a. A FRESHWATER WETLANDS OF 10 ACRES OR MORE AND AREAS WITHIN 250 FEET, HORIZONTAL DISTANCE, OF THEIR UPLAND EDGE AND WETLANDS ASSOCIATED WITH THE GREAT PONDS AND RIVERS, WHICH ARE MAPPED BY THE MAINE GEOLOGICAL

SURVEY (NOTE: THE COMPREHENSIVE PLAN STATES IN THE FUTURE LAND USE PLAN THAT SUCH WETLANDS BE PLACED IN THE RESOURCE PROTECTION DISTRICT.); OR

- b. ANY WETLAND WHICH CONTAINS LESS THAN TEN (10) ACRES, ADJOINING A GREAT POND, RIVER OR STREAM, ANY OF WHICH IS RATED "MODERATE", "MEDIUM" OR "HIGH" VALUE BY THE MAINE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE (MDIF&W) AS OF JUNE 23, 1990; OR
- c. ANY WETLAND WHICH CONTAINS LESS THAN TEN (10) ACRES ADJOINING ANY POND SUCH THAT IN A NATURAL STATE THE COMBINED SURFACE AREA IS MORE THAN TEN (10) ACRES.

NOTE: THE NATURAL RESOURCES PROTECTION ACT, TITLE 38 SECTIONS 480-A THROUGH 480-S REQUIRES THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO DESIGNATE AREAS OF "SIGNIFICANT WILDLIFE HABITAT." SIGNIFICANT WILDLIFE HABITAT INCLUDES:

HABITAT FOR SPECIES APPEARING ON THE OFFICIAL STATE OR FEDERAL LISTS OF ENDANGERED OR THREATENED SPECIES; HIGH AND MODERATE VALUE DEER WINTERING AREAS AND TRAVEL CORRIDORS AS DEFINED BY THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE; AND HIGH AND MODERATE VALUE WATERFOWL AND WADING BIRD HABITATS, INCLUDING NESTING AND FEEDING AREAS AS DEFINED BY THE DEPARTMENT OF INLAND FISHERIES AND WILDLIFE.

AS THESE AREAS ARE MAPPED AND DEVELOPMENT STANDARDS ARE ESTABLISHED, MUNICIPALITIES SHOULD INCORPORATE SUCH AREAS AND STANDARDS INTO THEIR LOCALLY ADOPTED ORDINANCES.

- 2. FLOODPLAINS ALONG RIVERS DEFINED BY THE 100-YEAR FLOODPLAIN AS DESIGNATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) FLOOD INSURANCE RATE MAPS OR FLOOD HAZARD BOUNDARY MAPS, OR THE FLOOD OF RECORD, OR IN THE ABSENCE OF THESE, BY SOIL TYPES IDENTIFIED AS RECENT FLOODPLAIN SOILS.
- 3. AREAS OF TWO OR MORE CONTIGUOUS ACRES WITH SUSTAINED SLOPES OF 20% OR GREATER.
- 4. LAND AREAS ALONG RIVERS SUBJECT TO SEVERE BANK EROSION, UNDERCUTTING, OR RIVER BED MOVEMENT, WHICH ARE SUBJECT TO SEVERE EROSION OR MASS MOVEMENT.

THIS DISTRICT MAY ALSO INCLUDE THE FOLLOWING OTHER AREAS WHICH HAVE BEEN RECOMMENDED FOR PROTECTION IN THE COMPREHENSIVE PLAN OF THE MUNICIPALITY:

- 5. AREAS OF TWO (2) OR MORE ACRES (WITHIN 250 FEET OF A GREAT POND OR RIVER, OR WITHIN 75 FEET OF A DEFINED STREAM) SUPPORTING WETLAND VEGETATION AND HYDRIC SOILS WHICH ARE NOT PART OF A FRESHWATER WETLAND AS DEFINED, AND WHICH ARE NOT SURFICIALLY CONNECTED TO A WATER BODY DURING NORMAL SPRING HIGH WATER.

6. OTHER IMPORTANT WILDLIFE HABITAT;
7. NATURAL SITES OF SIGNIFICANT SCENIC OR ESTHETIC VALUE;
8. AREAS DESIGNATED BY FEDERAL, STATE OR MUNICIPAL GOVERNMENTS AS NATURAL AREAS OF SIGNIFICANCE TO BE PROTECTED FROM DEVELOPMENT; AND
9. OTHER SIGNIFICANT AREAS WHICH SHOULD BE INCLUDED IN THIS DISTRICT TO FULFILL THE PURPOSES OF THIS ORDINANCE.

B. LIMITED RESIDENTIAL DISTRICT

THE LIMITED RESIDENTIAL DISTRICT INCLUDES THOSE AREAS SUITABLE FOR RESIDENTIAL AND RECREATIONAL DEVELOPMENT. IT INCLUDES AREAS OTHER THAN THOSE IN THE RESOURCE PROTECTION DISTRICT OR STREAM PROTECTION DISTRICT.

C. STREAM PROTECTION DISTRICT

THE STREAM PROTECTION DISTRICT INCLUDES ALL LAND AREAS WITHIN SEVENTY-FIVE (75) FEET, HORIZONTAL DISTANCE, OF THE NORMAL HIGH-WATER LINE OF A STREAM, EXCLUSIVE OF THOSE AREAS WITHIN TWO-HUNDRED AND FIFTY (250) FEET OF THE NORMAL HIGH-WATER LINE OF A GREAT POND OR RIVER, OR WITHIN TWO HUNDRED AND FIFTY (250) FEET OF THE UPLAND EDGE OF A FRESHWATER WETLAND. WHERE STREAMS ARE LOCATED WITHIN TWO-HUNDRED AND FIFTY (250) FEET OF THE ABOVE WATER BODIES OR WETLANDS, THE STANDARDS FOR THE DISTRICT ADJACENT TO THAT WATER BODY OR WETLAND SHALL APPLY.

SECTION 14 TABLE OF LAND USES

ALL LAND USE ACTIVITIES, AS INDICATED IN TABLE 1. LAND USES IN THE SHORELAND ZONE SHALL CONFORM WITH ALL OF THE APPLICABLE LAND USE STANDARDS IN SECTION 15. THE DISTRICT DESIGNATION FOR A PARTICULAR SITE SHALL BE DETERMINED FROM THE OFFICIAL SHORELAND ZONING MAP.

KEY TO TABLE 1:

YES – ALLOWED (NO PERMIT REQUIRED BUT USE MUST COMPLY WITH ALL APPLICABLE LAND USE STANDARDS.)

NO – PROHIBITED

PB – REQUIRES PERMIT ISSUED BY THE PLANNING BOARD

CEO – REQUIRES PERMIT ISSUED BY THE CODE ENFORCEMENT OFFICER

LPI – REQUIRES PERMIT ISSUED BY THE LOCAL PLUMBING INSPECTOR

ABBREVIATIONS:

RP – RESOURCE PROTECTION

LR – LIMITED RESIDENTIAL

SP – STREAM PROTECTION

TABLE 1. LAND USES IN THE SHORE LAND

LAND USES	DISTRICT		
	<u>SP</u>	<u>RP</u>	<u>LR</u>
1. NO-INTENSIVE RECREATIONAL USES NOT REQUIRING STRUCTURES SUCH AS HUNTING, FISHING, HIKING	YES	YES	YES
2. MOTORIZED VEHICULAR TRAFFIC ON EXISTING ROADS AND TRAILS	YES	YES	YES
3. FOREST MANAGEMENT ACTIVITIES EXCEPT FOR TIMBER HARVESTING	YES	YES	YES
4. TIMBER HARVESTING	PB	CEO ¹	CEO
5. CLEARING OF VEGETATION FOR APPROVED CONSTRUCTION AND OTHER LAND USES	CEO	CEO	CEO
6. FIRE PROTECTION ACTIVITIES	YES	YES	YES
7. WILDLIFE MANAGEMENT PRACTICES	YES	YES	YES
8. SOIL AND WATER CONSERVATION PRACTICES	YES	YES	YES
9. MINERAL EXPLORATION	NO	YES ²	YES ²
10. MINERAL EXTRACTION INCLUDING SAND AND GRAVEL EXTRACTION	NO	PB ³	PB ³
11. SURVEYING AND RESOURCE ANALYSIS	YES	YES	YES
12. EMERGENCY OPERATIONS	YES	YES	YES
13. AGRICULTURE	NO	NO	PB
14. AQUACULTURE	PB	PB	PB
15. PRINCIPAL STRUCTURES AND USES			
A. ONE AND TWO FAMILY RESIDENTIAL	PB ⁴	PB ⁸	PB
B. MULTI-FAMILY RESIDENTIAL	NO	NO	PB
C. COMMERCIAL	NO	NO	NO
D. INDUSTRIAL	NO	NO	NO
E. GOVERNMENTAL AND INSTITUTIONAL	NO	NO	NO
F. SMALL NON-RESIDENTIAL FACILITIES FOR EDUCATIONAL, SCIENTIFIC, OR NATURE INTERPRETATION PURPOSES	PB ⁴	PB	PB
16. STRUCTURES ACCESSORY TO ALLOWED USES	PB ⁴	PB	PB
17. STRUCTURES BUILT ON, OVER, OR ABUTTING A PIER, WHARF, DOCK OR OTHER STRUCTURE EXTENDING BEYOND THE NORMAL HIGH-WATER LINE OR UPLAND EDGE OF A WETLAND	PB	NO	PB
18. CONVERSIONS OF SEASONAL RESIDENCES TO YEAR-ROUND RESIDENCES	LPI	LPI	LPI
19. HOME OCCUPATIONS	PB	PB	PB
20. PRIVATE SEWAGE DISPOSAL UNITS FOR ALLOWED USES	LPI	LPI	LPI
21. ESSENTIAL SERVICES	PB ⁵	PB ⁵	PB
22. SERVICE DROPS, AS DEFINED, TO ALLOWED USES	YES	YES	YES
23. PUBLIC AND PRIVATE RECREATIONAL AREAS INVOLVING MINIMAL STRUCTURAL DEVELOPMENT	PB	PB	PB
24. INDIVIDUAL, PRIVATE CAMPSITES	PB ⁴	CEO	CEO
25. CAMPGROUNDS	NO	NO ⁶	PB
26. ROAD CONSTRUCTION AND PARKING FACILITIES	PB	NO	PB
27. MARINAS	PB	NO	PB
28. FILLING AND EARTHMOVING LESS THAN 10 CUBIC YARDS	CEO	CEO	YES
29. FILLING AND EARTHMOVING MORE THAN 10 CUBIC YARDS	PB	PB	CEO
30. SIGNS	YES	YES	YES
31. USES SIMILAR TO ALLOWED USES	CEO	CEO	CEO
32. USES SIMILAR TO ALLOWED USES REQUIRING A CEO PERMIT	CEO	CEO	CEO
33. USES SIMILAR TO ALLOWED USES REQUIRING A PB PERMIT	PB	PB	PB

1 IN RP NOT PERMITTED WITHIN 75 FEET OF THE NORMAL HIGH-WATER LINE OF
2 GREAT PONDS, EXCEPT TO REMOVE SAFETY HAZARDS.
3 REQUIRES PERMIT FROM THE PLANNING BOARD IF MORE THAN 100 SQUARE FEET OF
4 SURFACE AREA IS DISTURBED.
5 IN RP NOT PERMITTED IN AREAS SO DESIGNATED BECAUSE OF WILDLIFE VALUE.
6 PROVIDED THAT A VARIANCE FROM THE SETBACK REQUIRED IS OBTAINED FROM THE
7 BOARD OF APPEALS.
8 SEE FURTHER RESTRICTIONS IN SECTION 15 (L)(2) ON PAGE 24.
EXCEPT WHEN AN AREA IS ZONED FOR RESOURCE PROTECTION SOLELY BECAUSE OF
FLOOD PLAIN CRITERIA IN WHICH CASE A PERMIT IS REQUIRED FROM THE PB.
EXCEPT WHERE NO REASONABLE ALTERNATIVE ROUTE OR LOCATION IS AVAILABLE
OUTSIDE THE RP AREA IN WHICH CASE A PERMIT IS REQUIRED FROM THE PB.
SINGLE FAMILY RESIDENTIAL STRUCTURES MAY BE ALLOWED BY SPECIAL EXCEPTION
ONLY ACCORDING TO THE PROVISIONS OF SECTION 16. E, SPECIAL EXCEPTIONS.
TWO-FAMILY RESIDENTIAL STRUCTURES ARE NOT PERMITTED.

NOTE: A PERSON PERFORMING ANY OF THE FOLLOWING ACTIVITIES SHALL REQUIRE A PERMIT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, PURSUANT TO TITLE 38 M.R.S.A., SECTION 480-C, IF THE ACTIVITY OCCURS IN, ON, OVER OR ADJACENT TO ANY FRESHWATER WETLAND, GREAT POND, STREAM OR BROOK AND OPERATES IN SUCH A MANNER THAT MATERIAL OR SOIL MAY BE WASHED INTO THEM:

- A. DREDGING, BULLDOZING, REMOVING OR DISPLACING SOIL, SAND, VEGETATION OR OTHER MATERIALS;**
- B. DRAINING OR OTHERWISE DEWATERING;**
- C. FILLING; OR**
- D. ANY CONSTRUCTION OR ALTERATION OF ANY PERMANENT STRUCTURE.**

SECTION 15. LAND USE STANDARDS

ALL LAND USE ACTIVITIES WITHIN THE SHORELAND ZONE SHALL CONFORM WITH THE FOLLOWING PROVISIONS, IF APPLICABLE.

A. MINIMUM LOT STANDARDS

1.	<u>MINIMUM LOT AREA (ACREAGE)</u>	<u>MINIMUM SHORE FRONTAGE AND MINIMUM LOT WIDTH (FT)</u>
a. <u>RESIDENTIAL/PER DWELLING UNIT ALONG ALL WATERS</u>	3 ACRES*	200
b. <u>GOVERNMENTAL PER PRINCIPAL STRUCTURE</u>	<u>4.5 ACRES*</u>	<u>300</u>
c. <u>PUBLIC AND PRIVATE RECREATIONAL FACILITIES ALONG ALL WATERS</u>	3 ACRES*	200

*(UNLESS AMENDED HEREIN, OR IN THE BUILDING LOT STANDARDS ORDINANCE.)

2. LAND BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR UPLAND EDGE OF A WETLAND AND LAND BENEATH ROADS SERVING MORE THAN TWO (2) LOTS SHALL NOT BE INCLUDED TOWARD CALCULATING MINIMUM LOT AREA.

~~2. FOR COMMONLY OWNED OR USED SHORE FRONTAGE (COMMON SHORELAND ACCESS) INCLUDING RIGHT(S) OF WAY, THE MINIMUM STRAIGHT LINE DISTANCE SHALL BE SEVENTY FIVE (75) FEET FOR THE FIRST DWELLING UNIT, AND TWENTY FIVE (25) FEET FOR EACH ADDITIONAL DWELLING UNIT.~~

~~3. LODGING FACILITIES MAY BE PERMITTED IN THE LIMITED RESIDENTIAL DISTRICT PROVIDED THAT ALL APPLICABLE STANDARDS CONTAINED IN THIS ORDINANCE, INCLUDING RESIDENTIAL SHORE FRONTAGE AND MINIMUM LOT SIZE REQUIREMENTS FOR EACH RENTAL UNIT, ARE MET.~~

3. LOTS LOCATED ON OPPOSITE SIDES OF A PUBLIC OR PRIVATE ROAD SHALL BE CONSIDERED EACH A SEPARATE TRACT OR PARCEL OF LAND UNLESS SUCH ROAD WAS ESTABLISHED BY THE OWNER OF LAND ON BOTH SIDES THEREOF AFTER SEPTEMBER 22, 1971.

4. THE MINIMUM WIDTH OF ANY PORTION OF ANY LOT WITHIN ONE HUNDRED (100) FEET, HORIZONTAL DISTANCE, OF THE NORMAL HIGH-WATER LINE OF A WATER BODY OR UPLAND EDGE OF A WETLAND SHALL BE EQUAL TO OR GREATER THAN THE SHORE FRONTAGE REQUIREMENT FOR A LOT WITH THE PROPOSED USE.

5. IF MORE THAN ONE RESIDENTIAL DWELLING UNIT OR ~~MORE THAN ONE PRINCIPAL~~ GOVERNMENTAL STRUCTURE IS CONSTRUCTED ON A SINGLE PARCEL, ALL DIMENSIONAL REQUIREMENTS SHALL BE MET FOR EACH ADDITIONAL DWELLING UNIT OR ~~PRINCIPAL~~ GOVERNMENTAL STRUCTURE.

6. AN APPLICANT PROPOSING A SUBDIVISION OF THREE (3) OR MORE LOTS IN THE SHORELAND ZONE, MAY REDUCE THE LOT SIZE AND FRONTAGE REQUIREMENTS BY A MAXIMUM OF TWENTY-FIVE (25) PERCENT PROVIDED THAT TEN (10) PERCENT OF THE SHORE FRONTAGE AND LOT AREA WITHIN THE SHORELAND ZONE IS DEDICATED AS A PUBLIC ACCESS AREA THROUGH PERMANENT DEEDED EASEMENTS. SUCH EASEMENTS SHALL BE OF A DESIGN APPROPRIATE TO THE SITE, SIZE AND GENERAL NATURE OF THE PROPOSED DEVELOPMENT, AND THE ACCESS AREA SHALL BE FULLY DEVELOPED AND AVAILABLE FOR PUBLIC USE AT THE TIME OF OCCUPANCY OF THE DEVELOPMENT. IF THE ACCESS AREA DEEDED TO THE TOWN ALSO INCLUDES A SIGNIFICANT BEACH AREA, THE REDUCTION IN LOT SIZES MAY BE A MAXIMUM OF THIRTY-THREE (33) PERCENT.
7. IF A LOT IS USED AS A MANUFACTURED HOME PARK, ACCORDING TO M.R.S.A. TITLE 30, SECTION 4965, THE MINIMUM AREA PER UNIT SHALL BE FORTY THOUSAND (40,000) SQUARE FEET.

B. PRINCIPAL AND ACCESSORY STRUCTURES

1. ALL NEW PRINCIPAL AND ACCESSORY STRUCTURES SHALL BE SET BACK AT LEAST ONE HUNDRED (100) FEET FROM THE NORMAL HIGH-WATER LINE OF GREAT PONDS, AND SEVENTY-FIVE (75) FEET FROM THE NORMAL HIGH-WATER LINE OF OTHER BODIES, TRIBUTARY STREAMS, OR THE UPLAND EDGE OF A WETLAND. IN THE RESOURCE PROTECTION DISTRICT THE SETBACK REQUIREMENT SHALL BE TWO-HUNDRED FIFTY (250) FEET, HORIZONTAL DISTANCE, EXCEPT FOR STRUCTURES, ROADS, PARKING SPACES OR OTHER REGULATED OBJECTS SPECIFICALLY ALLOWED IN THAT DISTRICT IN WHICH CASE THE SETBACK REQUIREMENTS SPECIFIED ABOVE SHALL APPLY.

IN ADDITION: THE WATER BODY, TRIBUTARY STREAM, OR WETLAND SETBACK PROVISION SHALL NEITHER APPLY TO STRUCTURES WHICH REQUIRE DIRECT ACCESS TO THE WATER BODY, TRIBUTARY STREAM OR WETLAND AS AN OPERATIONAL NECESSITY, SUCH AS PIERS, DOCKS AND RETAINING WALLS, NOR TO OTHER FUNCTIONALLY WATER-DEPENDENT USES.

2. PRINCIPAL OR ACCESSORY STRUCTURES AND EXPANSIONS OF EXISTING STRUCTURES WHICH ARE PERMITTED IN THE RESOURCE PROTECTION LIMITED RESIDENTIAL, AND STREAM PROTECTION DISTRICTS, SHALL NOT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT.
3. THE FIRST FLOOR ELEVATION OR OPENINGS OF ALL BUILDINGS AND STRUCTURES INCLUDING BASEMENTS SHALL BE ELEVATED AT LEAST ONE FOOT ABOVE THE ELEVATION OF THE 100-YEAR FLOOD, THE FLOOD OF RECORD, OR IN THE ABSENCE OF THESE, THE FLOOD AS DEFINED BY SOIL TYPES IDENTIFIED BY RECENT FLOOD PLAN SOILS. WHEREAS HARTFORD PARTICIPATES IN THE NATIONAL FLOOD INSURANCE PROGRAM AND HAS ADOPTED THE LATEST VERSION OF THE FLOODPLAIN MANAGEMENT ORDINANCE, ACCESSORY STRUCTURES MAY BE PLACED IN ACCORDANCE WITH THE STANDARDS OF THAT ORDINANCE AND NEED NOT MEET THE ELEVATION REQUIREMENTS OF THIS PARAGRAPH.
4. THE TOTAL AREA OF ALL STRUCTURES, PARKING LOTS AND OTHER NONVEGETATED SURFACES SHALL NOT EXCEED TWENTY (20) PERCENT OF ANY PORTION OF A LOT WITHIN THE SHORELAND ZONE, INCLUDING LAND AREA PREVIOUSLY DEVELOPED.

5. 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 THREE (3) 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.

C. PIERS, DOCKS, WHARFS, BRIDGES AND OTHER STRUCTURES AND USES EXTENDING OVER OR BEYOND THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND.

1. ACCESS FROM SHORE SHALL BE DEVELOPED ON SOILS APPROPRIATE FOR SUCH USE AND CONSTRUCTED SO AS TO CONTROL EROSION.
2. THE LOCATION SHALL NOT INTERFERE WITH EXISTING DEVELOPED OR NATURAL BEACH AREAS.
3. THE FACILITY SHALL BE LOCATED SO AS TO MINIMIZE ADVERSE EFFECTS ON FISHERIES.
4. THE FACILITY SHALL BE NO LARGER IN DIMENSION THAN NECESSARY TO CARRY ON THE ACTIVITY AND BE CONSISTENT WITH EXISTING CONDITIONS, USE, AND CHARACTER OF THE AREA.
5. NO NEW STRUCTURE SHALL BE BUILT ON, OVER OR ABUTTING A PIER, WHARF, DOCK OR OTHER STRUCTURE EXTENDING BEYOND THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND UNLESS THE STRUCTURE REQUIRES DIRECT ACCESS TO THE WATER AS AN OPERATIONAL NECESSITY.
6. NEW PERMANENT PIERS AND DOCKS SHALL NOT BE PERMITTED NOTWITHSTANDING THE NOTE BELOW.
67. 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.
78. STRUCTURES BUILT ON, OVER OR ABUTTING A PIER, WHARF, DOCK OR OTHER STRUCTURE EXTENDING BEYOND THE NORMAL HIGH-WATER LINE OF A WATER BODY OR WITHIN A WETLAND SHALL NOT EXCEED TWENTY (20) FEET IN HEIGHT ABOVE THE PIER, WHARF, DOCK OR OTHER STRUCTURE.

NOTE: PERMANENT STRUCTURES PROJECTING INTO OR OVER WATER BODIES SHALL REQUIRE A PERMIT FROM THE DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE NATURAL RESOURCES PROTECTION ACT, TITLE 38, M.R.S.A, SECTION 480-C.

D. CAMPGROUNDS

CAMPGROUNDS SHALL CONFORM TO THE MINIMUM REQUIREMENTS IMPOSED UNDER STATE LICENSING PROCEDURES AND THE FOLLOWING:

1. CAMPGROUNDS SHALL CONTAIN A MINIMUM OF FIVE THOUSAND (5,000) SQUARE FEET OF LAND, NOT INCLUDING ROADS AND DRIVEWAYS, FOR EACH SITE. LAND SUPPORTING WETLAND VEGETATION AND LAND BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY SHALL NOT BE INCLUDED IN CALCULATING LAND AREA PER SITE.
2. THE AREAS INTENDED FOR PLACEMENT OF A RECREATIONAL VEHICLE, TENT, OR SHELTER, AND UTILITY AND SERVICE BUILDINGS SHALL BE SET BACK A MINIMUM OF ONE HUNDRED (100) FEET FROM THE NORMAL HIGH-WATER LINE OF A GREAT POND, AND SEVENTY-FIVE (75) FEET FROM THE NORMAL HIGH-WATER LINE OF OTHER WATER BODIES, TRIBUTARY STREAMS OR THE UPLAND EDGE OF A WETLAND.

E. INDIVIDUAL PRIVATE CAMPSITES

INDIVIDUAL, PRIVATE CAMPSITES NOT ASSOCIATED WITH CAMPGROUNDS ARE PERMITTED PROVIDED THE FOLLOWING CONDITIONS ARE MET:

1. ONE CAMPSITE PER LOT EXISTING ON THE EFFECTIVE DATE OF THIS ORDINANCE, OR THIRTY THOUSAND (30,000) SQUARE FEET OF LOT AREA WITHIN THE SHORELAND ZONE, WHICHEVER IS LESS, MAY BE PERMITTED.
2. CAMPSITE PLACEMENT ON ANY LOT, INCLUDING THE AREA INTENDED FOR A RECREATIONAL VEHICLE OR TENT PLATFORM, SHALL BE SET BACK ONE HUNDRED (100) FEET FROM THE NORMAL HIGH-WATER LINE OF A GREAT POND, AND SEVENTY-FIVE (75) FEET FROM THE NORMAL HIGH-WATER LINE OF OTHER WATER BODIES, TRIBUTARY STREAMS, OR THE UPLAND EDGE OF A WETLAND.
3. ONLY ONE RECREATIONAL VEHICLE SHALL BE ALLOWED ON A CAMPSITE. THE RECREATIONAL VEHICLES SHALL NOT BE LOCATED ON ANY TYPE OF PERMANENT FOUNDATION EXCEPT FOR A GRAVEL PAD, AND NO STRUCTURE(S) EXCEPT CANOPIES SHALL BE ATTACHED TO THE RECREATIONAL VEHICLE.
4. THE CLEARING OF VEGETATION FOR THE SITING OF THE RECREATIONAL VEHICLE, TENT OR SIMILAR SHELTER IN A RESOURCE PROTECTION DISTRICT SHALL BE LIMITED TO TWICE THE AREA COVERED BY THE SHELTER BUT NO MORE THAN ONE THOUSAND (1000) SQUARE FEET, WHICHEVER IS LESS.
5. A WRITTEN SEWAGE DISPOSAL PLAN DESCRIBING THE PROPOSED METHOD AND LOCATION OF SEWAGE DISPOSAL SHALL BE REQUIRED FOR EACH CAMPSITE AND SHALL BE APPROVED BY THE CODE ENFORCEMENT OFFICER OR LOCAL PLUMBING INSPECTOR. WHERE DISPOSAL IS OFF-SITE, WRITTEN AUTHORIZATION FROM THE RECEIVING FACILITY OR LAND OWNER IS REQUIRED.
6. WHEN A RECREATIONAL VEHICLE, TENT OR SIMILAR SHELTER IS PLACED ON-SITE FOR MORE THAN ONE HUNDRED AND TWENTY (120) DAYS PER YEAR, ALL REQUIREMENTS FOR

RESIDENTIAL STRUCTURES SHALL BE MET, INCLUDING THE INSTALLATION OF A SUBSURFACE SEWAGE DISPOSAL SYSTEM IN COMPLIANCE WITH THE STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES UNLESS SERVED BY PUBLIC SEWAGE FACILITIES.

NOTE: IT IS IMPORTANT TO NOTE THAT EXISTING REGULATIONS OF THE DEPARTMENT OF HUMAN SERVICES MAY REQUIRE A LICENSED SEWAGE DISPOSAL SYSTEM WELL BEFORE THE 120 DAY TIME PERIOD ELAPSES. THIS IS PARTICULARLY RELEVANT TO TRAVEL TRAILERS WITH INTERNAL PLUMBING, IN WHICH CASE A SUBSURFACE DISPOSAL SYSTEM MAY BE REQUIRED IMMEDIATELY.

F. COMMERCIAL AND INDUSTRIAL USES

THE FOLLOWING NEW COMMERCIAL AND INDUSTRIAL USES ARE PROHIBITED WITHIN THE SHORELAND ZONE ADJACENT TO GREAT PONDS, AND RIVERS AND STREAMS WHICH FLOW TO GREAT PONDS:

1. AUTO WASHING FACILITIES
2. AUTO OR OTHER VEHICLE SERVICE AND/OR REPAIR OPERATIONS, INCLUDING BODY SHOPS
3. CHEMICAL AND BACTERIOLOGICAL LABORATORIES
4. STORAGE OF CHEMICALS INCLUDING HERBICIDES, PESTICIDES OR FERTILIZERS OTHER THAN AMOUNTS NORMALLY ASSOCIATED WITH INDIVIDUAL HOUSEHOLDS OR FARMS
5. COMMERCIAL PAINTING, WOOD PRESERVING, AND FURNITURE STRIPPING
6. DRY CLEANING ESTABLISHMENTS
7. ELECTRONIC CIRCUIT ASSEMBLY
8. LAUNDROMATS, UNLESS CONNECTED TO A SANITARY SEWER
9. METAL PLATING, FINISHING OR POLISHING
10. PETROLEUM OR PETROLEUM PRODUCT STORAGE AND/OR SALE, EXCEPT STORAGE ON SAME PROPERTY AS USE OCCURS AND EXCEPT FOR STORAGE AND SALES ASSOCIATED WITH MARINAS
11. PHOTOGRAPHIC PROCESSING
12. PRINTING
13. **AGRICULTURE/FORESTRY RELATED BUSINESSES**

G. PARKING AREAS

1. PARKING AREAS SHALL MEET ALL STRUCTURAL SETBACK REQUIREMENTS FOR THE DISTRICT IN WHICH SUCH AREAS ARE LOCATED. ~~THIS PROVISION SHALL NOT APPLY TO~~ THE SETBACK REQUIREMENT FOR PARKING AREAS ASSOCIATED WITH PUBLICLY OWNED WATER ACCESS FACILITIES SHALL BE NO LESS THAN (50) FEET, HORIZONTAL DISTANCE, FROM THE SHORELINE OR TRIBUTARY STREAM IF THE PLANNING BOARD FINDS THAT NO OTHER REASONABLE ALTERNATIVE EXISTS FURTHER FROM THE SHORELINE OR TRIBUTARY STREAM .
2. PARKING AREAS SHALL BE ADEQUATELY SIZED FOR THE PROPOSED USE AND SHALL BE DESIGNED TO PREVENT STORM WATER RUNOFF FROM FLOWING DIRECTLY INTO A WATER BODY, AND WHERE FEASIBLE, TO RETAIN ALL RUNOFF ON-SITE.

3. IN DETERMINING THE APPROPRIATE SIZE OF PROPOSED PARKING FACILITIES, THE FOLLOWING SHALL APPLY:

a. TYPICAL PARKING SPACE: APPROXIMATELY TEN (10) FEET WIDE AND TWENTY (20) FEET LONG, EXCEPT THAT PARKING SPACES FOR A VEHICLE AND BOAT TRAILER SHALL BE FORTY (40) FEET LONG.

b. INTERNAL TRAVEL AISLES: APPROXIMATELY TWENTY (20) FEET WIDE.

H. ROADS AND DRIVEWAYS. THE FOLLOWING STANDARDS SHALL APPLY TO THE CONSTRUCTION AND MAINTENANCE OF ROADS AND/OR DRIVEWAYS AND ASSOCIATED CULVERTS AND DRAINAGE SYSTEMS, AND OTHER RELATED FEATURES. APPLICANTS SHALL ALSO REFER TO HARTFORD'S "CONSTRUCTION STANDARDS ORDINANCE FOR NEW ROADS" WHICH IS PRESENTLY A SEPARATE ORDINANCE.

1. ROADS AND DRIVEWAYS SHALL BE SET BACK AT LEAST ONE HUNDRED (100) FEET FROM THE NORMAL HIGH-WATER LINE OF A GREAT POND, AND SEVENTY-FIVE FEET 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 PLANNING BOARD MAY REDUCE THE ROAD AND/OR DRIVEWAY SETBACK REQUIREMENT TO NO LESS THAN FIFTY (50) FEET UPON CLEAR SHOWING BY THE APPLICANT THAT APPROPRIATE TECHNIQUES WILL BE USED TO PREVENT SEDIMENTATION OF THE WATER BODY. 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 FOR EACH FIVE (5) PERCENT INCREASE OR PORTION THEREOF IN SLOPE ABOVE TWENTY (20) PERCENT.

THIS PARAGRAPH SHALL NEITHER APPLY TO APPROACHES TO WATER CROSSINGS NOR TO ROADS OR DRIVEWAYS THAT PROVIDE ACCESS TO PERMITTED STRUCTURES, AND FACILITIES LOCATED NEARER TO THE SHORELINE DUE TO AN OPERATIONAL NECESSITY, EXCLUDING TEMPORARY DOCKS FOR RECREATIONAL USE. ROADS AND DRIVEWAYS PROVIDING ACCESS TO PERMITTED STRUCTURES WITHIN THE SETBACK AREA SHALL COMPLY FULLY WITH THE REQUIREMENTS OF SECTION 15(H)(1) EXCEPT FOR THAT PORTION OF THE ROAD OR DRIVEWAY NECESSARY FOR DIRECT ACCESS TO THE STRUCTURE.

2. EXISTING PUBLIC ROADS MAY BE EXPANDED WITHIN THE EXISTING ROAD RIGHT-OF-WAY REGARDLESS OF ITS SETBACK FROM A WATER BODY OR WETLAND.

3. 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 DISTRICT, IN WHICH CASE THE ROAD AND/OR DRIVEWAY SHALL BE SET BACK AS FAR AS PRACTICABLE FROM THE NORMAL HIGH-WATER LINE OF A WATER BODY, TRIBUTARY STREAM, OR UPLAND EDGE OF A WETLAND.

4. 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 Q.

5. ROAD AND DRIVEWAY GRADES SHALL BE NO GREATER THAN TEN (10) PERCENT EXCEPT FOR SHORT SEGMENTS OF LESS THAN TWO HUNDRED (200) FEET.

6. IN ORDER TO PREVENT ROAD SURFACE DRAINAGE FROM DIRECTLY ENTERING WATER BODIES, ROADS SHALL BE DESIGNED, CONSTRUCTED, AND MAINTAINED TO EMPTY ONTO AN UNSCARIFIED BUFFER STRIP AT LEAST FIFTY (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. ROAD 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.

7. 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 IN THE ROAD OR DITCHES GAINS SUFFICIENT VOLUME OR HEAD TO ERODE THE ROAD OR DITCH. TO ACCOMPLISH THIS, THE FOLLOWING SHALL APPLY:

A. DITCH RELIEF CULVERTS, DRAINAGE DIPS AND ASSOCIATED WATER TURNOUTS SHALL BE SPACED ALONG THE ROAD AT INTERVALS NO GREATER THAN INDICATED IN THE FOLLOWING TABLE:

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

B. DRAINAGE DIPS MAY BE USED IN PLACE OF DITCH RELIEF CULVERTS ONLY WHERE THE ROAD GRADE IS TEN (10) PERCENT OR LESS.

C. ON ROAD SECTIONS HAVING SLOPES GREATER THAN TEN (10) PERCENT, DITCH RELIEF CULVERTS SHALL BE PLACED ACROSS THE ROAD AT APPROXIMATELY A THIRTY (30) DEGREE ANGLE DOWN SLOPE FROM A LINE PERPENDICULAR TO THE CENTERLINE OF THE ROAD.

D. DITCH RELIEF CULVERTS SHALL BE SUFFICIENTLY SIZED AND PROPERLY INSTALLED IN ORDER TO ALLOW FOR EFFECTIVE FUNCTIONING AND THEIR INLET AND OUTLET ENDS SHALL BE STABILIZED WITH APPROPRIATE MATERIALS.

8. DITCHES, CULVERTS, BRIDGES, DIPS, WATER TURNOUTS AND OTHER STORM WATER RUNOFF CONTROL INSTALLATIONS ASSOCIATED WITH ROADS SHALL BE MAINTAINED ON A REGULAR BASIS TO ASSURE EFFECTIVE FUNCTIONING.

I. SIGNS

THE FOLLOWING PROVISIONS SHALL GOVERN THE USE OF SIGNS IN THE RESOURCE PROTECTION, STREAM PROTECTION AND LIMITED RESIDENTIAL DISTRICTS:

1. SIGNS AND BILLBOARDS RELATING TO GOODS AND SERVICES SOLD ON THE PREMISES SHALL BE PERMITTED, PROVIDED THAT SUCH SIGNS SHALL NOT EXCEED SIX (6) SQUARE FEET IN AREA AND SHALL NOT EXCEED TWO (2) SIGNS PER PREMISES. BILLBOARDS AND SIGNS RELATING TO GOODS OR SERVICES NOT SOLD OR RENDERED ON THE PREMISES SHALL BE PROHIBITED.
2. NAME SIGNS SHALL BE PERMITTED, PROVIDED SUCH SIGNS SHALL NOT EXCEED TWO (2) SIGNS PER PREMISES, AND SHALL NOT EXCEED TWELVE (12) SQUARE FEET IN THE AGGREGATE.
3. RESIDENTIAL USERS MAY DISPLAY A SINGLE SIGN NOT OVER THREE (3) SQUARE FEET IN AREA RELATING TO THE SALE, RENTAL, OR LEASE OF THE PREMISES.
4. SIGNS RELATING TO TRESPASSING AND HUNTING SHALL BE PERMITTED WITHOUT RESTRICTION AS TO NUMBER PROVIDED THAT NO SUCH SIGN SHALL EXCEED TWO (2) SQUARE FEET IN AREA.
5. SIGNS RELATING TO PUBLIC SAFETY SHALL BE PERMITTED WITHOUT RESTRICTION.
6. NO SIGN SHALL EXTEND HIGHER THAN TWENTY (20) FEET ABOVE THE GROUND.
7. SIGNS MAY BE ILLUMINATED ONLY BY SHIELDED, NON-FLASHING LIGHTS.

J. STORM WATER RUNOFF

1. ALL NEW CONSTRUCTION AND DEVELOPMENT SHALL BE DESIGNED TO MINIMIZE STORM WATER RUNOFF FROM THE SITE IN EXCESS OF THE NATURAL PREDEVELOPMENT CONDITIONS. WHERE POSSIBLE, EXISTING NATURAL RUNOFF CONTROL FEATURES, SUCH AS BERMS, SWALES, TERRACES AND WOODED AREAS SHALL BE RETAINED IN ORDER TO REDUCE RUNOFF AND ENCOURAGE INFILTRATION OF STORMWATERS.
2. STORM WATER RUNOFF CONTROL SYSTEMS SHALL BE MAINTAINED AS NECESSARY TO ENSURE PROPER FUNCTIONING.

K. SEPTIC WASTE DISPOSAL

1. ALL SUBSURFACE SEWAGE DISPOSAL SYSTEMS SHALL BE INSTALLED IN CONFORMANCE WITH THE STATE OF MAINE SUBSURFACE WASTEWATER DISPOSAL RULES (RULES), IN ADDITION TO THE FOLLOWING:
 - A. THE MINIMUM SETBACK FOR NEW SUBSURFACE SEWAGE DISPOSAL SYSTEMS SHALL BE NO LESS THAN ONE HUNDRED (100) HORIZONTAL FEET FROM THE NORMAL HIGH-WATER LINE OF A PERENNIAL WATER BODY. THE MINIMUM SETBACK DISTANCE FOR A NEW SUBSURFACE DISPOSAL SYSTEM MAY NOT BE REDUCED BY VARIANCE.
 - B. REPLACEMENT SYSTEMS SHALL MEET OR EXCEED THE STANDARDS FOR REPLACEMENT SYSTEMS AS CONTAINED IN THE RULES.
 - C. A HOLDING TANK IS NOT ALLOWED FOR A FIRST-TIME RESIDENTIAL USE IN THE SHORELAND ZONE.
2. DISPOSAL OF SEWAGE DISPOSAL SYSTEM SEPTAGE IS PROHIBITED WITHIN THE SHORELAND ZONE.
3. ANY PERSON TRANSFERRING PROPERTY WITHIN THE SHORELAND ZONE ON WHICH A SUBSURFACE WASTEWATER DISPOSAL SYSTEM IS LOCATED SHALL PROVIDE THE TRANSFeree WITH A WRITTEN STATEMENT BY THE TRANSFEROR AS TO WHETHER THE SYSTEM HAS MALFUNCTIONED DURING THE ONE HUNDRED AND EIGHTY (180) DAYS PRECEDING THE DATE OF TRANSFER.

L. ESSENTIAL SERVICES

1. WHERE FEASIBLE, THE INSTALLATION OF ESSENTIAL SERVICES SHALL BE LIMITED TO EXISTING PUBLIC WAYS AND EXISTING SERVICE CORRIDORS.
2. THE INSTALLATION OF ESSENTIAL SERVICES IS NOT PERMITTED IN A RESOURCE PROTECTION OR STREAM PROTECTION DISTRICT, EXCEPT TO PROVIDE SERVICES TO A PERMITTED USE WITHIN SAID DISTRICT, OR EXCEPT WHERE THE APPLICANT DEMONSTRATES THAT NO REASONABLE ALTERNATIVE EXISTS. WHERE PERMITTED, SUCH STRUCTURES AND FACILITIES SHALL BE LOCATED SO AS TO MINIMIZE ANY ADVERSE IMPACTS ON SURROUNDING USES AND RESOURCES, INCLUDING VISUAL IMPACTS.

M. MINERAL EXPLORATION AND EXTRACTION

MINERAL EXPLORATION TO DETERMINE THE NATURE OR EXTENT OF MINERAL RESOURCES SHALL BE ACCOMPLISHED BY HAND SAMPLING, TEST BORING, OR OTHER METHODS WHICH CREATE MINIMAL DISTURBANCE OF LESS THAN ONE HUNDRED (100) SQUARE FEET OF GROUND SURFACE. A PERMIT FROM THE PLANNING BOARD 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 SO AS TO RESTORE DISTURBED AREAS AND TO PROTECT THE PUBLIC HEALTH AND SAFETY.

MINERAL EXTRACTION MAY BE PERMITTED UNDER THE FOLLOWING CONDITIONS:

1. A RECLAMATION PLAN SHALL BE FILED WITH AND APPROVED BY THE PLANNING BOARD BEFORE A PERMIT IS GRANTED.
2. UNLESS AUTHORIZED PURSUANT TO THE NATURAL RESOURCES PROTECTION ACT, TITLE 38, M.R.S.A. SECTION 480-C, 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, AND WITHIN SEVENTY-FIVE (75) FEET OF THE NORMAL HIGH-WATER LINE OF ANY OTHER WATER BODY, TRIBUTARY STREAM, OR THE UPLAND EDGE OF A WETLAND. EXTRACTION OPERATIONS SHALL NOT BE PERMITTED WITHIN SEVENTY-FIVE (75) FEET OF ANY PROPERTY LINE WITHOUT WRITTEN PERMISSION OF THE OWNER OF SUCH ADJACENT PROPERTY.
3. WITHIN TWELVE (12) MONTHS FOLLOWING THE COMPLETION OF EXTRACTION OPERATIONS AT ANY EXTRACTION SITE, WHICH OPERATIONS SHALL BE DEEMED COMPLETE WHEN LESS THAN ONE HUNDRED (100) CUBIC YARDS OF MATERIALS ARE REMOVED IN ANY CONSECUTIVE TWELVE (12) MONTH PERIOD, GROUND LEVELS AND GRADES SHALL BE ESTABLISHED IN ACCORDANCE WITH THE FOLLOWING:

- A. ALL DEBRIS, STUMPS, AND SIMILAR MATERIAL SHALL BE REMOVED FOR DISPOSAL IN AN APPROVED LOCATION, OR SHALL BE BURIED ONSITE. ONLY MATERIALS GENERATED ONSITE MAY BE BURIED OR COVERED ONSITE.

NOTE: THE STATE OF MAINE SOLID WASTE LAWS, TITLE 38, M.R.S.A, SECTION 1310 AND CHAPTER 404 OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION'S REGULATIONS MAY CONTAIN OTHER APPLICABLE PROVISIONS REGARDING DISPOSAL OF SUCH MATERIALS.

- B. THE FINAL GRADED SLOPE SHALL BE TWO TO ONE (2:1) SLOPE OR FLATTER.
- C. TOP SOIL OR LOAM SHALL BE RETAINED TO COVER ALL DISTURBED LAND AREAS WHICH SHALL BE RESEEDED AND STABILIZED WITH VEGETATION NATIVE TO THE AREA. ADDITIONAL TOPSOIL OR LOAM SHALL BE OBTAINED FROM OFFSITE SOURCES IF NECESSARY TO COMPLETE THE STABILIZATION PROJECT.
4. IN KEEPING WITH THE PURPOSES OF THIS ORDINANCE, THE PLANNING BOARD MAY IMPOSE SUCH CONDITIONS AS ARE NECESSARY TO MINIMIZE THE ADVERSE IMPACTS ASSOCIATED WITH MINERAL EXTRACTION OPERATIONS ON SURROUNDING USES AND RESOURCES.

N. AGRICULTURE

1. NO AGRICULTURE/FORESTRY RELATED BUSINESSES SHALL BE LOCATED ON LANDS GOVERNED BY THE SHORELAND ZONING ORDINANCE.
12. ALL SPREADING OR DISPOSAL OF MANURE SHALL BE ACCOMPLISHED IN CONFORMANCE WITH THE ~~MAINE GUIDELINES FOR MANURE AND MANURE SLUDGE DISPOSAL ON LAND~~ MANURE

UTILIZATION GUIDELINES PUBLISHED BY THE ~~UNIVERSITY OF MAINE AND MAINE SOIL AND WATER CONSERVATION COMMISSION IN JULY 1972 OR AS AMENDED~~ MAINE DEPARTMENT OF AGRICULTURE ON NOVEMBER 1, 2001, AND THE NUTRIENT MANAGEMENT LAW (7 M.R.S.A. SECTIONS 4201-4209).

- ~~23.~~ MANURE SHALL NOT BE STORED OR STOCKPILED WITHIN THE SHORELAND ZONE.
- ~~34.~~ AGRICULTURAL ACTIVITIES INVOLVING TILLAGE OF SOIL GREATER THAN FORTY THOUSAND (40,000) SQUARE FEET IN SURFACE AREA, OR THE SPREADING OR DISPOSAL OF MANURE WITHIN THE SHORELAND ZONE SHALL REQUIRE A SOIL AND WATER CONSERVATION PLAN TO BE FILED WITH THE PLANNING BOARD. NONCONFORMANCE WITH THE PROVISIONS OF SAID PLAN SHALL BE CONSIDERED TO BE A VIOLATION OF THIS ORDINANCE.

NOTE: ASSISTANCE IN PREPARING A SOIL AND WATER CONSERVATION PLAN MAY BE AVAILABLE THROUGH THE LOCAL SOIL AND WATER CONSERVATION DISTRICT OFFICE.

- ~~45.~~ 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; WITHIN SEVENTY-FIVE (75) FEET HORIZONTAL DISTANCE FROM OTHER WATER BODIES; NOR WITHIN TWENTY-FIVE (25) FEET HORIZONTAL DISTANCE OF TRIBUTARY STREAMS AND WETLANDS. OPERATIONS IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE AND NOT IN CONFORMANCE WITH THIS PROVISION MAY BE MAINTAINED.
- ~~56.~~ AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, NEWLY ESTABLISHED LIVESTOCK GRAZING AREAS SHALL NOT BE PERMITTED WITHIN ONE HUNDRED (100) FEET HORIZONTAL OF THE NORMAL HIGH-WATER LINE OF A GREAT POND; WITHIN SEVENTY-FIVE (75) FEET HORIZONTAL DISTANCE FROM OTHER WATER BODIES; NOR WITHIN TWENTY-FIVE (25) FEET HORIZONTAL DISTANCE OF TRIBUTARY STREAMS AND WETLANDS. LIVESTOCK GRAZING ASSOCIATED WITH ONGOING FARM ACTIVITIES WHICH ARE NOT IN CONFORMANCE WITH THE ABOVE SETBACK PROVISIONS MAY CONTINUE, PROVIDED THAT SUCH GRAZING IS CONDUCTED IN ACCORDANCE WITH A SOIL AND WATER CONSERVATION PLAN.
- ~~67.~~ FIELDS LEFT FALLOW AND NOT INTENDED TO BE REMOVED FROM AGRICULTURAL USE MAY BE PUT BACK INTO ACTIVE AGRICULTURAL USE WITHOUT A PERMIT.

O. TIMBER HARVESTING

1. WITHIN THE STRIP OF LAND EXTENDING SEVENTY-FIVE (75) FEET INLAND FROM THE NORMAL HIGH-WATER LINE IN A SHORELAND AREA ZONED FOR RESOURCE PROTECTION ABUTTING A GREAT POND THERE SHALL BE NO TIMBER HARVESTING EXCEPT TO REMOVE SAFETY HAZARDS.
2. BEYOND THE SEVENTY-FIVE (75) FOOT STRIP REFERRED TO IN SECTION 15 (O)(1) ABOVE, TIMBER HARVESTING IS PERMITTED IN ACCORDANCE WITH PARAGRAPH 3 BELOW EXCEPT THAT IN NO CASE SHALL THE AVERAGE RESIDUAL BASAL AREA OF TREES OVER 4 INCHES IN DIAMETER AT 4 ½ FEET ABOVE GROUND LEVEL BE REDUCED TO LESS THAN 30 SQUARE FEET PER ACRE.
- ~~23.~~ EXCEPT IN AREAS AS DESCRIBED IN PARAGRAPH 1 ABOVE, TIMBER HARVESTING SHALL CONFORM WITH THE FOLLOWING PROVISIONS:

- A. SELECTIVE CUTTING OF NO MORE THAN ~~FORTY (40)~~ **THIRTY (30)** PERCENT OF THE TOTAL VOLUME OF TREES FOUR (4) INCHES OR MORE IN DIAMETER MEASURED AT 4.5 FEET ABOVE GROUND LEVEL ON ANY LOT IN ANY TEN- (10) YEAR PERIOD IS PERMITTED. IN ADDITION:
- I. WITHIN ONE HUNDRED (100) FEET HORIZONTAL DISTANCE OF THE NORMAL HIGH-WATER LINE OF A GREAT POND, AND WITHIN SEVENTY- FIVE (75) FEET HORIZONTAL DISTANCE OF THE NORMAL HIGH-WATER LINE OF OTHER WATER BODIES, TRIBUTARY STREAMS, OR THE UPLAND EDGE OF A WETLAND, THERE SHALL BE NO CLEARCUT OPENINGS AND A WELL-DISTRIBUTED STAND OF TREES AND OTHER VEGETATION, INCLUDING EXISTING GROUND COVER, SHALL BE MAINTAINED.
 - II. AT DISTANCE GREATER THAN ONE HUNDRED (100) FEET HORIZONTAL DISTANCE OF A GREAT POND, AND GREATER THAN SEVENTY-FIVE (75) FEET HORIZONTAL DISTANCE OF THE NORMAL HIGH-WATER LINE OF OTHER WATER BODIES OR THE UPLAND EDGE OF A WETLAND, HARVESTING OPERATIONS SHALL NOT CREATE SINGLE CLEARCUT OPENINGS GREATER THAN TEN THOUSAND (10,000) SQUARE FEET IN THE FOREST CANOPY. WHERE SUCH OPENINGS EXCEED FIVE THOUSAND (5000) SQUARE FEET THEY SHALL BE AT LEAST ONE HUNDRED FEET APART. SUCH CLEARCUT OPENINGS SHALL BE INCLUDED IN THE CALCULATION OF TOTAL VOLUME REMOVAL. FOR THE PURPOSES OF THESE STANDARDS, VOLUME MAY BE CONSIDERED TO BE EQUIVALENT TO BASAL AREA.
- B. TIMBER HARVESTING OPERATIONS EXCEEDING THE ~~FORTY~~ **THIRTY** PERCENT (~~40%~~) (**30%**) LIMITATION IN PARAGRAPH A. ABOVE MAY BE ALLOWED BY THE PLANNING BOARD UPON A CLEAR SHOWING, INCLUDING A FOREST MANAGEMENT PLAN SIGNED BY A MAINE LICENSED PROFESSIONAL FORESTER, THAT SUCH AN EXCEPTION IS NECESSARY FOR GOOD FOREST MANAGEMENT AND WILL BE CARRIED OUT IN ACCORDANCE WITH THE PURPOSES OF THIS ORDINANCE. THE PLANNING BOARD SHALL NOTIFY THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION OF EACH EXCEPTION ALLOWED WITHIN FOURTEEN (14) DAYS OF THE PLANNING BOARD'S DECISION.
- C. NO ACCUMULATION OF SLASH SHALL BE LEFT WITHIN FIFTY (50) FEET OF THE NORMAL HIGH-WATER LINE OF A WATER BODY. IN ALL OTHER AREAS SLASH SHALL EITHER BE REMOVED OR DISPOSED OF IN SUCH A MANNER THAT IT LIES ON THE GROUND AND NO PART THEREOF EXTENDS MORE THAN FOUR (4) FEET ABOVE THE GROUND. ANY DEBRIS THAT FALLS BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY SHALL BE REMOVED.
- D. TIMBER HARVESTING EQUIPMENT SHALL NOT USE STREAM CHANNELS AS TRAVEL ROUTES EXCEPT WHEN:
- I. SURFACE WATERS ARE FROZEN; AND
 - II. THE ACTIVITY WILL NOT RESULT IN GROUND DISTURBANCE.
- E. ALL CROSSINGS OF FLOWING WATER SHALL REQUIRE A BRIDGE OR CULVERT EXCEPT IN AREAS WITH LOW BANKS AND CHANNEL BEDS WHICH ARE COMPOSED OF GRAVEL, ROCK OR SIMILAR HARD SURFACE WHICH WOULD NOT BE ERODED OR OTHERWISE DAMAGED.

F. SKID TRAIL APPROACHES TO WATER CROSSINGS SHALL BE LOCATED AND DESIGNED SO AS TO PREVENT WATER RUNOFF FROM DIRECTLY ENTERING THE WATER BODY OR TRIBUTARY STREAM. UPON COMPLETION OF TIMBER HARVESTING, TEMPORARY BRIDGES AND CULVERTS SHALL BE REMOVED AND AREAS OF EXPOSED SOIL REVEGETATED.

G. EXCEPT FOR WATER CROSSINGS, SKID TRAILS AND OTHER SITES WHERE THE OPERATION OF MACHINERY USED IN TIMBER HARVESTING RESULTS IN THE EXPOSURE OF MINERAL SOIL SHALL BE LOCATED SUCH THAT AN UNSCARIFIED STRIP OF VEGETATION OF AT LEAST SEVENTY-FIVE (75) FEET, HORIZONTAL DISTANCE, IN WIDTH FOR SLOPES UP TO TEN PERCENT (10%) SHALL BE RETAINED BETWEEN THE EXPOSED MINERAL SOIL AND THE NORMAL HIGH-WATER LINE OF A WATER BODY OR UPLAND EDGE OF A WETLAND. FOR EACH TEN PERCENT (10%) INCREASE IN SLOPE, THE UNSCARIFIED STRIP SHALL BE INCREASED BY TWENTY (20) FEET, HORIZONTAL DISTANCE. THE PROVISIONS OF THIS PARAGRAPH APPLY ONLY TO A FACE SLOPING TOWARD THE WATER BODY OR WETLAND, PROVIDED HOWEVER, THAT NO PORTION OF SUCH EXPOSED MINERAL SOIL ON A BACK FACE SHALL BE CLOSER THAN TWENTY-FIVE (25) FEET FROM THE NORMAL HIGH-WATER LINE OF A WATER BODY OR UPLAND EDGE OF A WETLAND.

P. CLEARING OF VEGETATION FOR DEVELOPMENT

1. WITHIN A SHORELAND AREA ZONED FOR RESOURCE PROTECTION ABUTTING A GREAT POND, THERE SHALL BE NO CUTTING OF VEGETATION WITHIN THE STRIP OF LAND EXTENDING SEVENTY-FIVE (75) FEET HORIZONTAL DISTANCE INLAND FROM THE NORMAL HIGH-WATER LINE, EXCEPT TO REMOVE SAFETY HAZARDS.

ELSEWHERE, IN ANY RESOURCE PROTECTION DISTRICT THE CLEARING OF VEGETATION SHALL BE LIMITED TO THAT WHICH IS NECESSARY FOR USES EXPRESSLY AUTHORIZED IN THAT DISTRICT.

2. EXCEPT IN AREAS AS DESCRIBED IN PARAGRAPH 1, ABOVE, AND EXCEPT TO ALLOW FOR THE DEVELOPMENT OF PERMITTED USES WITHIN A STRIP OF LAND EXTENDING ONE HUNDRED (100) FEET HORIZONTAL DISTANCE INLAND FROM THE NORMAL HIGH-WATER LINE OF A GREAT POND, AND SEVENTY-FIVE (25) HORIZONTAL DISTANCE FROM ANY OTHER WATER BODY, TRIBUTARY STREAM, OR THE UPLAND EDGE OF A WETLAND, A BUFFER STRIP OF VEGETATION SHALL BE PRESERVED AS FOLLOWS:

A. THERE SHALL BE NO CLEARED OPENING GREATER THAN 250 SQUARE FEET IN THE FOREST CANOPY (OR OTHER EXISTING WOODY VEGETATION IF A FORESTED CANOPY IS NOT PRESENT) AS MEASURED FROM THE OUTER LIMITS OF THE TREE OR SHRUB CROWN. HOWEVER, A FOOTPATH NOT TO EXCEED ~~TEN (10)~~ SIX (6) FEET IN WIDTH AS MEASURED BETWEEN TREE TRUNKS AND/OR SHRUB STEMS IS PERMITTED PROVIDED THAT A CLEARED LINE OF SIGHT TO THE WATER THROUGH THE BUFFER STRIP IS NOT CREATED. ~~ADJACENT TO A GREAT POND OR A STREAM FLOWING TO A GREAT POND, THE WIDTH OF THE FOOT PATH SHALL BE LIMITED TO SIX (6) FEET.~~

B. SELECTIVE CUTTING OF TREES WITHIN THE BUFFER STRIP IS PERMITTED PROVIDED THAT A WELL DISTRIBUTED STAND OF TREES ~~AND OTHER VEGETATION~~ IS MAINTAINED. FOR THE PURPOSES OF THIS SECTION, A “WELL-DISTRIBUTED STAND OF TREES ~~AND OTHER VEGETATION~~” ADJACENT TO A GREAT POND OR A STREAM FLOWING TO A GREAT POND SHALL BE DEFINED AS MAINTAINING A RATING CORE OF TWELVE (12) OR MORE IN ANY TWENTY-FIVE- (25) FOOT BY TWENTY-FIVE- (25) FOOT SQUARE (625 SQUARE FEET) AREA AS DETERMINED BY THE FOLLOWING RATING SYSTEM:

DIAMETER OF TREE AT 4.5 FEET ABOVE GROUND LEVEL (INCHES)	POINTS
2" – 4"	1
>4" – 12"	2
>12"	4

ADJACENT TO OTHER WATER BODIES, TRIBUTARY STREAMS AND WETLANDS, A “WELL-DISTRIBUTED STAND OF TREES AND OTHER VEGETATION” IS DEFINED AS MAINTAINING A MINIMUM RATING SCORE OF EIGHT (8) PER TWENTY-FIVE- (25) FOOT SQUARE AREA.

NOTE: AS AN EXAMPLE, ADJACENT TO A GREAT POND, IF A TWENTY-FIVE (25) FOOT BY TWENTY-FIVE- (25) FOOT PLOT CONTAINS THREE (3) TREES BETWEEN TWO AND FOUR INCHES IN DIAMETER, THREE TREES BETWEEN FOUR AND TWELVE INCHES IN DIAMETER, AND THREE TREES OVER TWELVE INCHES IN DIAMETER, THE RATING SCORE IS:

$$(3 \times 1) + (3 \times 2) + (3 \times 4) = 21 \text{ POINTS}$$

THUS, THE TWENTY-FIVE (25) FOOT BY TWENTY-FIVE (25) FOOT PLOT CONTAINS TREES WORTH 21 POINTS. TREES TOTALING NINE POINTS (21-12+9) MAY BE REMOVED FROM THE PLOT PROVIDED THAT NO CLEARED OPENINGS ARE CREATED.

THE FOLLOWING SHALL GOVERN IN APPLYING THIS POINT SYSTEM:

- (i) THE TWENTY-FIVE (25) FOOT BY TWENTY-FIVE (25) 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 MAY HAVE NO VEGETATION REMOVED DOWN TO THE MINIMUM POINTS REQUIRED OR 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 THIS ORDINANCE;

(v) WHERE CONDITIONS PERMIT, NO MORE THAN 50% OF THE POINTS ON ANY TWENTY-FIVE (25) FOOT BY TWENTY-FIVE (25) FOOT RECTANGULAR AREA MAY CONSIST OF TREES GREATER THAN 12 INCHES IN DIAMETER.

FOR THE PURPOSES OF SECTION 15(P)(3)(B), "OTHER NATURAL VEGETATION" IS DEFINED AS RETAINING EXISTING VEGETATION UNDER THREE (3) FEET IN HEIGHT AND OTHER GROUND COVER AND RETAINING AT LEAST THREE (3) SAPLINGS LESS THAN TWO (2) INCHES IN DIAMETER AT FOUR AND ONE-HALF (4 ½) FEET ABOVE GROUND LEVEL FOR EACH TWENTY-FIVE (25)-FOOT BY TWENTY-FIVE (25) FOOT RECTANGULAR AREA. IF THREE (3) SAPLINGS DO NOT EXIST, NO WOODY STEMS LESS THAN TWO (2) INCHES IN DIAMETER CAN BE REMOVED UNTIL 3 SAPLINGS HAVE BEEN RECRUITED INTO THE PLOT.

NOTWITHSTANDING THE ABOVE PROVISIONS, NO MORE THAN ~~40%~~ 30% OF THE TOTAL VOLUME OF TREES FOUR (4) INCHES OR MORE IN DIAMETER, MEASURED AT 4.5 FEET ABOVE GROUND LEVEL MAY BE REMOVED IN ANY TEN (10) YEAR PERIOD.

- C. IN ORDER TO PROTECT WATER QUALITY AND WILDLIFE HABITAT, ADJACENT TO GREAT POND AND STREAMS WHICH FLOW TO GREAT POND, EXISTING VEGETATION UNDER THREE (3) FEET IN HEIGHT AND OTHER GROUND COVER, INCLUDING LEAF LITTER AND THE FOREST DUFF LAYER, SHALL NOT BE REMOVED OR CUT BACK, EXCEPT TO PROVIDE FOR A FOOTPATH OR OTHER PERMITTED USES AS DESCRIBED IN PARAGRAPHS 2 AND 2A ABOVE.
- D. PRUNING OF TREE BRANCHES ON THE BOTTOM ONE-THIRD OF THE TREE IS PERMITTED.
- E. IN ORDER TO MAINTAIN A BUFFER STRIP OF VEGETATION, WHEN THE REMOVAL OF STORM DAMAGED, DISEASED, UNSAFE, OR DEAD TREES RESULTS IN THE CREATION OF CLEARED OPENINGS, THESE OPENINGS SHALL BE REPLANTED WITH NATIVE TREE SPECIES UNLESS EXISTING NEW TREE GROWTH IS PRESENT.

THE PROVISIONS CONTAINED IN PARAGRAPH 2 ABOVE SHALL NOT APPLY TO THOSE PORTIONS OF PUBLIC RECREATIONAL FACILITIES ADJACENT TO PUBLIC SWIMMING AREAS. CLEARED AREAS, HOWEVER, SHALL BE LIMITED TO THE MINIMUM AREA NECESSARY.

- 3. AT DISTANCES GREATER THAN ONE HUNDRED (100) FEET HORIZONTAL DISTANCE FROM 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, EXCEPT TO ALLOW FOR THE DEVELOPMENT OF PERMITTED USES, THERE SHALL BE PERMITTED ON ANY LOT, IN AN TEN (10) YEAR PERIOD, SELECTIVE CUTTING OF NOT MORE THAN ~~FORTY~~ THIRTY PERCENT (~~40%~~) (30%) OF THE VOLUME OF TREES FOUR (4) INCHES OR MORE IN DIAMETER, MEASURED 4.5 FEET ABOVE GROUND LEVEL. THE REMOVAL IN CONJUNCTION WITH THE DEVELOPMENT OF PERMITTED USES SHALL BE INCLUDED IN THE ~~FORTY~~ THIRTY PERCENT (~~40%~~) (30%) CALCULATION. FOR THE PURPOSES OF THESE STANDARDS, VOLUME MAY BE CONSIDERED TO BE EQUIVALENT TO BASAL AREA.

IN NO EVENT SHALL CLEARED OPENINGS FOR DEVELOPMENT ~~DEVELOPMENT~~ ANY PURPOSE, INCLUDING BUT NOT LIMITED TO, PRINCIPALS AND ACCESSORY STRUCTURES, DRIVEWAYS AND SEWAGE DISPOSAL AREAS, EXCEED IN THE AGGREGATE TWENTY-FIVE (25) PERCENT OF THE LOT AREA OR TEN THOUSAND (10,000) SQUARE FEET, WHICHEVER IS GREATER, INCLUDING LAND PREVIOUSLY DEVELOPED.

4. CLEARED OPENINGS LEGALLY IN EXISTENCE ON THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE MAINTAINED, BUT THEY SHALL NOT BE ENLARGED EXCEPT AS PERMITTED BY THIS ORDINANCE.
5. FIELDS AND OTHER CLEARED OPENINGS WHICH HAVE REVERTED TO PRIMARILY SHRUBS, TREES, OR OTHER WOODY VEGETATION SHALL BE REGULATED UNDER THE PROVISIONS OF THIS SECTION.
6. NO NEW LAWN SHALL BE ESTABLISHED WITHIN 15 FEET OF THE NORMAL HIGH WATER LINE OF ANY WATER BODY.

Q. EROSION AND SEDIMENTATION CONTROL

1. ALL ACTIVITIES WHICH INVOLVE FILLING, GRADING, EXCAVATION OR OTHER SIMILAR ACTIVITIES WHICH RESULT IN UNSTABILIZED SOIL CONDITIONS AND WHICH REQUIRE A PERMIT SHALL REQUIRE A WRITTEN SOIL EROSION AND SEDIMENTATION CONTROL PLAN. THE PLAN SHALL BE SUBMITTED TO THE PERMITTING AUTHORITY FOR APPROVAL AND SHALL INCLUDE, WHERE APPLICABLE, PROVISIONS FOR:
 - A. MULCHING AND REVEGETATION OF DISTURBED SOIL.
 - B. TEMPORARY RUNOFF CONTROL FEATURES SUCH AS HAY BALES, SILT FENCING OR DIVERSION DITCHES.
 - C. PERMANENT STABILIZATION STRUCTURES SUCH AS RETAINING WALLS OR RIPRAP.
2. IN ORDER TO CREATE THE LEAST POTENTIAL FOR EROSION, DEVELOPMENT SHALL BE DESIGNED TO FIT WITH THE TOPOGRAPHY AND SOILS OF THE SITE. AREAS OF STEEP SLOPES WHERE HIGH CUTS AND FILLS MAY BE REQUIRED SHALL BE AVOIDED WHEREVER POSSIBLE AND NATURAL CONTOURS SHALL BE FOLLOWED AS CLOSELY AS POSSIBLE.
3. EROSION AND SEDIMENTATION CONTROL MEASURES SHALL APPLY TO ALL ASPECTS OF THE PROPOSED PROJECT INVOLVING LAND DISTURBANCE AND SHALL BE IN OPERATION DURING ALL STAGES OF THE ACTIVITY. THE AMOUNT OF EXPOSED SOIL AT EVERY PHASE OF CONSTRUCTION SHALL BE MINIMIZED TO REDUCE THE POTENTIAL FOR EROSION.

4. ANY EXPOSED GROUND AREA SHALL BE TEMPORARILY OR PERMANENTLY STABILIZED WITHIN ONE (1) WEEK FROM THE TIME IT WAS LAST ACTIVELY WORKED BY USE OF RIPRAP, SOD, SEED, MULCH, OR OTHER EFFECTIVE MEASURES. IN ALL CASES PERMANENT STABILIZATION SHALL OCCUR WITHIN NINE (9) MONTHS OF THE INITIAL DATE OF EXPOSURE. IN ADDITION:
 - A. WHERE MULCH IS USED, IT SHALL BE APPLIED AT A RATE OF AT LEAST ONE (1) BALE PER FIVE HUNDRED (500) SQUARE FEET AND SHALL BE MAINTAINED UNTIL A CATCH OF VEGETATION IS ESTABLISHED.
 - B. ANCHORING THE MULCH WITH NETTING, PEG AND TWINE OR OTHER SUITABLE METHOD MAY BE REQUIRED TO MAINTAIN THE MULCH COVER.
 - C. ADDITIONAL MEASURE SHALL BE TAKEN WHERE NECESSARY IN ORDER TO AVOID SILTATION INTO THE WATER. SUCH MEASURE MAY INCLUDE THE USE OF STAKED HAY BALES AND/OR SILT FENCES.
5. NATURAL AND MAN-MADE DRAINAGE WAYS AND DRAINAGE OUTLETS SHALL BE PROTECTED FROM EROSION FROM WATER FLOWING THROUGH THEM. DRAINAGE WAYS SHALL BE DESIGNED AND CONSTRUCTED IN ORDER TO CARRY WATER FROM A TWENTY-FIVE (25) YEAR STORM OR GREATER AND SHALL BE STABILIZED WITH VEGETATION OR LINED WITH RIPRAP.

R. SOILS

ALL LAND USES SHALL BE LOCATED ON SOILS IN OR UPON WHICH THE PROPOSED USES OR STRUCTURES CAN BE ESTABLISHED OR MAINTAINED WITHOUT CAUSING ADVERSE ENVIRONMENTAL IMPACTS, INCLUDING SEVERE EROSION, MASS SOIL MOVEMENT, IMPROPER DRAINAGE, AND WATER POLLUTION, WHETHER DURING OR AFTER CONSTRUCTION. PROPOSED USES REQUIRING SUBSURFACE WASTE DISPOSAL AND COMMERCIAL OR INDUSTRIAL DEVELOPMENT AND OTHER SIMILAR INTENSIVE LAND USES, SHALL REQUIRE A SOILS REPORT BASED ON AN ONSITE INVESTIGATION AND BE PREPARED BY STATE-CERTIFIED PROFESSIONALS. CERTIFIED PERSONS MAY INCLUDE MAINE CERTIFIED SOIL SCIENTISTS, MAINE REGISTERED PROFESSIONAL ENGINEERS, MAINE STATE CERTIFIED GEOLOGIST, AND OTHER PERSONS WHO HAVE TRAINING AND EXPERIENCE IN THE RECOGNITION AND EVALUATION OF SOIL PROPERTIES AND CAN PROVIDE PROOF OF THIS TRAINING AND EXPERTISE IN A MANNER SPECIFIED BY THE DEPARTMENT OF HUMAN SERVICES.

THE REPORT SHALL BE BASED UPON AN 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 BOTH A SOILS MAP AND RECOMMENDATIONS FOR A PROPOSED USE TO COUNTERACT SOIL LIMITATIONS WHERE THEY EXIST.

S. WATER QUALITY

NO ACTIVITY SHALL DEPOSIT ON OR INTO THE GROUND OR DISCHARGE TO THE WATERS OF THE STATE ANY POLLUTANT THAT, BY ITSELF OR IN COMBINATION WITH OTHER ACTIVITIES OR SUBSTANCES, WILL IMPAIR DESIGNATED USES OR THE WATER CLASSIFICATION OF THE WATER BODY, TRIBUTARY STREAM OR WETLAND.

T. ARCHAEOLOGICAL SITES

PROPOSED LAND USE ACTIVITIES 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 (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.

SECTION 16. ADMINISTRATION

A. ADMINISTRATING BODIES AND AGENTS

1. CODE ENFORCEMENT OFFICER

A CODE ENFORCEMENT OFFICER SHALL BE APPOINTED OR REAPPOINTED ANNUALLY BY JULY 1ST BY THE MUNICIPAL OFFICERS.

2. BOARD OF APPEALS

A BOARD OF APPEALS SHALL BE CREATED IN ACCORDANCE WITH THE PROVISIONS OF TILTE 30-A, M.R.S.A. SECTION 2691.

3. PLANNING BOARD

A PLANNING BOARD SHALL BE CREATED IN ACCORDANCE WITH THE PROVISIONS OF STATE LAW.

B. PERMITS REQUIRED

AFTER THE EFFECTIVE DATE OF THIS ORDINANCE NO PERSON SHALL, WITHOUT FIRST OBTAINING A PERMIT, ENGAGE IN ANY ACTIVITY OR USE OF LAND OR STRUCTURE REQUIRING A PERMIT IN THE DISTRICT IN WHICH SUCH ACTIVITY OR USE WOULD OCCUR; OR EXPAND, CHANGE, OR REPLACE AN EXISTING USE OR STRUCTURE; OR RENEW A DISCONTINUED NON-CONFORMING USE. A PERSON WHO IS ISSUED A PERMIT PURSUANT TO THIS ORDINANCE SHALL HAVE A COPY OF THE PERMIT ON SITE WHILE THE WORK AUTHORIZED BY THE PERMIT IS PERFORMED.

(1) A PERMIT IS NOT REQUIRED FOR THE REPLACEMENT OF AN EXISTING ROAD CULVERT AS LONG AS:

1a. THE REPLACEMENT CULVERT IS NOT MORE THAN 25% LONGER THAN THE CULVERT BEING REPLACED;

2b. THE REPLACEMENT CULVERT IS NO LONGER THAN 75 FEET;

3c. ADEQUATE EROSION CONTROL MEASURES ARE TAKEN TO PREVENT SEDIMENTATION OF THE WATER, AND THE CROSSING DOES NOT BLOCK FISH

PASSAGE IN THE WATER COURSE.

- (2) A PERMIT IS NOT REQUIRED FOR AN ARCHAEOLOGICAL EXCAVATION AS LONG AS THE EXCAVATION IS CONDUCTED BY AN ARCHAEOLOGIST LISTED ON THE STATE HISTORICAL PRESERVATION OFFICER'S LEVEL 1 OR LEVEL 2 APPROVED LIST, AND UNREASONABLE EROSION AND SEDIMENTATION IS PREVENTED BY MEANS OF ADEQUATE AND TIMELY TEMPORARY AND PERMANENT STABILIZATION MEASURES.
- (3) ANY PERMIT REQUIRED BY THIS ORDINANCE SHALL BE IN ADDITION TO ANY OTHER PERMIT REQUIRED BY OTHER LAW OR ORDINANCE.

C. PERMIT APPLICATION

- 1. EVERY APPLICANT FOR A PERMIT SHALL SUBMIT A WRITTEN APPLICATION, INCLUDING A SCALED SITE PLAN, ON A FORM PROVIDED BY THE MUNICIPALITY ALONG WITH A ~~\$25~~ \$80 APPLICATION FEE, TO THE APPROPRIATE OFFICIAL AS INDICATED IN SECTION 14; EXCEPT THAT THE APPLICATION FEE FOR THE REMOVAL OF STORM DAMAGED, DISEASED, UNSAFE, OR DEAD TREES SHALL BE \$25.
- 2. ALL APPLICATIONS SHALL BE SIGNED BY THE OWNER OR OWNERS OF THE PROPERTY OR OTHER PERSON AUTHORIZING THE WORK, CERTIFYING THAT THE INFORMATION IN THE APPLICATION IS COMPLETE AND CORRECT. IF THE PERSON SIGNING THE APPLICATION IS NOT THE OWNER OR ~~LESSEE~~ OWNER'S AGENT OF THE PROPERTY THEN THAT PERSON SHALL SUBMIT A LETTER OF AUTHORIZATION FROM THE OWNER ~~OR LESSER~~.
- 3. ALL APPLICATIONS SHALL BE DATED, AND THE CODE ENFORCEMENT OFFICER OR PLANNING BOARD, AS APPROPRIATE, SHALL NOTE UPON EACH APPLICATION THE DATE AND TIME OF ITS RECEIPT.
- 4. IF THE PROPERTY IS NOT SERVED BY PUBLIC SEWER, A VALID PLUMBING PERMIT OR A COMPLETED APPLICATION FOR A PLUMBING PERMIT, INCLUDING THE SITE EVALUATION APPROVED BY THE PLUMBING INSPECTOR, SHALL BE SUBMITTED WHENEVER THE NATURE OF THE PROPOSED STRUCTURE OR USE WOULD REQUIRE THE INSTALLATION OF A SUBSURFACE SEWAGE DISPOSAL SYSTEM.

5. THE FEE FOR AN AFTER-THE-FACT PERMIT SHALL BE TRIPLE THE PERMIT FEE.

D. PROCEDURE FOR ADMINISTERING PERMITS

WITHIN 35 DAYS OF THE DATE OF RECEIVING A WRITTEN APPLICATION, THE PLANNING BOARD OR CODE ENFORCEMENT OFFICER, AS INDICATED IN SECTION 14, SHALL NOTIFY THE APPLICANT IN WRITING EITHER THAT THE APPLICATION IS A COMPLETE APPLICATION, OR, IF THE APPLICATION IS INCOMPLETE, THAT SPECIFIED ADDITIONAL MATERIAL IS NEEDED TO MAKE THE APPLICATION COMPLETE. THE PLANNING BOARD OR THE CODE ENFORCEMENT OFFICER, AS APPROPRIATE, SHALL APPROVE, APPROVE WITH CONDIITONS, OR DENY ALL PERMIT APPLICATIONS IN WRITING WITHIN 35 DAYS OF RECEIVING A COMPLETED APPLICATION. HOWEVER, IF THE PLANNING BOARD HAS A WAITING LIST OF APPLICATIONS, A DECISION ON THE APPLICATION SHALL OCCUR WITHIN 35 DAYS AFTER THE FIRST AVAILABLE DATE ON THE

PLANNING BOARD'S AGENDA FOLLOWING RECEIPT OF THE COMPLETED APPLICATION, OR WITHIN 35 DAYS OF THE PUBLIC HEARING, IF 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.

THE APPLICANT SHALL HAVE THE BURDEN OF PROOF PROVING THAT THE PROPOSED LAND USE ACTIVITY IS IN CONFORMITY WITH THE PURPOSES AND PROVISIONS OF THIS ORDINANCE.

AFTER THE SUBMISSION OF A COMPLETE APPLICATION TO THE PLANNING BOARD, THE BOARD SHALL APPROVE AN APPLICATION OR APPROVE IT WITH CONDITIONS IF IT MAKES A POSITIVE FINDING BASED ON THE INFORMATION PRESENTED THAT THE PROPOSED USE:

1. WILL MAINTAIN SAFE AND HEALTHFUL CONDITIONS;
2. WILL NOT RESULT IN WATER POLLUTION, EROSION, OR SEDIMENTATION TO SURFACE WATERS;
3. WILL ADEQUATELY PROVIDE FOR THE DISPOSAL OF ALL WASTEWATER;
4. WILL NOT HAVE AN ADVERSE IMPACT ON SPAWNING GROUNDS, FISH, AQUATIC LIFE, BIRD AND OTHER WILDLIFE HABITAT;
5. WILL CONSERVE SHORE COVER AND VISUAL, AS WELL AS ACTUAL, POINTS OF ACCESS TO INLAND WATERS;
6. WILL PROTECT ARCHAEOLOGICAL AND HISTORIC RESOURCES AS DESIGNATED IN THE COMPREHENSIVE PLAN;
7. WILL AVOID PROBLEMS ASSOCIATED WITH FLOOD PLAIN DEVELOPMENT AND USE; AND
8. IS IN CONFORMANCE WITH THE PROVISIONS OF SECTION 15, LAND USE STANDARDS.

IF A PERMIT IS EITHER DENIED OR APPROVED WITH CONDITIONS, THE REASONS AS WELL AS CONDITIONS SHALL BE STATED IN WRITING. NO APPROVAL SHALL BE GRANTED FOR AN APPLICATION INVOLVING A STRUCTURE IF THE STRUCTURE WOULD BE LOCATED IN AN UNAPPROVED SUBDIVISION OR WOULD VIOLATE ANY OTHER LOCAL ORDINANCE OR REGULATION OR ANY STATE LAW WHICH THE MUNICIPALITY IS RESPONSIBLE FOR ENFORCING.

E. SPECIAL EXCEPTIONS

IN ADDITION TO THE CRITERIA SPECIFIED IN SECTION 16 (D) ABOVE, EXCEPTING STRUCTURE SETBACK REQUIREMENTS, THE PLANNING BOARD MAY APPROVE A PERMIT FOR A SINGLE FAMILY RESIDENTIAL STRUCTURE IN A RESOURCE PROTECTION DISTRICT PROVIDED THAT THE APPLICANT DEMONSTRATES THAT ALL OF THE FOLLOWING CONDITIONS ARE MET:

1. THERE IS NO LOCATION ON THE PROPERTY, OTHER THAN A LOCATION WITHIN THE RESOURCE PROTECTION DISTRICT, WHERE THE STRUCTURE CAN BE BUILT.
2. THE LOT ON WHICH THE STRUCTURE IS PROPOSED IS UNDEVELOPED AND WAS ESTABLISHED AND RECORDED IN THE OXFORD COUNTY REGISTRY OF DEEDS BEFORE THE 1974 AMENDMENTS THEREOF. OR, IF THE LOT WAS NOT ESTABLISHED IN A SINGLE DEED, IT IS IDENTIFIABLE AND CAN BE DEFINED BY A PRUDENT TITLE SEARCH. IN THE CONTEXT OF THIS PARAGRAPH,

“UNDEVELOPED” MEANS THERE IS PRESENTLY NO REASONABLE ECONOMIC VALUE BEING GAINED FROM THE LOT.

3. THE PROPOSED LOCATION OF ALL BUILDINGS, SEWAGE DISPOSAL SYSTEMS AND OTHER IMPROVEMENTS ARE:

Aa. LOCATED ON NATURAL GROUND SLOPES OF LESS THAN 20%; AND

Bb. LOCATED OUTSIDE THE FLOODWAY OF THE 100-YEAR FLOODPLAIN ALONG RIVERS, BASED ON DETAILED FLOOD INSURANCE STUDIES AND AS DELINEATED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY’S FLOOD BOUNDARY AND FLOODWAYS MAPS AND FLOOD INSURANCE RATE MAPS; ALL BUILDINGS, INCLUDING BASEMENTS, ARE ELEVATED AT LEAST ONE FOOT ABOVE THE 100-YEAR FLOOD-PLAIN ELEVATION; AND THE DEVELOPMENT IS OTHERWISE IN COMPLIANCE WITH ANY APPLICABLE MUNICIPLAL FLOODPLAIN ORDINACE.

IF THE FLOODWAY IS NOT SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY MAPS, IT IS DEEMED TO BE ½ THE WIDTH OF THE 100-YEAR FLOODPLAIN.

4. THE TOTAL GROUND-FLOOR AREA, INCLUDING CANTILEVERED OR SIMILAR OVERHANGING EXTENSIONS, OF ALL PRINCIPAL AND ACCESSORY STRUCTURES IS LIMITED TO A MAXIMIUM OF 1,500 SQUARE FEET. THIS LIMITATION SHALL NOT BE ALTERED BY VARIANCE.

5. ALL STRUCTURES, EXCEPT FUNCTIONALLY WATER-DEPENDENT STRUCTURES, ARE SET BACK FROM THE NORMAL HIGH-WATER LINE OF A WATER BODY, TRIBUTARY STREAM OR UPLAND EDGE OF A WETLAND TO THE GREATEST PRACTICAL EXTENT, BUT NOT LESS THAN SEVENTY-FIVE (75) FEET, HORIZONTAL DISTANCE. IN DETERMINING THE GREATEST PRACTICAL EXTENT, THE PLANNING BOARD SHALL CONSIDER THE DEPTH OF THE LOT, THE SLOPE OF THE LAND, THE POTENTIAL FOR SOIL EROSION, THE TYPE AND AMOUNT OF VEGETATION TO BE REMOVED, THE PROPOSED BUILDING SITE’S ELEVATION IN REGARD TO THE FLOODPLAIN, AND ITS PROXIMITY TO MODERATE-VALUE AND HIGH-VALUE WETLANDS.

F. EXPIRATION OF PERMIT

FOLLOWING THE ISSUANCE OF A PERMIT, IF NO SUBSTANTIAL START AS DEFINED IN SECTION 17 OF THIS ORDINANCE IS MADE IN CONSTRUCTION OR IN THE USE OF THE PROPERTY WITHIN ONE (1) YEAR OF THE DATE OF THE PERMIT, THE PERMIT SHALL LAPSE AND BECOME VOID. IF A SUBSTANTIAL START IS MADE WITHIN ONE YEAR OF THE ISSUANCE OF THE PERMIT, THE APPLICANT SHALL HAVE ONE ADDITIONAL YEAR FROM THE DATE OF THE SUBSTANTIAL START AS DETERMINED BY THE CODE ENFORCEMENT OFFICER TO COMPLETE THE PROJECT, AT WHICH TIME THE PERMIT SHALL EXPIRE.

G. INSTALLATION OF PUBLIC UTILITY SERVICE

NO PUBLIC UTILITY, WATER DISTRICT, SANITARY DISTRICT OR ANY UTILITY COMPANY OF ANY KIND MAY INSTALL SERVICES TO ANY NEW STRUCTURE LOCATED IN THE SHORELAND ZONE UNLESS WRITTEN AUTHORIZATION ATTESTING TO THE VALIDITY AND CURRENCY OF ALL LOCAL PERMITS REQUIRED UNDER THIS OR ANY PREVIOUS ORDINANCE HAS BEEN ISSUED BY THE APPROPRIATE MUNICIPAL OFFICIALS. FOLLOWING INSTALLATION OF THE SERVICE, THE COMPANY OR DISTRICT SHALL FORWARD THE WRITTEN AUTHORIZATION TO THE MUNICIPAL OFFICIALS, INDICATING THAT INSTALLATION HAS BEEN COMPLETED.

H. APPEALS

1. POWERS AND DUTIES OF THE BOARD OF APPEALS: THE BOARD OF APPEALS SHALL HAVE THE FOLLOWING POWERS:

Aa. ADMINISTRATIVE APPEALS: TO HEAR AND DECIDE ADMINISTRATIVE APPEALS, ON AN APPELLATE BASIS, WHERE IT IS ALLEGED BY AN AGGRIEVED PARTY THAT THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, ADMINISTRATIVE DECISION, OR DETERMINATION MADE BY, OR FAILURE TO ACT BY, ~~THE CODE ENFORCEMENT OFFICER~~ OR THE PLANNING BOARD IN THE ADMINISTRATION OF THIS ORDINANCE; AND TO HEAR AND DECIDE ADMINISTRATIVE APPEALS ON A "DE NOVO" BASIS WHERE IT IS ALLEGED BY AN AGGRIEVED PARTY THAT THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, DECISION, OR DETERMINATION MADE BY, OR FAILURE TO ACT BY, THE CODE ENFORCEMENT OFFICER IN HIS OR HER REVIEW OF AND ACTION ON A PERMIT APPLICATION UNDER THIS ORDINANCE. ~~NOTE:~~ A DECISION OF THE CEO TO TAKE ENFORCEMENT ACTION FOR VIOLATIONS OF THIS ORDINANCE OR ANY PERMIT ISSUED PURSUANT TO THIS ORDINANCE IS NOT APPEALABLE TO THE BOARD OF APPEALS. THIS ORDINANCE SHALL BE ENFORCED IN ACCORDANCE WITH 30-A M.R.S.A. PARA. 4452.

Bb. VARIANCE APPEALS: TO AUTHORIZE VARIANCES UPON APPEAL, WITHIN THE LIMITATIONS SET FORTH IN THIS ORDINANCE.

2. VARIANCE APPEALS. VARIANCES MAY BE GRANTED ONLY UNDER THE FOLLOWING CONDITIONS:

Aa. VARIANCES MAY BE GRANTED ONLY FROM DIMENSIONAL REQUIREMENTS INCLUDING, BUT NOT LIMITED TO SHORE FRONTAGE, LOT AREA, LOT WIDTH, STRUCTURE HEIGHT, PERCENT OF LOT COVERAGE, AND SET BACK REQUIREMENTS.

Bb. VARIANCES SHALL NOT BE GRANTED FOR ESTABLISHMENT OF ANY USES OTHERWISE PROHIBITED BY THIS ORDINANCE.

Cc. THE BOARD SHALL NOT GRANT A VARIANCE UNLESS IT FINDS THAT:

- (1) THE PROPOSED STRUCTURE OR USE WOULD MEET THE PROVISIONS OF SECTION 15 EXCEPT FOR THE SPECIFIC PROVISION WHICH HAS CREATED THE NON-CONFORMITY AND FROM WHICH RELIEF IS SOUGHT; AND

(2) THE STRICT APPLICATION OF THE TERMS OF THIS ORDINANCE WOULD RESULT IN UNDUE HARDSHIP. THE TERM “UNDUE HARDSHIP” SHALL MEAN:

- (I) THAT THE LAND IN QUESTION CANNOT YIELD A REASONABLE RETURN UNLESS A VARIANCE IS GRANTED;
- (II) THAT THE NEED FOR A VARIANCE IS DUE TO THE UNIQUE CIRCUMSTANCES OF THE PROPERTY AND NOT THE GENERAL CONDITIONS OF 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. THE BOARD OF APPEALS MAY GRANT A VARIANCE TO A PROPERTY OWNER FOR THE PURPOSE OF MAKING THAT PROPERTY ACCESSIBLE TO A PERSON WITH A DISABILITY WHO IS LIVING ON THE PROPERTY. THE BOARD SHALL RESTRICT ANY VARIANCE GRANTED UNDER THIS SUBSECTION SOLELY TO THE INSTALLATION OF EQUIPMENT OR THE CONSTRUCTION OF STRUCTURES NECESSARY FOR ACCESS TO OR EGRESS FROM THE PROPERTY BY THE PERSON WITH THE DISABILITY. THE BOARD SHALL IMPOSE CONDITIONS ON THE VARIANCE, INCLUDING LIMITING THE VARIANCE TO THE DURATION OF THE DISABILITY OR TO THE TIME THAT THE PERSON WITH THE DISABILITY LIVES ON THE PROPERTY. THE TERM “STRUCTURE NECESSARY FOR ACCESS TO OR EGRESS FROM THE PROPERTY” SHALL INCLUDE RAILING, WALL, OR ROOF SYSTEMS NECESSARY FOR THE SAFETY OR EFFECTIVENESS OF THE STRUCTURE.

IN THE CONTEXT OF THIS PARAGRAPH, THE BOARD SHALL DETERMINE IF A PERSON IS “LIVING ON THE PROPERTY” BY USING THE FOLLOWING GUIDELINES: THIS SECTION IS MEANT TO APPLY TO OWNERS OF A HOUSE OR CAMP WHICH IS THEIR PRIMARY RESIDENCE, EITHER YEAR-ROUND OR SEASONAL, EVEN IF ONLY FOR VACATION PURPOSES. IT DOES NOT APPLY TO A PERSON VISITING THE OWNER, EXCEPT FOR LEGAL DEPENDENTS. THIS SECTION ALSO APPLIES TO OTHERS WHOSE PRIMARY RESIDENCE IS THE STRUCTURE, WHETHER OWNED OR NOT, INCLUDING AN ELDERLY PARENT, A HANDICAPPED CHILD, OR A LONG TERM TENANT OF A RENTAL UNIT, OR A PERSON SPENDING A SIGNIFICANT PERIOD OF TIME AT SOMEONE’S RESIDENCE RECUPERATING FROM AN ACCIDENT OR ILLNESS. THIS SECTION DOES NOT APPLY TO SHORT-TERM OR INFREQUENT USAGE OF A PROPERTY BY NON-OWNERS SUCH AS VISITORS.

e. 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 SO DOING MAY IMPOSE SUCH CONDITIONS TO A VARIANCE AS IT DEEMS NECESSARY. THE PARTY RECEIVING THE VARIANCE SHALL COMPLY WITH ANY CONDITIONS IMPOSED.

f. A COPY OF EACH VARIANCE REQUEST, INCLUDING THE APPLICATION AND ALL SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT, ~~MAY~~ SHALL BE FORWARDED

BY THE MUNICIPAL OFFICIALS TO THE COMMISSIONER OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AT LEAST TWENTY (20) DAYS PRIOR TO ACTION BY THE BOARD OF APPEALS. ANY COMMENTS RECEIVED FROM THE COMMISSIONER PRIOR TO ACTION BY THE BOARD OF APPEALS ~~MAY~~ SHALL BE TAKEN INTO CONSIDERATION BY THE BOARD OF APPEALS.

- Gg.** A COPY OF ALL VARIANCES GRANTED BY THE BOARD OF APPEALS SHALL BE SUBMITTED TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WITHIN FOURTEEN (14) DAYS OF THE DECISION.

3. ADMINISTRATIVE APPEALS

WHEN THE BOARD OF APPEALS REVIEWS A DECISION OF THE CODE ENFORCEMENT OFFICER THE BOARD OF APPEALS SHALL HOLD A "DE NOVO" HEARING. AT THIS TIME THE BOARD MAY RECEIVE AND CONSIDER NEW EVIDENCE AND TESTIMONY, BE IT ORAL OR WRITTEN. WHEN ACTING IN A "DE NOVO" CAPACITY, THE BOARD OF APPEALS SHALL HEAR AND DECIDE THE MATTER AFRESH, UNDERTAKING ITS OWN INDEPENDENT ANALYSIS OF EVIDENCE AND THE LAW, AND REACHING ITS OWN DECISION.

WHEN THE BOARD OF APPEALS HEARS A DECISION OF THE PLANNING BOARD, IT SHALL HOLD AN APPELLATE HEARING, AND MAY REVERSE THE DECISION OF THE PLANNING BOARD ONLY UPON FINDING THAT THE DECISION WAS CONTRARY TO SPECIFIC PROVISIONS OF THE ORDINANCE OR CONTRARY TO THE FACTS PRESENTED TO THE PLANNING BOARD. THE BOARD OF APPEALS MAY ONLY REVIEW THE RECORD OF THE PROCEEDINGS BEFORE THE PLANNING BOARD. THE BOARD OF APPEALS SHALL NOT RECEIVE OR CONSIDER ANY EVIDENCE WHICH WAS NOT PRESENTED TO THE PLANNING BOARD, BUT THE BOARD OF APPEALS MAY RECEIVE AND CONSIDER WRITTEN OR ORAL ARGUMENTS. IF THE BOARD OF APPEALS DETERMINES THAT THE RECORD OF THE PLANNING BOARD PROCEEDINGS ARE INADEQUATE, THE BOARD OF APPEALS MAY REMAND THE MATTER TO THE PLANNING BOARD FOR ADDITIONAL FACT FINDING.

4. APPEAL PROCEDURE

Aa. MAKING AN APPEAL

- (1) AN ADMINISTRATIVE OR VARIANCE APPEAL MAY BE TAKEN TO THE BOARD OF APPEALS BY AN AGGRIEVED PARTY FROM ANY ADMINISTRATIVE DECISION OF THE CODE ENFORCEMENT OFFICER OR THE PLANNING BOARD, EXCEPT FOR ENFORCEMENT-RELATED MATTERS AS DESCRIBED IN SECTION 16(H)(1)(a) ABOVE. SUCH APPEAL SHALL BE TAKEN WITHIN THIRTY (30) DAYS OF THE DATE OF THE DECISION APPEALED FROM, AND NOT OTHERWISE, EXCEPT THAT THE BOARD, UPON A SHOWING OF GOOD CAUSE, MAY WAIVE THE THIRTY (30) DAY REQUIREMENT.
- (2) SUCH APPEAL SHALL BE MADE BY FILING WITH THE BOARD OF APPEALS A WRITTEN NOTICE OF APPEAL WHICH INCLUDES:
- I. A CONCISE WRITTEN STATEMENT INDICATING WHAT RELIEF IS REQUESTED AND WHY ~~IF~~ THE APPEAL OR VARIANCE SHOULD BE GRANTED.

II. A SKETCH DRAWN TO SCALE SHOWING LOT LINES, LOCATION OF EXISTING BUILDINGS AND STRUCTURES AND OTHER PHYSICAL FEATURES OF THE LOT PERTINENT TO THE RELIEF SOUGHT.

(3) ~~UPON BEING NOTIFIED OF AN APPEAL~~ THE MUNICIPALITY RECEIVING AN APPLICATION FOR AN ADMINISTRATIVE APPEAL OR VARIANCE, THE CODE ENFORCEMENT OFFICER OR PLANNING BOARD, AS APPROPRIATE, SHALL TRANSMIT TO THE BOARD OF APPEALS ALL OF THE PAPERS CONSTITUTING THE RECORD OF THE DECISION APPEALED FROM.

(4) THE BOARD OF APPEALS SHALL HOLD A PUBLIC HEARING ON THE APPEAL OR A REQUEST FOR A VARIANCE WITHIN THIRTY-FIVE (35) DAYS OF ITS RECEIPT OF ~~AN APPEAL REQUEST~~ A COMPLETE WRITTEN APPLICATION, UNLESS THIS TIME PERIOD IS EXTENDED BY THE PARTIES.

b. DECISION OF BOARD OF APPEALS

(1) A MAJORITY OF THE FULL VOTING MEMBERSHIP 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.

(2) 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 ON WHICH IT IS REQUIRED TO DECIDE UNDER THIS ORDINANCE, OR TO AFFECT ANY VARIANCE IN THE APPLICATION OF THIS ORDINANCE FROM ITS STATED TERMS. THE BOARD MAY REVERSE THE ADMINISTRATIVE DECISION, OR FAILURE TO ACT, OF THE CODE ENFORCEMENT OFFICER OR PLANNING BOARD ONLY UPON A FINDING THAT THE ADMINISTRATIVE DECISION, OR FAILURE TO ACT, WAS CLEARLY CONTRARY TO SPECIFIC PROVISIONS OF THIS ORDINANCE.

(3) THE PERSON FILING THE APPEAL SHALL HAVE THE BURDEN OF PROOF.

(4) THE BOARD SHALL DECIDE ALL ADMINISTRATIVE APPEALS AND VARIANCE APPEALS WITHIN THIRTY-FIVE (35) DAYS AFTER THE CLOSE OF THE HEARING, AND SHALL ISSUE A WRITTEN DECISION ON ALL APPEALS.

(5) ALL DECISIONS SHALL BECOME A PART OF THE RECORD AND SHALL INCLUDE A STATEMENT OF FINDINGS OF FACT AND CONCLUSIONS AS WELL AS THE REASONS OR BASIS THEREFOR, AND THE APPROPRIATE ORDER, RELIEF OR DENIAL THEREOF. THE BOARD SHALL CAUSE WRITTEN NOTICE OF ITS DECISION TO BE MAILED OR HAND-DELIVERED TO THE APPLICANT AND TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION WITHIN SEVEN (7) DAYS OF THE BOARD'S DECISION. COPIES OF WRITTEN DECISIONS OF THE BOARD OF APPEALS SHALL BE GIVEN TO THE PLANNING BOARD, CODE ENFORCEMENT OFFICER, AND THE MUNICIPAL OFFICERS.

5. APPEAL TO SUPERIOR COURT

EXCEPT AS PROVIDED BY 30-A M.R.S.A. SECTION 2691(3)(F), ANY AGGRIEVED PARTY WHO PARTICIPATES D AS A PARTY DURING THE PROCEEDINGS BEFORE THE BOARD OF APPEALS MAY TAKE

AN APPEAL TO SUPERIOR COURT IN ACCORDANCE WITH STATE LAWS WITHIN FORTY-FIVE (45) DAYS FROM THE DATE OF ANY DECISION OF THE BOARD OF APPEALS.

6. RECONSIDERATION

EXCEPT AS PROVIDED BY 30-A M.R.S.A. SECTION 2691 (3)(F), THE BOARD OF APPEALS MAY RECONSIDER ANY DECISION WITHIN THIRTY (30) 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 ABUTTORS 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 OF RECONSIDERATION.

I. ENFORCEMENT

1. NUISANCES

ANY VIOLATION OF THIS ORDINANCE SHALL BE DEEMED TO BE A NUISANCE.

2. CODE ENFORCEMENT OFFICER

- A. IT SHALL BE THE DUTY OF THE CODE ENFORCEMENT OFFICER TO ENFORCE THE PROVISIONS OF THIS ORDINANCE. IF THE CODE ENFORCEMENT OFFICER SHALL FIND THAT ANY PROVISION OF THIS ORDINANCE IS BEING VIOLATED, HE OR SHE SHALL NOTIFY IN WRITING THE PERSON RESPONSIBLE FOR SUCH VIOLATION, INDICATING THE NATURE OF THE VIOLATION AND ORDERING THE ACTION NECESSARY TO CORRECT IT, INCLUDING THE 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 MAINTAINED AS A PERMANENT RECORD.
- B. THE CODE ENFORCEMENT OFFICER SHALL CONDUCT ON-SITE INSPECTIONS TO INSURE COMPLIANCE WITH ALL APPLICABLE LAWS AND CONDITIONS ATTACHED TO THE PERMIT APPROVALS. THE CODE ENFORCEMENT OFFICER SHALL ALSO INVESTIGATE ALL COMPLAINTS OF ALLEGED VIOLATIONS OF THIS ORDINANCE.
- C. THE CODE ENFORCEMENT OFFICER SHALL KEEP A COMPLETE RECORD OF ALL ESSENTIAL TRANSACTIONS OF THE OFFICE, INCLUDING APPLICATIONS SUBMITTED, PERMITS GRANTED OR DENIED, VARIANCES GRANTED OR DENIED, REVOCATION ACTIONS, VIOLATIONS INVESTIGATED, VIOLATIONS FOUND, AND FEES COLLECTED. ONCE EVERY

TWO (2) YEARS A SUMMARY OF THIS RECORD SHALL BE SUBMITTED TO THE DIRECTOR OF THE BUREAU OF LAND QUALITY CONTROL WITHIN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

3. LEGAL ACTIONS

WHEN THE ABOVE ACTION DOES NOT RESULT IN THE CORRECTION OR ABATEMENT OF THE VIOLATION OR NUISANCE CONDITION, THE MUNICIPAL OFFICERS, UPON NOTICE FROM THE CODE ENFORCEMENT OFFICER, ARE HEREBY DIRECTED TO INSTITUTE ANY AND ALL ACTIONS AND PROCEEDINGS, EITHER LEGAL OR EQUITABLE, INCLUDING SEEKING INJUNCTIONS OF VIOLATIONS AND IMPOSITION OF FINES, THAT MAY BE APPROPRIATE OR NECESSARY TO ENFORCE THE PROVISIONS OF THIS ORDINANCE IN THE NAME OF THE MUNICIPALITY. THE MUNICIPAL OFFICERS, OR THEIR AUTHORIZED AGENT, ARE HEREBY AUTHORIZED TO ENTER INTO ADMINISTRATIVE CONSENT AGREEMENTS FOR THE PURPOSE OF ELIMINATING VIOLATIONS OF THIS ORDINANCE AND RECOVERING FINES WITHOUT COURT ACTION. SUCH AGREEMENTS SHALL NOT ALLOW AN ILLEGAL STRUCTURE OR USE TO CONTINUE UNLESS THERE IS CLEAR AND CONVINCING EVIDENCE THAT THE ILLEGAL STRUCTURE OR USE WAS CONSTRUCTED OR CONDUCTED AS A DIRECT RESULT OF ERRONEOUS ADVICE GIVEN BY AN AUTHORIZED MUNICIPAL OFFICIAL AND THERE IS NO EVIDENCE THAT THE OWNER ACTED IN BAD FAITH, OR UNLESS THE REMOVAL OF THE STRUCTURE OR USE WILL RESULT IN A THREAT OR HAZARD TO PUBLIC HEALTH AND SAFETY OR WILL RESULT IN SUBSTANTIAL ENVIRONMENTAL DAMAGE.

4. FINES

ANY PERSON, INCLUDING BUT NOT LIMITED TO A LANDOWNER, A LANDOWNER'S AGENT OR A CONTRACTOR, WHO ORDERS OR CONDUCTS ANY ACTIVITY IN VIOLATION OF THIS ORDINANCE SHALL BE PENALIZED IN ACCORDANCE WITH TITLE 30-A M.R.S.A. SUBSECTION 4452.

NOTE: CURRENT PENALTIES INCLUDE FINES OF NOT LESS THAN \$100 NOR MORE THAN \$2500 PER VIOLATION FOR EACH DAY THAT THE VIOLATION CONTINUES.

SECTION 17. DEFINITIONS

ACCESSORY STRUCTURE OR USE

A USE OR STRUCTURE WHICH IS INCIDENTAL AND SUBORDINATE TO THE PRINCIPAL USE OR STRUCTURE. ACCESSORY USES, WHEN AGGREGATED SHALL NOT SUBORDINATE THE PRINCIPAL USE OF THE LOT. A DECK OR SIMILAR EXTENSION OF THE PRINCIPAL STRUCTURE OR A GARAGE ATTACHED TO THE PRINCIPAL STRUCTURE BY A ROOF OR A COMMON WALL IS CONSIDERED PART OF THE PRINCIPAL STRUCTURE.

AGGRIEVED PARTY

AN OWNER OF LAND WHOSE PROPERTY IS DIRECTLY OR INDIRECTLY AFFECTED BY THE GRANTING OR DENIAL OF A PERMIT OR VARIANCE UNDER THIS ORDINANCE; A PERSON WHOSE LAND ABUTS LAND FOR WHICH A PERMIT OR VARIANCE HAS BEEN GRANTED; OR ANY OTHER PERSON OR GROUP OF PERSONS WHO HAVE SUFFERED PARTICULARIZED INJURY AS A RESULT OF THE GRANTING OR DENIAL OF SUCH PERMIT OR VARIANCE; OR A GROUP OF FIVE PERCENT (5%) OR MORE ~~CITIZENS~~ OF THE OF THE REGISTERED VOTERS IN THE MUNICIPALITY WHO

REPRESENT AN INTEREST ADVERSE TO THE GRANTING OR DENIAL OF SUCH PERMIT OR VARIANCE.

AGRICULTURE

THE PRODUCTION, KEEPING OR MAINTENANCE FOR SALE OR LEASE OF PLANTS AND/OR ANIMALS, INCLUDING BUT NOT LIMITED TO: FORAGES AND SOD CROPS; GRAINS AND SEED CROPS; DAIRY ANIMALS AND DAIRY PRODUCTS; POULTRY AND POULTRY PRODUCTS; LIVESTOCK; FRUITS AND VEGETABLES; AND ORNAMENTAL AND GREENHOUSE PRODUCTS. AGRICULTURE DOES NOT INCLUDE FOREST MANAGEMENT AND TIMBER HARVESTING ACTIVITIES.

AQUACULTURE

THE GROWING OR PROPAGATION OF HARVESTABLE FRESHWATER OR ESTUARINE PLANT AND ANIMAL SPECIES.

BASAL AREA

THE AREA OF CROSS-SECTION OF A TREE STEM AT 4 ½ FEET ABOVE GROUND LEVEL AND INCLUSIVE OF BARK.

BASEMENT

ANY PORTION OF A STRUCTURE WITH A FLOOR-TO-CEILING HEIGHT OF 6 FEET OR MORE AND HAVING MORE THAN 50% OF ITS VOLUME BELOW THE EXISTING GROUND LEVEL.

BOAT AND LAUNCHING FACILITY

A FACILITY DESIGNED PRIMARILY FOR THE LAUNCHING AND LANDING OF WATERCRAFT, WHICH MAY INCLUDE AN ACCESS RAMP, DOCKING AREA, AND PARKING SPACES FOR VEHICLES AND TRAILERS.

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 CONTINUOUS COVER FORMED BY TREE CROWNS IN A WOODED AREA.

COMMERCIAL USE

THE USE OF LANDS, BUILDINGS, OR STRUCTURES, OTHER THAN A "HOME OCCUPATION" DEFINED BELOW, THE INTENT AND RESULT OF WHICH ACTIVITY IS THE PRODUCTION OF INCOME FROM THE BUYING AND SELLING OF GOODS AND/OR SERVICES, EXCLUSIVE OF RENTAL OR RESIDENTIAL BUILDINGS AND/OR DWELLING UNITS.

DBH

THE DIAMETER OF A STANDING TREE MEASURED 4.5 FEET FROM THE GROUND LEVEL.

DEVELOPMENT

A CHANGE IN LAND USE INVOLVING ALTERATION OF THE LAND, WATER OR VEGETATION, OR THE ADDITION OR ALTERATION OF STRUCTURES OR OTHER CONSTRUCTION NOT NATURALLY OCCURRING.

COMMON SHORE ACCESS

THE USE OF ANY SHORE FRONT PROPERTY OR LAND AREA HAVING SHORE FRONTAGE ON ANY WATER BODY REGULATED BY THIS ORDINANCE AND INTENDED FOR USE BY THE OCCUPANTS OF THREE OR MORE DWELLING UNITS TO PROVIDE A POINT OF ACCESS, WHETHER ACCOMPLISHED THROUGH OWNERSHIP, LEASE, EASEMENT, RIGHT-OF-WAY, OR OTHER USE RIGHTS THAT ARE GRANTED OR SOLD.

DIMENSIONAL REQUIREMENTS

NUMERICAL STANDARDS RELATING TO SPATIAL RELATIONSHIPS INCLUDING BUT NOT LIMITED TO SETBACK, LOT AREA, SHORE FRONTAGE AND HEIGHT.

DISABILITY

ANY DISABILITY, INFIRMITY, MALFORMATION, DISFIGUREMENT, CONGENITAL DEFECT OR MENTAL CONDITION CAUSED BY A BODILY INJURY, ACCIDENT, DISEASE, BIRTH DEFECT, ENVIRONMENTAL CONDITIONS OR ILLNESS; AND ALSO INCLUDES THE PHYSICAL OR MENTAL CONDITION OF A PERSON WHICH CONSTITUTES A SUBSTANTIAL HANDICAP AS DETERMINED BY A PHYSICIAN OR, IN THE CASE OF MENTAL HANDICAP, BY A PSYCHIATRIST OR PSYCHOLOGIST, AS WELL AS ANY OTHER HEALTH OR SENSORY IMPAIRMENT WHICH REQUIRES SPECIAL EDUCATIONAL, VOCATIONAL REHABILITATION, OR RELATED SERVICES.

DRIVEWAY

A VEHICULAR ACCESS-WAY LESS THAN FIVE HUNDRED (500) FEET IN LENGTH SERVING TWO (2) LOTS OR LESS.

EMERGENCY OPERATIONS

OPERATIONS CONDUCTED FOR THE PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, SUCH AS PROTECTION OF RESOURCES FROM IMMEDIATE DESTRUCTION OR LOSS, LAW ENFORCEMENT, AND OPERATIONS TO RESCUE HUMAN BEINGS, PROPERTY AND LIVESTOCK FROM THE THREAT OF DESTRUCTION OR INJURY.

ESSENTIAL SERVICES

GAS, ELECTRICAL OR COMMUNICATION FACILITIES: STEAM, FUEL, ELECTRIC POWER OR WATER TRANSMISSION OR DISTRIBUTION LINES, TOWERS AND RELATED EQUIPMENT, TELEPHONE CABLES OR LINES, POLES AND RELATED EQUIPMENT, GAS, OIL, WATER, SLURRY OR OTHER SIMILAR PIPELINES, MUNICIPAL SEWER LINES, COLLECTION OR SUPPLY SYSTEMS, AND ASSOCIATED STORAGE TANKS. SUCH SYSTEMS MAY INCLUDE TOWERS, POLES, WIRES, MAINS, DRAINS, PIPES, CONDUITS, CABLES, FIRE ALARMS AND POLICE CALL BOXES, TRAFFIC SIGNALS, HYDRANTS AND SIMILAR ACCESSORIES, BUT SHALL NOT INCLUDE SERVICE DROPS OR BUILDINGS WHICH ARE NECESSARY FOR THE FURNISHING OF SUCH SERVICES.

EXPANSION OF A STRUCTURE

AN INCREASE IN THE FLOOR OR VOLUME OF A STRUCTURE, INCLUDING ALL EXTENSIONS SUCH AS, BUT NOT LIMITED TO, ATTACHED DECKS, GARAGES, PORCHES AND GREENHOUSES.

EXPANSION OF USE

THE ADDITION OF ONE OR MORE MONTHS TO A USE'S OPERATING SEASON; OR THE USE OF MORE FLOOR AREA OR GROUND AREA DEVOTED TO A PARTICULAR USE.

FAMILY

ONE OR MORE PERSONS OCCUPYING A PREMISES AND LIVING AS A SINGLE HOUSEKEEPING UNIT.

FLOODWAY

THE CHANNEL OF A RIVER OR OTHER WATERCOURSE AND ADJACENT LAND AREAS THAT MUST BE RESERVED IN ORDER TO DISCHARGE THE ONE HUNDRED (100)-YEAR FLOOD WITHOUT CUMULATIVELY INCREASING THE WATER SURFACE ELEVATION BY MORE THAN ONE FOOT IN HEIGHT.

FLOOR AREA

THE SUM OF THE HORIZONTAL AREAS OF THE FLOOR(S) OF A STRUCTURE ENCLOSED BY THE EXTERIOR WALLS, PLUS THE HORIZONTAL AREA OF ANY UNENCLOSED PORTIONS OF A STRUCTURE SUCH AS PORCHES AND DECKS.

FOREST MANAGEMENT ACTIVITIES

TIMBER CRUISING AND OTHER FOREST RESOURCES EVALUATION ACTIVITIES, PESTICIDE OR FERTILIZER APPLICATION, MANAGEMENT PLANNING ACTIVITIES, TIMBER STAND IMPROVEMENT, PRUNING, REGENERATION OF FOREST STANDS, AND OTHER SIMILAR OR ASSOCIATED ACTIVITIES, EXCLUSIVE OF TIMBER HARVESTING AND THE CONSTRUCTION, CREATION, OR MAINTENANCE OF ROADS.

FORESTED WETLANDS

A FRESHWATER DOMINATED BY WOODY VEGETATION THAT IS TWENTY (20) FEET ~~SIX (6)~~ METERS TALL OR TALLER.

FOUNDATION

THE SUPPORTING SUBSTRUCTURE OF A BUILDING OR OTHER STRUCTURE, EXCLUDING WOODEN SILLS AND POST SUPPORTS, AND INCLUDING BUT NOT LIMITED TO BASEMENTS, SLABS, ~~SILLS, POSTS OR~~ FROST WALLS, OR OTHER BASE CONSISTING OF CONCRETE, BLOCK, BRICK OR SIMILAR MATERIAL.

FRESHWATER WETLAND

FRESHWATER SWAMPS, MARSHES, BOGS AND SIMILAR AREAS, OTHER THAN FORESTED WETLANDS, WHICH ARE:

1. OF TEN (10) OR MORE CONTIGUOUS ACRES; OR LESS THAN TEN (10) CONTIGUOUS ACRES AND ADJACENT TO A SURFACE WATER BODY, EXCLUDING ANY RIVER, STREAM OR BROOK SUCH THAT IN A NATURAL STATE, THE COMBINED SURFACE AREA IS IN EXCESS OF THE TEN (10) ACRES; AND
2. INUNDATED OR SATURATED BY SURFACE OR GROUND WATER AT A FREQUENCY AND FOR A DURATION SUFFICIENT TO SUPPORT, AND WHICH UNDER NORMAL

CIRCUMSTANCES DO SUPPORT, A PREVALENCE OF WETLAND VEGETATION TYPICALLY ADAPTED FOR LIFE IN SATURATED SOILS.

FRESHWATER WETLANDS MAY CONTAIN SMALL STREAM CHANNELS OR INCLUSIONS OF LAND THAT DO NOT CONFORM TO THE CRITERIA OF THIS DEFINITION.

FUNCTIONALLY WATER-DEPENDENT USES

THOSE USES THAT REQUIRE FOR THEIR PRIMARY PURPOSE, LOCATION ON SUBMERGED LANDS OR THAT REQUIRE DIRECT ACCESS TO, OR LOCATION IN INLAND WATERS AND WHICH CANNOT BE LOCATED AWAY FROM THESE WATERS. THE USES INCLUDE, BUT ARE NOT LIMITED TO COMMERCIAL AND RECREATIONAL FISHING AND BOATING FACILITIES, FISH PROCESSING, FISH STORAGE AND RETAIL AND WHOLESALE MARKETING FACILITIES, WATERFRONT DOCK FACILITIES, BOAT BUILDING FACILITIES, AND MARINAS.

GREAT POND

ANY INLAND BODY OF WATER WHICH IN A NATURAL STATE HAS A SURFACE AREA IN EXCESS OF TEN (10) ACRES, AND ANY INLAND BODY OF WATER ARTIFICIALLY FORMED OR INCREASED WHICH HAS A SURFACE AREA IN EXCESS OF THIRTY (30) ACRES EXCEPT FOR THE PURPOSES OF THIS ORDINANCE WHERE THE ARTIFICIALLY FORMED OR INCREASED INLAND BODY OF WATER IS COMPLETELY SURROUNDED BY LAND HELD BY A SINGLE OWNER.

GROUND COVER

SMALL PLANTS, FALLEN LEAVES, NEEDLES AND TWIGS, AND THE PARTIALLY DECAYED ORGANIC MATTER OF THE FOREST FLOOR.

HEIGHT OF A STRUCTURE

THE VERTICAL DISTANCE BETWEEN THE MEAN ORIGINAL GRADE AT THE DOWNHILL SIDE OF THE STRUCTURE AND THE HIGHEST POINT OF THE STRUCTURE, EXCLUDING CHIMNEYS, STEEPLES, ANTENNAS, AND SIMILAR APPURTENANCES WHICH HAVE NO FLOOR SPACE.

HOME OCCUPATION

AN OCCUPATION OR PROFESSION WHICH IS CUSTOMARILY CONDUCTED ON OR IN A RESIDENTIAL STRUCTURE OR PROPERTY AND WHICH IS 1) CLEARLY INCIDENTAL TO AND COMPATIBLE WITH THE RESIDENTIAL USE OF THE PROPERTY AND SURROUNDING RESIDENTIAL USES; 2) WHICH EMPLOYS NO MORE THAN TWO (2) PERSONS OTHER THAN FAMILY MEMBERS RESIDING IN THE HOME; AND 3) WHICH OCCUPIES NO MORE THAN THIRTY-THREE (33) PERCENT OF THE FLOOR AREA OF ALL STRUCTURES ON THE PROPERTY.

INCREASE IN NONCONFORMITY OF A STRUCTURE

ANY CHANGE IN A STRUCTURE OR PROPERTY WHICH CAUSES FURTHER DEVIATION FROM THE DIMENSIONAL STANDARD(S) CREATING THE NONCONFORMITY SUCH AS, BUT NOT LIMITED TO, REDUCTION IN WATER BODY, TRIBUTARY STREAM OR WETLAND SETBACK DISTANCE, INCREASE IN LOT COVERAGE, OR INCREASE IN HEIGHT OF A STRUCTURE. PROPERTY CHANGES OR STRUCTURE EXPANSIONS WHICH EITHER MEET THE DIMENSIONAL STANDARD OR WHICH CAUSE NO FURTHER INCREASE IN THE LINEAR EXTENT OF NONCONFORMANCE OF THE EXISTING STRUCTURE SHALL NOT BE CONSIDERED TO INCREASE NONCONFORMITY. FOR EXAMPLE, THERE IS NO INCREASE IN NONCONFORMITY WITH THE SETBACK REQUIREMENT FOR WATER BODIES, WETLANDS, OR TRIBUTARY STREAMS IF THE EXPANSION EXTENDS NO FURTHER INTO

THE REQUIRED SETBACK AREA THAN DOES ANY PORTION OF THE EXISTING NON-CONFORMING STRUCTURE. HENCE, A STRUCTURE MAY BE EXPANDED Laterally PROVIDED THAT THE EXPANSION EXTENDS NO CLOSER TO THE WATER BODY, TRIBUTARY STREAM OR WETLAND THAN THE CLOSEST PORTION OF THE EXISTING STRUCTURE FROM THE WATER BODY, TRIBUTARY STREAM, OR WETLAND. INCLUDED IN THIS ALLOWANCE ARE EXPANSIONS WHICH IN-FILL IRREGULARLY SHAPED STRUCTURES.

INDIVIDUAL PRIVATE CAMPSITE

AN AREA OF LAND WHICH IS NOT ASSOCIATED WITH A CAMPGROUND, BUT WHICH IS USED FOR TRANSIENT OR SIMILAR TEMPORARY OCCUPANCY BY ONE RECREATIONAL VEHICLE, TENT OR SHELTER.

INDUSTRIAL

THE ASSEMBLING, FABRICATION, FINISHING, MANUFACTURING, PACKAGING OR PROCESSING OF GOODS, OR THE EXTRACTION OF MINERALS.

GOVERNMENTAL

A MUNICIPALLY OWNED OR OPERATED BUILDING, STRUCTURE OR LAND USED FOR PUBLIC PURPOSES.

LODGING FACILITIES

A MOTEL, HOTEL, ROOMING HOUSE, HOUSEKEEPING CABINS, TOURIST HOME, BED AND BREAKFAST, OR LIKE FACILITY DESIGNED FOR TRANSIENT OCCUPANCY. THIS DEFINITION DOES NOT INCLUDE SUCH FACILITIES WHICH MEET THE DEFINITION OF A HOME OCCUPATION.

LOT AREA

THE AREA OF LAND ENCLOSED WITHIN THE BOUNDARY LINES OF A LOT, MINUS LAND BELOW THE NORMAL HIGH-WATER LINE OF A WATER BODY OR UPLAND EDGE OF A WETLAND AND AREAS BENEATH ROADS SERVING MORE THAN TWO LOTS.

MARINA

A PUBLICALLY OR PRIVATELY-OWNED FACILITY WHICH SERVES FIVE (5) OR MORE BOATS AS A COMMERCIAL ENTERPRISE OR IN ASSOCIATION WITH A CLUB AND WHICH PROVIDES FOR ONE OR MORE OF THE FOLLOWING: BOAT STORAGE, BOAT LAUNCHING, SALE OF MARINE SUPPLIES AND SERVICES, BAIT AND TACKLE SHOPS, MARINE FUEL SERVICES, WATERCRAFT SALES AND RELATED ACCESSORIES, RELATED MOORING, DOCKING, AND SLIP FACILITIES, RENTAL DOCKING OR TIE-UP SERVICES, RELATED PIERS AND FLOATS.

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 THE PREVAILING GENERAL PRICE LEVELS.

MINERAL EXPLORATION

HAND SAMPLING, TEST BORING, OR OTHER METHODS OF DETERMINING THE NATURE OR EXTENT OF MINERAL RESOURCES WHICH CREATE MINIMAL DISTURBANCE TO THE LAND AND WHICH INCLUDE REASONABLE MEASURES TO RESTORE THE LAND TO ITS ORIGINAL CONDITION.

MINERAL EXTRACTION

ANY OPERATION WITHIN ANY TWELVE (12) MONTH PERIOD WHICH REMOVES MORE THAN ONE HUNDRED (100) CUBIC YARDS OF SOIL, TOPSOIL, LOAM, SAND, GRAVEL, CLAY, ROCK, PEAT, OR OTHER LIKE MATERIAL FROM ITS NATURAL LOCATION AND TO TRANSPORT THE PRODUCT REMOVED, AWAY FROM THE EXTRACTION SITE.

MINIMUM LOT WIDTH

THE CLOSEST DISTANCE BETWEEN THE SIDE LOT LINES OF A LOT. WHEN ONLY TWO LOT LINES EXTEND INTO THE SHORELAND ZONE, BOTH LOT LINES SHALL BE CONSIDERED TO BE SIDE LOT LINES.

MULTI-UNIT RESIDENTIAL

A RESIDENTIAL STRUCTURE CONTAINING THREE (3) OR MORE RESIDENTIAL DWELLING UNITS.

NATIVE

INDIGENOUS TO THE LOCAL AREA.

NONCONFORMING CONDITION

A LOT, STRUCTURE OR USE WHICH IS ALLOWED SOLELY BECAUSE IT WAS IN LAWFUL EXISTENCE AT THE TIME THIS ORDINANCE OR SUBSEQUENT AMENDMENT TOOK EFFECT.

NONCONFORMING LOT

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 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.

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 PREDOMINATELY AQUATIC AND PREDOMINATELY TERRESTRIAL LAND. IN THE CASE OF WETLANDS ADJACENT TO RIVERS AND GREAT PONDS, THE NORMAL HIGH-WATER LINE IS THE UPLAND EDGE OF THE WETLAND, AND NOT THE EDGE OF THE OPEN WATER.

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) OR MORE IN ANY PERIOD OF TWELVE (12) CONSECUTIVE MONTHS.

PRINCIPAL STRUCTURE

A BUILDING OR STRUCTURE THAT SERVES THE PRIMARY FUNCTION OF THE PREMISES.

PRINCIPAL USE

THE USE WHICH IS THE PRIMARY FUNCTION OF THE PREMISES.

PUBLIC FACILITY

ANY FACILITY, INCLUDING, BUT NOT LIMITED TO, BUILDINGS, PROPERTY, RECREATION AREAS, AND ROADS, WHICH ARE OWNED, LEASED, OR OTHERWISE OPERATED OR FUNDED BY A GOVERNMENTAL BODY OR PUBLIC ENTITY.

RECENT FLOODPLAIN SOILS

THE FOLLOWING SOIL SERIES AS DESCRIBED AND IDENTIFIED BY THE NATIONAL COOPERATIVE SOIL SURVEY:

ALLUVIAL	CORNISH	CHARLES
FRYEBURG	HADLEY	LIMERICK
LOVEWELL	MEDOMAK	ONDAWA
PODUNK	RUMNEY	SACO
SUNCOOK	SUNDAY	WINOOSKI

RECREATIONAL FACILITY

A PLACE DESIGNED AND EQUIPPED FOR THE CONDUCT OF SPORTS, LEISURE TIME ACTIVITIES, AND OTHER CUSTOMARY AND USUAL RECREATIONAL ACTIVITIES, EXCLUDING BOAT LAUNCHING FACILITIES.

RECREATIONAL VEHICLE

A VEHICLE OR AN ATTACHMENT TO A VEHICLE DESIGNED TO BE TOWED, AND DESIGNED FOR A 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 ROAD-WORTHY (I.E., POSSESS A CURRENT REGISTRATION STICKER FROM ANY STATE DIVISION OF MOTOR VEHICLES).

REPLACEMENT STSTEM

A SYSTEM INTENDED TO REPLACE: 1) AN EXISTING SYSTEM WHICH IS EITHER MALFUNCTIONING OR BEING UPGRADED WITH NO SIGNIFICANT CHANGE OF DESIGN FLOW OR USE OF THE STRUCTURE, OR 2) ANY EXISTING OVERBOARD WASTEWATER DISCHARGE.

RESIDENTIAL DWELLING UNIT

A ROOM OR GROUP OF ROOMS DESIGNED AND EQUIPPED EXCLUSIVELY FOR USE AS PERMANENT, SEASONAL, OR TEMPORARY LIVING QUARTERS FOR ONLY ONE FAMILY AT A TIME, AND INCLUDING COOKING, SLEEPING AND TOILET FACILITIES. THE TERM SHALL INCLUDE MOBILE HOMES AND RENTAL UNITS THAT INCLUDE COOKING, SLEEPING, AND TOILET FACILITIES REGARDLESS OF THE TIME-PERIOD RENTED, BUT NOT RECREATIONAL VEHICLES.

RESIDUAL BASAL AREA

THE AVERAGE OF THE BASAL AREA OF TREES REMAINING ON A HARVESTED SITE.

RIPRAP

ROCKS, IRREGULARLY SHAPED, AND AT LEAST SIX (6) INCHES IN DIAMETER, USED FOR EROSION CONTROL AND SOIL STABILIZATION, TYPICALLY USED ON GROUND SLOPES OF TWO (2) UNITS HORIZONTAL TO ONE (1) UNIT VERTICAL OR LESS.

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

A ROUTE OR TRACK CONSISTING OF A BED OR EXPOSED MINERAL SOIL, GRAVEL, ASPHALT, OR OTHER SURFACING MATERIAL CONSTRUCTED FOR OR CREATED BY THE REPEATED PASSAGE OF MOTORIZED VEHICLES, EXCLUDING A DRIVEWAY AS DEFINED.

SERVICE DROP

ANY UTILITY LINE EXTENSION WHICH DOES NOT CROSS OR RUN BENEATH ANY PORTION OF A WATER BODY PROVIDED THAT:

1. IN THE CASE OF ELECTRIC SERVICE
 - A. THE PLACEMENT OF WIRES AND/OR THE INSTALLATION OF UTILITY POLES IS LOCATED ENTIRELY UPON THE PREMISES OF THE CUSTOMER REQUESTING SERVICE OR UPON A ROADWAY RIGHT OF WAY; AND
 - B. THE TOTAL LENGTH OF THE EXTENSION IS LESS THAN ONE THOUSAND (1,000) FEET.
2. IN THE CASE OF TELEPHONE SERVICE
 - A. THE EXTENSION, REGARDLESS OF LENGTH, WILL BE MADE BY THE INSTALLATION OF TELEPHONE WIRES TO EXISTING UTILITY POLES, OR
 - B. THE EXTENSION REQUIRING THE INSTALLATION OF NEW UTILITY POLES OR PLACEMENT UNDERGROUND IS LESS THAN ONE THOUSAND (1,000) FEET IN LENGTH.

SETBACK

THE NEAREST HORIZONTAL DISTANCE FROM A LOT LINE OR NORMAL HIGH-WATER LINE OF A WATER BODY OR TRIBUTARY STREAM, OR UPLAND EDGE OF A WETLAND, TO THE NEAREST PART OF A STRUCTURE, ROAD, PARKING SPACE OR OTHER REGULATED AREA.

SHORE FRONTAGE

THE LENGTH OF A LOT BORDERING ON A WATER BODY MEASURED IN A STRAIGHT LINE BETWEEN THE INTERSECTIONS OF THE SIDE LOT LINES WITH THE SHORELINE AT NORMAL HIGH-WATER ELEVATION.

SHORE/SHORELAND ZONE

THE LAND AREA LOCATED WITHIN TWO HUNDRED AND FIFTY (250) FEET, HORIZONTAL DISTANCE, OF THE NORMAL HIGH-WATER LINE OF ANY GREAT POND OR RIVER; WITHIN TWO HUNDRED AND FIFTY (250) FEET OF THE UPLAND EDGE OF A FRESHWATER WETLAND; OR WITHIN SEVENTY-FIVE (75) FEET OF THE NORMAL HIGH-WATER LINE OF A STREAM.

SHORELINE

THE NORMAL HIGH-WATER LINE OF A WATER BODY, OR UPLAND EDGE OF A FRESHWATER WETLAND.

SKID TRAIL

A ROUTE REPEATEDLY USED BY FORWARDING MACHINERY OR ANIMAL TO HAUL OR DRAG FOREST PRODUCTS FROM THE STUMP TO THE YARD OR LANDING, THE CONSTRUCTION OF WHICH REQUIRES MINIMAL EXCAVATION.

SLASH

THE RESIDUE, E.G., TREETOPS AND BRANCHES, LEFT ON THE GROUND AFTER A TIMBER HARVEST.

STREAM

A FREE-FLOWING ~~BODY OF WATER FROM THE OUTLET OF A GREAT POND OR THE CONFLUENCE OF TWO (2) PERENNIAL STREAMS~~ BROOK 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~~ BROOK BECOMES A RIVER OR FLOWS TO ANOTHER WATERBODY OR WETLAND WITHIN THE SHORELAND AREA. NOTWITHSTANDING THE ABOVE, BUNGANOCK BROOK SHALL BE CONSIDERED A STREAM ALONG ITS ACTUAL COURSE AS DETERMINED BY THE TOWN, RATHER THAN THE COURSE SHOWN ERRONEOUSLY ON THE CURRENT U.S.G.S. MAP, BETWEEN BUNGANOCK POND AND ROUTE 140.

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, POLES, WIRING AND OTHER AERIAL EQUIPMENT NORMALLY ASSOCIATED WITH SERVICE DROPS AS WELL AS GUYING AND GUY ANCHORS. THE TERM INCLUDES STRUCTURES TEMPORARILY OR PERMANENTLY LOCATED, SUCH AS DECKS, PATIOS, AND SATELLITE DISHES.

SUBSTANTIAL START

COMPLETION OF THIRTY (30) PERCENT OF A PERMITTED STRUCTURE OR USE MEASURED AS A PERCENTAGE OF ESTIMATED TOTAL COST.

SUBSURFACE 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 MRSA SECTION 414, ANY SURFACE WASTEWATER DISPOSAL SYSTEM LICENSED UNDER 38 MRSA 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 MRSA CHAPTER 13, SUBCHAPTER 1.

SUSTAINED SLOPE

A CHANGE IN ELEVATION WHERE THE REFERENCED PERCENT GRADE IS SUBSTANTIALLY MAINTAINED OR EXCEEDED THROUGHOUT THE MEASURED AREA. A SUSTAINED SLOPE OF TWENTY (20) PERCENT OR GREATER IS A CHANGE IN ELEVATION BETWEEN TWO POINTS THAT AVERAGES AT LEAST TWENTY (20) FEET OVER ONE HUNDRED (100) FEET HORIZONTAL DISTANCE.

TIMBER HARVESTING

THE CUTTING AND REMOVAL OF TREES FROM THEIR GROWING SITE, AND THE ATTENDANT OPERATION OF CUTTING AND SKIDDING MACHINERY BUT NOT THE CONSTRUCTION OR CREATION OF ROADS. TIMBER HARVESTING DOES NOT INCLUDE THE CLEARING OF LAND FOR APPROVED CONSTRUCTION.

TRIBUTARY STREAM

A CHANNEL BETWEEN DEFINED BANKS CREATED BY THE ACTION OF SURFACE WATER, WHETHER INTERMITTENT OR PERENNIAL, AND WHICH IS CHARACTERIZED BY THE LACK OF UPLAND VEGETATION OR PRESENCE OF AQUATIC VEGETATION, ~~AND~~ OR 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. “TRIBUTARY STREAM” DOES NOT INCLUDE RILLS OR GULLIES FORMING BECAUSE OF ACCELERATED EROSION IN DISTURBED SOILS WHERE THE NATURAL VEGETATION COVER HAS BEEN REMOVED BY HUMAN ACTIVITY. THIS DEFINITION DOES NOT INCLUDE THE TERM “STREAM” AS DEFINED ELSEWHERE IN THIS ORDINANCE, AND ONLY APPLIES TO THAT PORTION OF THE TRIBUTARY STREAM LOCATED WITHIN THE SHORELAND ZONE OF THE RECEIVING WATER BODY OR WETLAND.

UPLAND EDGE

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 SOILS SUPPORT THE GROWTH OF WETLAND VEGETATION, BUT SUCH VEGETATION IS DOMINATED BY WOODY STEMS THAT ARE TWENTY (20) FEET TALL OR TALLER.

VEGETATION

ALL LIVE TREES, SHRUBS, GROUND COVER, AND OTHER PLANTS INCLUDING WITHOUT LIMITATION, TREES BOTH OVER AND UNDER FOUR (4) INCHES IN DIAMETER, MEASURED AT 4 ½ FEET ABOVE GROUND LEVEL.

VOLUME OF A STRUCTURE

THE VOLUME OF ALL PORTIONS OF A STRUCTURE ENCLOSED BY ROOF AND FIXED EXTERIOR WALLS AS MEASURED FROM THE EXTERIOR FACES OF THESE WALLS AND ROOF, EXCLUDING CRAWL SPACE.

WATER BODY

ANY GREAT POND, RIVER, OR STREAM.

WATER CROSSING

ANY PROJECT EXTENDING FROM ONE BANK TO THE OPPOSITE BANK OF A RIVER, ~~OR~~ STREAM, TRIBUTARY STREAM, OR WETLAND WHETHER UNDER, THROUGH, OR OVER THE WATER COURSE. SUCH PROJECTS INCLUDE BUT 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.

WETLANDS

A FRESHWATER WETLAND (SEE DEFINITION UNDER "FRESHWATER WETLAND").

WETLANDS ASSOCIATED WITH GREAT PONDS AND RIVERS

WETLANDS CONTIGUOUS WITH OR ADJACENT TO A GREAT POND OR RIVER, AND WHICH DURING THE 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 ONE HUNDRED (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.

WOODY VEGETATION

LIVE TREES OR WOODY, NON-HERBACEOUS SHRUBS.