

**“June 14, 2016  
Amendments to the  
Town of Bridgton  
Shoreland Zoning  
Ordinance”**

Note: Amendments are shown as:  
Additional text underlined  
Deleted text ~~strikethrough~~

**Proposed: June 14, 2016**

# TOWN OF BRIDGTON

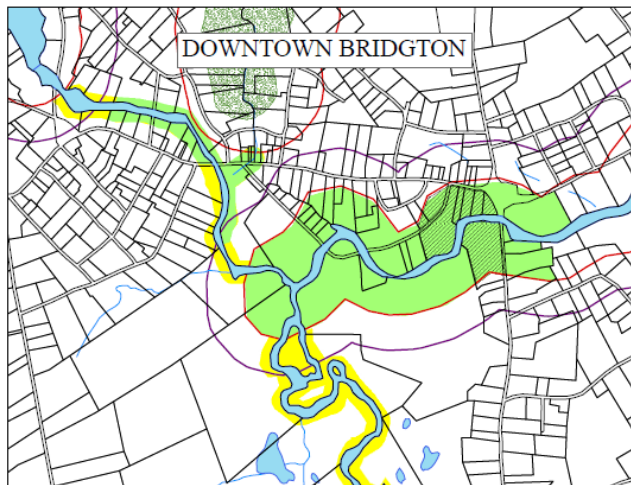
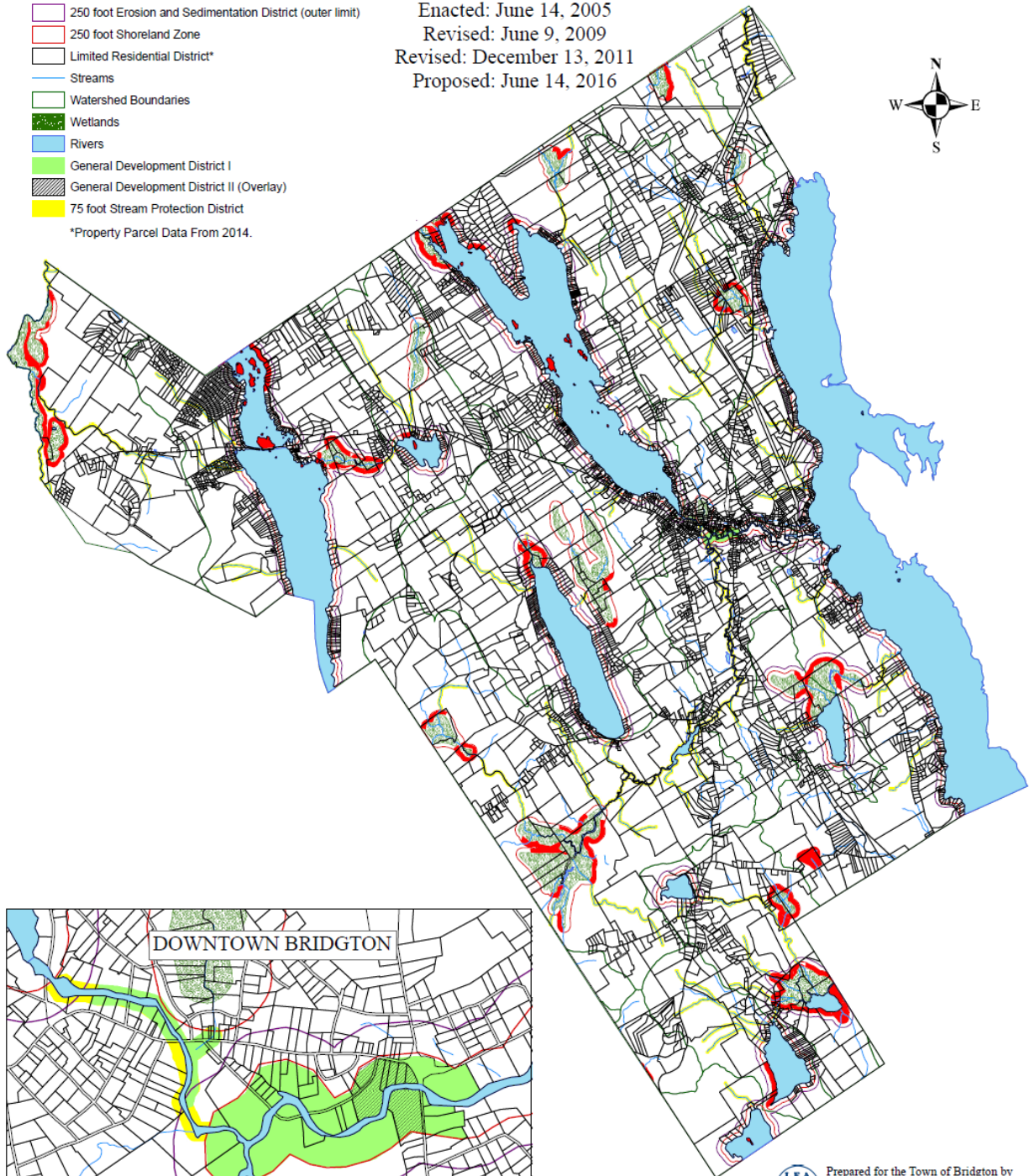
## OFFICIAL SHORELAND ZONING MAP

### Legend

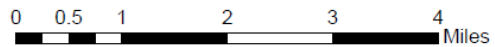
- Resource Protection District
- Lakes and Ponds
- 250 foot Erosion and Sedimentation District (outer limit)
- 250 foot Shoreland Zone
- Limited Residential District\*
- Streams
- Watershed Boundaries
- Wetlands
- Rivers
- General Development District I
- General Development District II (Overlay)
- 75 foot Stream Protection District

\*Property Parcel Data From 2014.

Enacted: June 14, 2005  
 Revised: June 9, 2009  
 Revised: December 13, 2011  
 Proposed: June 14, 2016



Prepared for the Town of Bridgton by  
 Lakes Environmental Association  
 230 Main St., Bridgton, ME 04009



**TOWN OF BRIDGTON  
SHORELAND ZONING ORDINANCE  
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NOTE: Table of Contents Subject to Change

# **Shoreland Zoning Ordinance for the Municipality of Bridgton**

## **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 archaeological and historic resources; to protect commercial fishing and maritime industries; 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; and to anticipate and respond to the impacts of development in shoreland areas.

## **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 (M.R.S.A.).

## **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;
- All land areas within 75 feet, horizontal distance of the normal high water mark of all tributary streams;
- All land areas within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and
- All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
- Additionally, this Ordinance also applies to sources of erosion and sedimentation in all land areas between 250 and 500 feet, horizontal distance, of the normal high-water line of any great pond or river and to all land areas between 250 and 500 feet, horizontal distance of the upland edge of any freshwater wetland associated with a great pond or river. (See the Erosion and Sedimentation Control District.)
- This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

#### **Section 4. Effective Date of Ordinances and Ordinance Amendments**

A. This Ordinance, which was adopted by the municipal legislative body on June 12, 1996 and amended on June 11, 1997, June 10, 1998, March 23, 1999, June 12, 2002, June 10, 2003, June 12, 2007, June 9, 2009, June 14, 2011, December 13, 2011, June 10, 2014, ~~and~~ June 9, 2015 and June 14, 2016 shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance or Ordinance Amendment, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance or Ordinance Amendment within forty-five (45) days of his/her receipt of the Ordinance, it shall be automatically approved.

Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance or Ordinance Amendment if the Ordinance or Ordinance Amendment is approved by the Commissioner.

#### **Section 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 the 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 administered by the municipality the more restrictive provision shall control.

#### **Section 8. Amendments**

A. This Ordinance may be amended by majority vote of the legislative body. Amendments must comply with Title 30A §4352. Amendments must be submitted to the Municipal Officers by the Planning Board following the requirements below for publishing and posting a public hearing:

1. The notice must be posted in the municipal office at least 13 days before the public hearing;

2. The notice must be published at least 2 times in a newspaper that complies with Title 1, section 601 and that has a general circulation in the municipality. The date of the first publication must be at least 12 days before the hearing and the date of the 2<sup>nd</sup> publication must be at least 7 days before the hearing. That notice must be written in plain English and understandable by the average citizen;

3. Notice must be sent by regular mail to a public drinking water supplier if the area to be rezoned contains its source water protection area.

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

## **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(s) which is(are) made a part of the Ordinance:

1. Resource Protection
2. Limited Residential
3. General Development
4. Stream Protection District
5. Erosion and Sedimentation Control District

## **Section 9. Districts and Zoning Map**

### **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.

## **Section 9. Districts and Zoning 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.

## **Section 9. Districts and Zoning 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 centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein.

Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

## **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 or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming.

## **Section 12. Non-conformance**

### **B. General**

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not



involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Reference Building and Razing Ordinance for additional requirements.

## **Section 12. Non-conformance**

### **C. Non-conforming Structures**

1. Expansions: A non conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

a. 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 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 12(C)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 and volume since that date.

b. An application for a permit to expand an existing non-conforming structure by more than 200sf shall be accompanied by scaled drawings showing the dimensions and volume of the existing structure and the dimensions and volume of the structure after the proposed expansion. The drawings shall include floor plans for each level, exterior elevation drawings for each façade and a building cross section. Prior to issuing a building permit, a Maine registered engineer, or architect, or surveyor shall visit the site to certify that the existing conditions are as shown on the above mentioned drawings and to compare the existing plan to the proposed plan. The architect, surveyor, or engineer's certification shall be procured and paid for by the Applicant. The Code Enforcement Officer shall use these certified scaled drawings to determine if the proposed expansion conforms to Section 12C.1.a. For all expansions within 30 days of completion of the expansion a "Notice of Expansion" bearing the signature of the Code Enforcement Officer, shall be recorded at the Cumberland County Registry of Deeds and proof of such recording submitted to the Code Enforcement Officer. The Owner's original deed for the property shall be referenced in the recording. The proof of recording and the scaled drawings shall be on file in the Code Enforcement Office at the Town of Bridgton. The Notice of Expansion will provide evidence that the expansion has been built in accordance with the proposed plans submitted for a building permit and any subsequent amendments to the building permit. The Notice will warrant that the completed construction has not exceeded the limits set forth by Section 12.C.1.a

c. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Code Enforcement Officer, basing its decision on the criteria specified in Section 12(C)2,; if the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with Section 12(C)(1)(a) and the foundation does not cause the structure to be elevated by more than three (3) additional feet as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.

d. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

2. Relocation: A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Code Enforcement Officer, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining where the building relocation meets the setback to the greatest practical extent, the Code Enforcement Officer shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Code Enforcement Officer shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

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

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

3. Reconstruction or Replacement: Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the Code Enforcement Officer 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 placed or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(2) above.

Any non-conforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50% or less of the market value or damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the Code Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Code Enforcement Officer shall consider in addition to the criteria in 12(C)(2) above, the physical condition and type of foundation present, if any.

#### 4. Change of Use of a Non-conforming Structure

The use of a non-conforming structure may not be changed to another use unless the Code Enforcement Officer after receiving a written application determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Code Enforcement Officer shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources and other functionally water-dependent uses.

### **Section 12. Non-conformance**

#### **D. Non-conforming Uses**

1. Expansion: Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within the existing residential structures or within expansions of such structures as allowed in Section 12(C)(1)(a) above.

2. Resumption Prohibited: A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Code Enforcement Officer 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, than the former use, as determined by the Code Enforcement Officer. The determination of no greater adverse impact shall be made according to criteria listed in Section 12 (C)(4) above.

### **Section 12. Non-conformance**

#### **E. Non-conforming Lots**

1. Non-conforming Lots: A non conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this

Ordinance except lot area lot width and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. section 4807-A through 4807-D) and the State of Maine Subsurface Wastewater Disposal Rules are complied with.

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

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.

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

a. Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

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

### **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, except that areas which are currently developed and areas which meet the criteria for the General Development Districts and Limited Residential District need not be included within the Resource Protection District.

1. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean area characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.

Note: The Natural Resources Protection Act, 38 M.R.S.A. sections 480-A through 480Z 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.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the 100 year flood plain as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include 100 year flood plains adjacent to tidal waters as shown on FEMA's Flood Insurance Rate Maps or Flood Hazard Boundary Maps.

3. Areas of two or more contiguous acres with sustained slopes of 20% or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal high water.

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

5. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement, such as steep coastal bluffs.

### **Section 13. Establishment of Districts**

#### **B. Limited Residential District**

The Limited Residential District includes those areas suitable for residential and recreational development. It includes areas other than those in the Resource Protection District, or Stream Protection District, and areas which are used less intensively than those in the General Development Districts.

### **Section 13. Establishment of Districts**

#### **C. General Development Districts**

The General Development Districts includes the following types of areas:

1. Areas of two or more contiguous acres devoted to commercial, industrial or intensive recreational activities, or a mix of such activities, including but not limited to the following:

a. Areas devoted to manufacturing, fabricating or other industrial activities;

b. Areas devoted to wholesaling, warehousing, retail, trade and service activities, or other commercial activities; and

c. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, race tracks and fairgrounds.

2. Areas otherwise discernible as having patterns of intensive commercial, industrial or recreational uses.

Portions of the General Development Districts may also include residential development. However, no area shall be designated as a General Development District based solely on residential use.

In areas adjacent to great ponds classified GPA and adjacent to rivers flowing to great ponds classified GPA, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance.

There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds classified GPA and adjacent to rivers that which flow to great ponds classified GPA.

### **Section 13. Establishment of Districts**

#### **D. Stream Protection District**

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

### **Section 13. Establishment of Districts**

#### **E. Erosion and Sedimentation Control District**

The Erosion and Sedimentation Control District includes all land areas between 250 and 500 feet, horizontal distance, of the normal high-water line of any great pond or river and all land areas between 250 and 500 feet, horizontal distance of the upland edge of any freshwater wetland associated with a great pond or river. The only land uses regulated in the Erosion and Sedimentation Control District are those construction-related activities or land use condition causing or contributing erosion and sedimentation to any land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond or within 250 feet, horizontal distance, of the upland edge of any freshwater wetland that is contiguous to a great pond.

### **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 the use must comply with all applicable land use standards.)
- No - Prohibited
- PB - Allowed with approval from the Planning Board
- CEO - Allowed with permit issued by the Code Enforcement Officer
- LPI - Allowed with permit issued by the Local Plumbing Inspector

#### **Abbreviations:**

- RP - Resource Protection
- SP - Stream Protection District
- LR - Limited Residential
- GDI - General Development I District
- GDII - General Development II District
- E & S - Erosion and Sedimentation Control District



**TABLE 1. LAND USES IN THE SHORELAND ZONE**

LAND USES	DISTRICTS				
	SP	RP	LR	GDI	GDII
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	Yes	Yes	Yes	Yes	Yes
2. Motorized vehicular traffic on existing roads & trails	Yes	Yes	Yes	Yes	Yes
3. Clearing or removal of vegetation for activities other than timber harvesting	CEO	CEO1	Yes	Yes	Yes
4. Fire prevention activities	Yes	Yes	Yes	Yes	Yes
5. Wildlife management practices	Yes	Yes	Yes	Yes	Yes
6. Soil & Water conservation practices	Yes	Yes	Yes	Yes	Yes
7. Mineral exploration	No	Yes2	Yes2	Yes2	Yes2
8. Mineral extraction including sand & gravel extraction	No	PB3	PB	PB	PB
9. Surveying and Resource analysis	Yes	Yes	Yes	Yes	Yes
10. Emergency Operations	Yes	Yes	Yes	Yes	Yes
11. Agriculture	No	No	No	No	No
12. Aquaculture	PB	PB	PB	Yes	Yes
13. Principal structures & uses					
A. One & two family Residential,	No	PB9	CEO	CEO	CEO
B. Driveways for One & two Family Residential	PB	PB	CEO	CEO	CEO
C. Multi-unit residential	No	No	PB	PB	PB
D. Commercial	No	No10	No10	PB	PB
E. Industrial	No	No	No	PB	PB
F. Governmental and Institutional	No	No	No	PB	PB
G. Small non-residential Facilities for educational, scientific, or nature interpretation purposes	No	No	CEO	CEO	CEO
14. Structures accessory to allowed uses	No	No	CEO	Yes	Yes
15. Docks, bridges and other Structures & uses extending over or below the Normal high-water line or within a wetland					
a. Temporary	CEO	CEO	CEO	CEO	CEO
b. Permanent	PB	PB	PB	PB	PB
16. Conversions of seasonal Residences to year-round residences	LPI	LPI	LPI	LPI	LPI
17. Home occupations	PB	NO	PB	Yes	Yes
18. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	No
19. Essential services	PB6	PB6	PB	PB	PB
20. Service drops, as defined, to allowed uses	Yes	Yes	Yes	Yes	Yes

21. Public & private recreational areas involving minimal structural development	PB	PB	PB	CEO	CEO
22. Individual, private campsites	CEO	CEO	CEO	CEO	CEO
23. Campgrounds	No	No7	PB	PB	PB
24. Road construction	PB	No8	PB	PB	PB
25. Parking facilities	No	No7	PB	PB	PB
26. Marinas	PB	No	PB	PB	PB
27. Filling & earthmoving of less than 10 cubic yards	No	CEO	Yes	Yes	Yes
28. Filling & earthmoving of greater than 10 cubic yards	No	PB	CEO	CEO	CEO
29. Signs	Yes	Yes	Yes	Yes	Yes
30. Uses similar to allowed uses	CEO	CEO	CEO	CEO	CEO
31. Uses similar to uses requiring a CEO permit	CEO	CEO	CEO	CEO	CEO
32. Uses similar to uses requiring a PB approval	PB	PB	PB	PB	PB
33. Earthmoving, vegetation removal, Or construction affecting more than 100 square feet of land area on any property parcel with-in any two year period.	CEO	CEO	CEO	CEO	CEO
34. Earthmoving, vegetation removal, or construction affecting more than 10,000 square feet of land area on any property parcel within any two year period.	PB	PB	PB	PB	PB

Note: All land uses listed above are allowed within the Erosion and Sedimentation Control District without a shoreland zoning permit. Within the Erosion and Sedimentation Control District, no construction-related activity or land use condition shall cause or contribute erosion and sedimentation to any land area within 250 feet, horizontal distance, of the normal high-water line of any great pond or within 250 feet, horizontal distance, of the upland edge of any freshwater wetland contiguous to a great pond.

1. In RP not allowed within 75 feet horizontal distance of the normal high-water line of great ponds, except to remove safety hazards
2. Requires permit from the Code Enforcement Officer if more than 100 square feet of surface area, in total, is disturbed.
3. In RP not allowed in areas so designated because of Wildlife value

4. Provided that a variance from the setback requirement is obtained from the Board of Appeals
5. Functionally water-dependent uses and uses accessory to such water dependent uses only (See note on previous page)
6. See further restrictions in Section 15(L)(2).
7. Except when area is zoned for resource protection due to flood plain criteria in which case a permit is required from the PB.
8. Except as provided in Section 15(H)3.
9. 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 prohibited.
10. Except for commercial uses otherwise listed in this Table, such as marinas and campgrounds, that are allowed in the respective district.

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

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

## **Section 15. Land Use Standards**

### **A. Minimum Lot Standards**

**NOTE: See attached Department of Environmental Protection Department Order #29-2014.**

All land use activities within the shoreland zone shall conform with the following provisions, if applicable.

1.	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft)
Per Residential dwelling unit	50,000	200
Governmental, Institutional, Commercial or Industrial Per principal structure	60,000	300
Public and Private Recreational Facilities	40,000	200
General Development I District (GDI)		
Minimum lot area: 20,000 square feet per residential dwelling unit, principal governmental, institutional,		

commercial or industrial structure or use, or combination thereof, except that the following parcels shall contain a minimum of 5,000 square feet per residential dwelling unit, principal governmental, institutional, commercial or industrial structure or use, or combination thereof: Map 23 Lot 132; Map 23 Lot 133; Map 23 Lot 134; Map 23 Lot 135.

	Minimum Lot Area (sq. ft.)	Minimum Shore Frontage (ft)
General Development II District (GDII)	*5,000 square feet or *1,000 square feet per bedroom, which ever is greater	0

2. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

3. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

4. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

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

6. Shorefront Common Areas shall meet the following criteria:

a. Shorefront common areas shall contain a minimum of two acres. For those which serve less than three residential dwelling units or provide less than three rights of use, the minimum lot size shall be reduced to one acre.

b. The shorefront common area shall have a minimum of 25 feet of shoreline frontage for each residential dwelling unit which has access to the common area and for each right of use granted to any family unit or other legal entity.

c. Use of common areas within a subdivision shall be limited to residential dwelling units contained within said subdivision.

d. Accommodations for motorized watercraft shall be limited to 1 craft for each 25 feet of shoreline frontage. This limit shall not apply to motorized watercraft of transient visitors which remain at the common area for less than 48 hours and craft with motors of less than ten horsepower:

e. The provisions of this Section shall not apply to municipal beach facilities.

f. The provision of this Section shall apply to new commercial campground sites located within the shoreland zone.

g. Shorefront common areas established before June 8, 1987 are exempt from the preceding criteria if there has been no increase in rights of use granted since said date. They may be improved with temporary docking facilities with approval of the Planning Board, subject to Section 15 paragraph C. (6/03)

## **Section 15. Land Use Standards**

### **B. Principal and Accessory Structures**

NOTE: Section 16.I of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

NOTE: See Section 15.R "Water Quality" for additional requirements.

1. All new principal and accessory structures utilizing solid wall foundations shall be set back at least one hundred and twelve (112) feet horizontal distance, from the normal high-water line of great ponds classified GPA, rivers that flow to great ponds classified GPA and the upland edge of any wetland contiguous to those great ponds and rivers. Areas more than 100 feet horizontal distance, from the normal high water line of all great ponds, rivers that flow to great ponds, tributaries and wetlands contiguous to those great ponds, rivers and tributaries may be used for construction of structures such as decks and patios which do not have solid wall foundations. All new principal and accessory structures shall be set back at least seventy-five 75 feet horizontal distance, from the normal high-water line of other water bodies, streams, and the upland edge of other wetlands. In the General Development Districts the setback from the normal high-water line shall be a minimum of fifty (50) feet horizontal distance. The water body or wetland setback provision shall not apply to docks and retaining walls. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

The Planning Board may reduce the setback requirement for projects in the General Development District by up to 50% upon a positive finding of fact that, for any lot of record, all of the following provisions are met:

a. The total area impacted by the proposed setback reduction shall not exceed 25% of the portion of the lot lying within 50 feet of the normal high water mark of any river or tributary stream regulated by this Ordinance.

b. Infiltration systems shall be installed and maintained to infiltrate storm water runoff from all man-made impervious surfaces on the property. Systems shall be sized to accommodate all runoff from a two inch precipitation event of 24-hour duration and shall be located at least 50 feet from the normal high water mark of any river or tributary stream regulated by this Ordinance.

c. There shall be a net increase in the area of the lot which is covered by multi-level vegetation combining ground cover, bushes and trees with at least 50% evenly-distributed tree leaf canopy as viewed from above. All areas of the property not covered by structures (roads, buildings, parking areas, septic systems, etc.) shall be re-vegetated and maintained in such a manner.

d. The proposal shall be designed and built to reduce the gross amount of phosphorus exported from the property by a minimum of 10%.

e. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area. Cupolas, domes, widow's walks and similar features that are not inhabited and are mounted on a building roof for observation purposes are exempt providing they meet the following standards:

a. The feature is on a legally existing conforming structure.

- b. The structure is not located in Resource Protection or Stream Protection Districts.
  - c. The feature does not extend beyond the exterior walls of the existing structure.
  - d. The feature has a floor area of 53 square feet or less.
  - e. The feature does not increase the height of the existing structure by more than seven feet.
3. The lowest floor elevation or openings of all buildings and structures including basements shall be elevated at least one foot above the elevation of the 100 year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils. In those municipalities that participate in the National Flood Insurance Program and have adopted the April 2005 version, or later version, of the Floodplain Management Ordinance, accessory structures may be placed in accordance with the standards of that ordinance and need not meet the elevation requirements of this paragraph.
4. The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed twenty (20) percent of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District where lot coverage shall not exceed seventy (70) percent.
5. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
- a. The site has been previously altered and an effective vegetated buffer does not exist;
  - b. The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high water line of a water body, tributary stream, or upland edge of a wetland;
  - c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
  - d. The total height of the wall(s), in aggregate, are no more than 24 inches;
  - e. Retaining walls are located outside of the 100 year floodplain on rivers, streams and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or Flood Hazard Boundary Maps, or the flood record, or in

the absence of these, by soil types identified as recent flood plain soils.

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and

g. A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics.

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where the natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

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

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

iv. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

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

6. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Code Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided; that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. section 480-C); and the applicant demonstrates that no reasonable access alternative exists on the property.

7. All new principal and accessory structures shall be set back at least 10 feet from all side and rear (non-shoreline) lot lines. (6/03)

## **Section 15. Land Use Standards**

### **C. Docks, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water body or Within a Wetland.**



1. Access from shore shall be developed on soils appropriate for such use and contracted so as to control erosion.
2. The location shall not interfere with existing developed or natural beach areas.
3. The facility shall be located so as to minimize adverse effects on fisheries.
4. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses, of the area. A temporary dock shall not be wider than six (6) feet for non-commercial uses.
5. When more than one residential dwelling unit has water access rights such accommodations shall be one docking system with slips for watercraft. The Code Enforcement Officer, upon written documentation, that one docking system is not feasible may authorize additional docking systems be created.
6. No new structure shall be built on, over or abutting a dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
7. New permanent docks shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.
8. No existing structures built on, over or abutting a dock or other structure extending beyond the normal high-water body or within a wetland shall be converted to residential dwelling units in any district.
9. Except in the General Development Districts, structures built on, over or abutting a 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 dock or other structure.
10. Temporary structures that are specifically designed and manufactured to be removed from the water on a seasonal basis may be installed once ice has melted in the spring and must be removed prior to the formation of ice in the fall.

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

## **Section 15. Land Use Standards**

### **D. Campgrounds**

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

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

## **Section 15. Land Use Standards**

### **E. Individual Private Campsites**

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

1. One campsite per lot existing on the effective date of this Ordinance, or thirty thousand (30,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back one hundred (100) feet, horizontal distance from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the sitting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

## **Section 15. Land Use Standards**

### **F. Commercial and Industrial Uses**

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

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

## **Section 15. Land Use Standards**

### **G. Parking Areas**

NOTE: Section 16.H of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

1. Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located.

The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development Districts, shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Code Enforcement Officer 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, tributary stream or wetland and where feasible, to retain all runoff on-site.

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

a. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

b. Internal travel aisles: Approximately twenty (20) feet wide.

## **Section 15. Land Use Standards**

### **H. Roads and Driveways**

NOTE: Section 16.H of this Ordinance provides significant penalties for violations involving vegetative cutting, earth-moving or other construction conducted before or after the issuance of any permit.

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

1. Roads and driveways shall be set back at least one-hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream or wetland.

On slopes of greater than twenty (20) percent the road or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

Section 15(H)(1) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures, and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding permanent or temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section

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

2. Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a Resource Protection District upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a Resource Protection District the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.

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 section 15(Q)

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams and wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least (50) feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

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 gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips and water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

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

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent less.

c. On sections having slopes greater than ten (10) percent ditch relief culverts shall be placed at approximately a thirty (30) degree angle downslope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

8. Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

## **Section 15. Land Use Standards**

### **I. Signs**

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

1. Signs relating to goods and services sold on the premises shall be allowed, provided that such signs shall not exceed six (6) square feet in area and shall not exceed two (2) signs per premises. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

2. Name signs are allowed, provided such signs shall not exceed two (2) signs per premises.

3. Residential users may display a single sign not over three (3) square feet in area relating to the sale, rental, or lease of the premises.

4. Signs relating to trespassing and hunting shall be allowed without restriction as to number provided that no such sign shall exceed two (2) square feet in area.

5. Signs relating to public safety shall be allowed without restriction.

6. No sign shall extend higher than ten (10) feet above the ground.

7. Signs may be illuminated only by shielded, non-flashing lights.

## **Section 15. Land Use Standards**

### **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 storm waters.

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

## **Section 15. Land Use Standards**

### **K. Septic Waste Disposal**

1. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than one hundred (100) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in shoreland zone.

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 distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

b. Replacement systems shall meet the standards for replacement systems as contained in the Rules.

2. In addition to the standards contained in the Rules, the following provisions shall be met for the construction of wastewater disposal systems:

a. The setback from the normal high-water mark of any great pond, river, or the upland edge of a wetland for wastewater disposal systems shall be a minimum of 100 horizontal feet. This setback shall be increased to the most suitable location within the shoreland zone, as determined by the C.E.O. In making this determination, the C.E.O. shall consider soil suitability, runoff conditions and existing land uses.

b. Expansion of a structure which causes an increase in wastewater shall not be approved or begun unless it is demonstrated that the structure is or can be served by a system which complies with all provisions of this Section and the Rules.

c. When a new system is constructed on a lot, old systems which do not meet the standards contained in this Section shall be discontinued.

## **Section 15. Land Use Standards**

### **L. Essential Services**

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impact.

## **Section 15. Land Use Standards**

### **M. Mineral Exploration and Extraction**

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

1. A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section 15(M) (3) below.

2. No part of any extraction operation, including drainage and runoff control features shall be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, 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 completed when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period ground levels and grades shall be established in accordance with the following:



a. All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

b. The final graded slope shall be two and one half to one (2½ :1) slope or flatter.

c. Top soils or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area.

Additional top soils or loam shall be obtained from off-site 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.

## **Section 15. Land Use Standards**

### **N. Agriculture**

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. sections 4201-4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond, classified GPA, or within seventy-five (75) feet horizontal distance, of other water bodies or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies ; nor within fifty (50) feet, horizontal distance, or tributary streams, and freshwater wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained but shall not be enlarged.

4. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies, nor, within twenty-five (25) feet, horizontal distance, or tributary streams, and freshwater wetlands. Livestock grazing that legally existed at the effective date of this Ordinance, and that has not been discontinued for any period of twelve consecutive months or more, may continue, provided that such

grazing is not expanded in scope and is conducted in accordance with a Soil and Water Conservation Plan.

## **Section 15. Land Use Standards**

### **O. Clearing or Removal of Vegetation for Activities other than Timber Harvesting**

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

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

2. Except in areas as described in Section P(1), above, and except to allow for the development of permitted uses, within a strip of land extending one-hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.

b. Selective cutting of trees within the buffer strip is allowed provided that a well distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(P)(2)(b) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 12 or more in each 25-foot by 25 foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4-1/2 feet Above Ground Level (inches)	Points
2-4 in.	1
> 4-12 in.	2
12 in. or greater	4

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

For the purposes of Section 15(P)(2)(b), "other natural vegetation" is defined as retaining existing vegetation under

three (3) feet in height and other ground cover and retaining at least three (3) saplings less than two (2) inches in diameter at four and one-half (4½) feet above ground level for each 25-foot by 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% of the total volume of trees four (4) inches or more in diameter, measured at 4½ feet above ground level may be removed in any ten (10) year period.

c. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(P) paragraphs (2) and (2)(a). above.

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

e. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 15(P)(2) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas, are limited to the minimum area necessary.

3. At distances greater than one hundred (100) feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured 4 1/2 feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed ten thousand (10,000) square feet for each detached single family dwelling, including land previously cleared. This provision shall not apply to the General Development Districts.

4. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

5. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(P).

## **Section 15. Land Use Standards**

### **P. Erosion and Sedimentation Control Standards**

1. All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil.

b. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

c. Permanent stabilization structures such as retaining walls or 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, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales 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 rip-rap.

6. No activity shall cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. In determining whether the applicant has made adequate provision for controlling erosion and sedimentation, all relevant evidence shall be considered.

7. Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality or soil erosion. On-site absorption shall be utilized to minimize discharges whenever possible.

8. In areas where ground cover is removed, with the exception of roadways and parking areas, permanent seeding shall be placed as soon as is practical but not later than thirty days from the start of construction unless a waiver is obtained.

9. Ground cover shall not be removed between October 1st and May 1st from areas with an average slope in excess of 8% without Planning Board or C.E.O. approval.

10. Water channels, including ditches, culvert inlets, culvert outlets, and detention basin outlets shall be stabilized.

11. Cut and fill slopes shall not exceed a 3 to 1 slope unless no reasonable alternative exists as determined by the Code Enforcement Officer. Cut and fill slopes shall be stabilized with vegetation, rock or other suitable measures.

12. Until a disturbed area is permanently stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps, filter berms, check dams or other suitable measures.

13. Existing catch basins and culverts on or adjacent to the site shall be protected from sedimentation.

14. Stone check dams shall be built and maintained at all points where newly-constructed ditches channelize runoff flows to an adjacent property parcel.

15. Roof runoff from any newly-constructed or enlarged portion of an existing structure shall drain to a roof drip edge

collection system with the capacity to infiltrate and store runoff from a 2" in 24 hour rainfall event.

16. Phosphorus export from any proposal required to obtain a permit from the Planning Board shall not result in total annual export from the entire property parcel that exceeds .05 pounds per acre as determined by using methods described in the manual "Phosphorus Control in Lake Watersheds".

## **Section 15. Land Use Standards**

### **Q. Soils**

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include

Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

## **Section 15. Land Use Standards**

### **R. Water Quality**

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances will impair designated uses or the water classification of the water body, tributary stream or wetland. The washing, bathing, or cleaning of humans, animals, or objects with soaps, detergents, or cleaning agents shall be prohibited in surface waters or in areas adjacent to surface waters if wash water can enter the surface water without absorption into the soils.

2. One of the following methods of phosphorus mitigation must be employed if the footprint of any structure is enlarged within the setback area.

a. The existing undisturbed natural wooded buffer strip between the structure and the water body shall be at least 50 feet in depth; or

b. A 50 foot natural wooded buffer strip shall be created by allowing a 50 foot strip to revert to natural vegetation. Woody vegetation shall be planted if lacking; or

c. An infiltration system designed to accommodate the runoff from the entire structure that would be generated by a 24 hour two-inch rainfall shall be constructed following C.E.O. approval.

d. All new structures in the shoreland zone with a solid wall foundation shall comply with Section 15.R.2.c above.

3. Wells may be located within the setback area if all of the following provisions are met:

a. The access corridor for equipment does not exceed 20 feet in width and must follow any existing or proposed footpath. The C.E.O. may expand this 20 foot limit to the minimum extent needed where access is difficult.

b. All slag shall be removed from the ground, and no erosion or sedimentation shall enter any adjacent waterbody.

c. All areas not covered by the footpath shall be stabilized immediately and fully revegetated within nine months.

4. No provision of this Ordinance shall prohibit the revegetation or stabilization of a disturbed area if a stabilization plan is filed with and approved by the C.E.O. The use of fertilizer containing phosphorus within the buffer area is prohibited except as part of an approved stabilization plan.

5. The application for each proposed subdivision falling partially or completely within the shoreland zone shall contain information indicating the projected water quality impact of the project relative to its proportional area within the watershed of any great pond. The Planning Board shall consider such information, particularly how projected phosphorous loading relates to existing phosphorous levels and the ability of the water body to maintain its existing water quality, when reviewing the proposed subdivision.

## **Section 15. Land Use Standards**

### **S. Archaeological Sites**

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

## **Section 15. Land Use Standards**

### **T. Erosion and Sedimentation Control District Provisions**

The Code Enforcement Officer is empowered to inspect and identify any existing source of erosion or sedimentation which has the potential to deliver soils or sediment to any water body protected by this Ordinance.

Any such sources shall be immediately stabilized to temporarily prevent such erosion and sedimentation. Following temporary stabilization, which must be accomplished within one week of notice of violation, an erosion and sedimentation control plan and maintenance provisions shall be submitted for review within thirty days of notice of violation. The erosion stabilization plan shall demonstrate that the requirements of Section 15.Q of this Ordinance will be met. The erosion stabilization plan shall be completed within two years of notice of violation.

## **Section 16. Administration**

### **A. Administering Bodies and Agents**

1. Code Enforcement Officer (C.E.O.). A Code Enforcement Officer shall be appointed or reappointed annually by July 1st.

2. Board of Appeals. A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A section 2691.

3. Planning Board. A Planning Board shall be created in accordance with the provisions of State law.

## **Section 16. Administration**

### **B. Permits Required**

Pre-construction Evaluation Required - Prior to the issuance of any permits, and prior to any land disturbance, construction or vegetative cutting associated with a project subject to review under this Ordinance, the reviewing authority may conduct a site visit together with the applicant or the applicant's agent to evaluate the proposal, set boundaries and to field check project components and options as they relate to planned alterations of site conditions.

After the effective date of this Ordinance no person shall, without first obtaining a permit(s), engage in any activity of use of land or structure requiring a permit(s) 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(s) pursuant to this Ordinance shall have a copy of the permit(s) on site while the work authorized by the permit(s) is performed.

1. A permit is not required for the replacement of an existing road culvert as long as:



- a. The replacement culvert is not more than one standard culvert size wider in diameter than the culvert being replaced;
  - b. The replacement culvert is not more than 25% longer than the culvert being replaced;
  - c. The replacement culvert is not longer than 75 feet; and
  - d. 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. Any permit required by this Ordinance shall be in addition to any other permit required by other law or ordinance.

**Section 16. Administration**  
**C. Permit Application**

1. Every applicant for a permit shall submit a written application, including a scaled site plan, on a form provided by the municipality, to the appropriate official as indicated in Section 14.
2. All applications shall be signed by an owner or individual who can show evidence of right, title or interest in the property or by and agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder certifying that the information in the application is complete and correct.
3. All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.
4. All applications for expansion to a non-conforming structure must submit additional information. See Section 12.C.1.b
5. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.
6. Prior to any vegetative cutting immediately adjacent to or within set back areas and areas subject to the standards contained in Section 15.P., the applicant or the applicant's agent shall mark all vegetation to be cut or removed and the Code Enforcement Officer shall field check marked vegetation to assure compliance with the provisions of this Ordinance.
7. Prior to any earth moving or other construction immediately adjacent to or within set back areas and areas subject to the standards contained in Sections 15P.1 and 15P.2 the applicant or

the applicant's agent shall mark the boundaries of those areas and shall indicate the appropriate erosion control barrier(s) to be installed to assure compliance with the provisions of this Ordinance. No earth moving or other construction shall be conducted until the boundaries are field checked by the Code Enforcement Officer and the erosion control barrier has been installed and inspected by the Code Enforcement Officer.

## **Section 16. Administration**

### **D. Procedure for Administering Permits**

Within 35 days of the date of receiving a written application, the Planning Board or Code Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the Code Enforcement Officer, as appropriate shall approve, approve with conditions, or deny all permit applications in writing within 35 days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within 35 days after the first available date on the Planning Board's agenda following receipt of the completed application, or within 35 days of the public hearing, if the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

1. Will maintain safe and healthful conditions;
2. Will not result in water pollution, erosion, or sedimentation to surface waters;
3. Will adequately provide for the disposal of all wastewater;
4. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;
5. Will conserve shore cover and visual, as well as actual, points of access to inland 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 statute administered by the municipality.

## **Section 16. Special Exceptions**

### **E. Special Exceptions**

In addition to the criteria specified in Section 16.D "Procedure for Administering Permits", excepting structure setback requirements, the Planning Board may approve a permit for a single family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

1. There is no location on the property, other than a location within the Resource Protection District, where the structure can be built.

2. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District.

3. All proposed buildings, sewage disposal systems and other improvements are:

a. Located on natural ground slopes of less than 20%; and

b. Located outside the floodway of the 100-year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one foot above the 100-year flood-plain elevation; and the development is otherwise in compliance with any applicable municipal flood-plain ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be  $\frac{1}{2}$  the width of the 100-year flood-plain.

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

5. All structures, except functionally water-dependent structures, shall meet the requirements of Section 15.B. In its determination the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate value and high-value wetlands.

**Section 16. Administration**

**F. Expiration of Permit**

Permits shall expire one year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period.

**Section 16. Administration**

**G. Installation of Public Utility Service**

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

**Section 16. Administration**

**H. Appeals**

There shall be a Board of Appeals of five members and two associate members, all of whom shall be residents of the Town of Bridgton, and shall serve without compensation. The members of the Board shall be appointed by the Board of Selectmen. In accordance with the laws of the State of Maine, the following provisions shall apply:

Terms of members shall be for five years except that initial appointments shall be made so that the terms of not more than one member expires in any given year. The term of office of the associate members shall be five years.

A municipal officer shall not be a member or associate member of the Board of Appeals.

When a member is unable to act because of conflict of interest, physical incapacity, absence from the state or any other reason satisfactory to the Chairman, the Chairman of the Board shall designate an associate member to act in his place.

When there is a permanent vacancy, the Board of Selectmen shall appoint a person for the unexpired term.

The Board of Appeals shall elect a chairman and a secretary from its own membership.

A quorum shall consist of three members.

An associate member may attend all meetings of the Board and participate in its proceedings, but may vote only when designated by the chairman to act for a member.

## 1. Powers and Duties of the Board of Appeals

The Board of Appeals shall have the following powers:

a. Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.

b. Variance Appeals: To authorize variances upon appeal, within the limitations set forth in this Ordinance.

## 2. Variance Appeals

a. Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

b. Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

c. The Board shall not grant a variance unless it finds that:

(1) The proposed structure or use would meet the provision 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 to the general conditions in the neighborhood;

(iii) That the granting of a variance will not alter the essential character of the locality; and

(iv) That the hardship is not the result of action taken by the applicant or a prior owner.

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 doing so may impose such conditions to a variance as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

f. A copy of each variance request including the application and all supporting information supplied by the applicant, shall be

forwarded by the Municipal Officials to the Commissioner of the Department of Environmental Protection at least twenty (20) days prior to action by the Board of Appeals. Any comments received from the Commissioner prior to the action by the Board of Appeals shall be made part of the record and shall be taken into consideration by the Board of Appeals.

g. A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within seven (7) days of the decision.

### 3. Appeal Procedure

#### a. Making an Appeal

(1) Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO"), Local Plumbing Inspector or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

(2) The fee established by the Board of Selectmen (see feeschedule) shall be paid at the time of filing the appeal to cover the cost of advertising. An escrow fee shall also be paid for miscellaneous services rendered in processing the application. This fee shall also be established by the Board of Selectmen. Any unused portion of the escrow shall be returned to the appellant.

(3) Appeals from decisions of the CEO, the Local Plumbing Inspector, and the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO, Local Plumbing Inspector, or Planning Board for further proceedings.

(4) Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all

persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

(5) The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

(6) The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or Local Plumbing Inspector, or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

(7) Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

(8) Reconsideration. The Board of Appeals may reconsider any decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

## **Section 16. Administration**

### **I. Enforcement**

#### 1. Nuisances

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

#### 2. Code Enforcement Officer (C.E.O.)

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

b. The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land and Water Quality within the Department of Environmental Protection.

d. The Code Enforcement Officer is authorized to issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The Code Enforcement Officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling (6/14)

For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps. (6/14)

For the purposes of this section "disability" has the same meaning as a physical or mental disability under Title 5, Section 4553-A. (6/14)

### 3. Legal Actions

When the above action does not result in the correction of abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted



in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

4. No vegetative cutting, earthmoving or other construction shall be conducted or continued after notification of a violation of any provision of this Ordinance has been indicated by the Code Enforcement Officer by verbal or written notice to the applicant or landowner or by posting at the property.

5. After notification of a violation involving vegetative cutting, earth-moving or other construction, no permits shall be issued and no further vegetative cutting, earthmoving or other construction shall be conducted or continued until the property involved is brought into compliance with Section 15P of this Ordinance. Compliance may be achieved by full implementation and completion of a remediation plan approved by the permitting authority. Where cleared openings have been created in violation of Section 15P, nursery stock native evergreen trees of at least eight feet (8) in height shall be planted approximately ten feet (10) on center. Where ground cover or bushes have been removed or trimmed to ground level, native woody vegetation of at least two feet in height shall be planted approximately three feet on center. All trees and plantings shall be maintained in healthy condition in their planted locations and shall be allowed to grow to full mature height. Unhealthy or dead trees or plants shall be replaced within 6 months. Trees may be limbed to 1/3rd of their height.

#### 6. Fines

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

### **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.

**Agriculture** - the production, keeping or maintenance for sale or lease, of plants or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetables; and ornamental and green house products. Agriculture does not include forest management and timber harvesting activities. Agriculture does not include household gardens to the extent that they existed on the date of adoption or amendment of this Ordinance.

**Aquaculture** - the growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

**Basal Area** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

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

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

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

**Canopy** - the more or less continuous cover formed by tree crowns in a wooded area.

**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 or services, exclusive of rental of residential buildings or dwelling units.

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

**Dimensional requirements** - numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage and height.

**Disability** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or

sensory impairment which requires special education, vocational rehabilitation or related services.

**Docks, bridges and other structures and uses extending over or below the normal high-water line or within a wetland -**

**a. Temporary:** Structures that are specifically designed and manufactured to be removed from the water on a seasonal basis. Temporary docks may be installed once ice has melted in the spring and must be removed prior to the formation of ice in the fall.

**b. Permanent:** Structures which are specifically designed and manufactured to remain intact as a single unit and prohibits seasonal removal from the water.

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

**Emergency operations** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

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

**Expansion of a structure** - an increase in the floor area or volume of a structure, including all extensions such as, but not limited to attached decks, garages, porches and greenhouses.

**Expansion of use** - the addition of one or more months to a use's operating season; or the use of more floor area or ground area devoted to a particular use.

**Family** - one or more persons occupying a premise and living as a single housekeeping unit.

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

**Floor area** - the sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**Forest management activities** - timber cruising, harvesting of firewood for personal use, other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**Forested wetland** - a freshwater wetland dominated by woody vegetation that is six (6) meters tall or taller.

**Foundation** - the supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, 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 or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and
2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances to support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

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

**Functionally water-dependent uses** - those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters and which cannot be located away from these waters. The uses include, but are not limited to commercial and recreational fishing and boating facilities, waterfront docks and facilities, marinas and navigation aides.

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

**Great pond classified GPA** - any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

**Ground cover** - small plants, fallen leaves, needles and twigs, and the partially decayed organic matter of the forest floor.

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

**Home occupation** - an occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

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

**Individual private campsite** - an area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pads, parking areas, fire place, or tent platform.

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

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

**Lake or Pond** - Any inland body of water which has a surface area in excess of 10 acres, except where such body of water is manmade and in addition is completely surrounded by land held by a single owner, and except those privately owned ponds which are held primarily as waterfowl and fish breeding areas or for hunting and fishing.

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

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

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

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

**Mineral extraction** - any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soils, 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.

**Multi-unit residential** - a residential structure containing three (3) or more residential dwelling units.

**Native** - indigenous to the local forests.

**Non-conforming condition** - non conforming lot, structure or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

**Non-conforming lot** - a single lot or record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

**Non-conforming structure** - a structure which does not meet any one or more of the following dimensional requirements; setback height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Non-conforming use** - use of buildings, structures, premises, land or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

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

**Person** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**Principal structure** - a building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**Principal use** - a use other than one which is wholly incidental or accessory to another use on the same premises.

**Public facility** - any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

**Recent flood plain soils** - the following soil series as described and identified by the National Cooperative Soil Survey:

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

**Recreational facility** - a place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

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

**Replacement system** - a system intended to replace: 1.) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2.) any existing overboard wastewater discharge.

**Residential dwelling unit** - a room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

**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 of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles, excluding a driveway as defined.

**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 or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

b. the total length of the extension is less than one thousand (1,000) feet.



2. in the case of telephone service

a. the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or

b. the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

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

**Shore frontage** - the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

**Shorefront Common area** - Any land area having shoreline frontage on any water body regulated by this Ordinance and intended for use by more than one residential dwelling unit or family unit or other legal entity, excluding visitors and guests. This definition shall also include areas for which easements, rights-of-way, or other use rights are granted or sold.

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

**Solid Wall Foundation** - A foundation comprised of materials that form walls or wall segments such as a typical poured concrete foundation. "Sono-tube" supports installed with minimal disturbance methods like a post hole digger shall not be considered a solid wall foundation.

**Stream** - Any flowing water body demarcated on the official Shoreland Zoning Map as being zoned.

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

**Substantial start** - completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost.

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

**Sustained slope** - a change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**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 or selective cutting as allowed in Section 15 P2 of this Ordinance.

**Tributary stream** - a channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

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

**Vegetation** - all live trees, shrubs and other plants including without limitation, trees both over and under 4 inches in diameter, measured at 4 1/2 feet above ground level.

**Velocity Zone** - an area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources.

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

**Water body** - any great pond, river, or stream.

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

**Wetland** - a freshwater wetland.

**Woody Vegetation** - live trees or woody, non-herbaceous shrubs.