2014

Town of Waldoboro Land Use Ordinance

Waldoboro (Me.)

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Town of Waldoboro
Land Use Ordinance

Adopted by Town Meeting
June 16, 2005

Amended by Town Meeting
February 25, 2014
Amended by Town Meeting
June 15, 2006

Amended by Town Meeting
February 12, 2008

Amended by Town Meeting
June 9, 2009

Amended by Town Meeting
November 3, 2009

Amended by Town Meeting
June 8, 2010

Amended by Town Meeting
November 8, 2011
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ARTICLE 1. GENERAL

A. Title

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

B. Authority

This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the State of Maine Constitution and the provisions of 30-A.M.R.S.A. § 3001 (Home Rule). It is also adopted pursuant to various provisions of law, including without limitation, the state's Growth Management Law, 30-A.M.R.S.A. § 4312 et seq.; Zoning, 30-A.M.R.S.A. § 4352 et seq.; the Mandatory Shoreland Zoning Act, 38-M.R.S.A. § 435 et seq.; the Subdivision Law, 30-A.M.R.S.A. § 4401 et seq.; Protection of Drinking Water Supplies, 22-M.R.S.A. § 2642 et seq.; and Manufactured Housing, 30-A.M.R.S.A. § 4358 et seq.

C. Purpose

The purposes of this Ordinance are:

- to implement the provisions of the Comprehensive Plan;
- to encourage the most appropriate use of land throughout the Town;
- to provide adequate light, clean air and water;
- to prevent overcrowding of real estate;
- to conserve natural resources;
- to prevent housing development in unsuitable areas;
- to promote traffic safety;
- to promote coordinated development;
- to ensure the maintenance of the public health and safety respecting land, buildings, and premises;
- to provide for the preservation of open space and aesthetic appearance;
- to promote the development of the town as a desirable place to live and work;
- to encourage the formation of community units;
- to conserve and enhance the value of land and buildings by protecting the integrity of the districts created herein from encroachment by incompatible uses;
- to encourage appropriate commercial and industrial growth to ensure a diverse range of job opportunities to the residents of Waldoboro;
- to ensure the continued viability of home occupations;
- to promote the economic vitality of Waldoboro;
- to encourage currently viable businesses to stay in, expand and prosper in Waldoboro;
- to attract new businesses to Waldoboro that are consistent with the goal of preserving our small-town atmosphere;
- to provide safety from fire, flood and erosion; and generally,
- to promote the health, safety, convenience and welfare of the inhabitants of the Town of Waldoboro.
**General**

D. **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 the availability of this Ordinance shall be posted.

E. **Conflicts with Other Ordinances**

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

F. **Validity and Severability**

In the event that any article, section, subsection, or other provision of this Ordinance is held or becomes invalid or void, by virtue of any decision of any court of competent jurisdiction, or by virtue of any controlling federal, State, or other law, then only such article, section, subsection or other provision which is specifically mentioned in such decision of the court, or which is specifically controlled by such federal, State, or other law, shall be affected and the remaining portions of this Ordinance shall continue to be valid, and remain in full force and effect.

G. **Basic Requirements**

After the effective date of this Ordinance no person shall engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved, or relocated without being in conformity with the provisions of this Ordinance.

H. **Amendment**

1. Initiation of amendments. An amendment of this Ordinance may be initiated by a written petition of a number of the registered voters of the Town of Waldoboro equal to at least ten percent (10%) of the votes cast in the Town at the last gubernatorial election or by a recommendation of the Board of Selectmen.

2. Public hearing. The Board of Selectmen shall fix the time and place of a public hearing on the proposed amendments in accordance with State law, and such public hearing shall be so held.

3. Effective date. Amendments shall go into effect immediately after enactment.

4. Land Use Map. Whenever an amendment to the Land Use Map is made, the Town Clerk shall make such change on the official Land Use Map. Owners of affected properties shall be notified. If the amendment involves a shoreland zoning change, the Clerk shall forward it to the Commissioner of the Department of Environmental Protection for approval.

I. **Effective Date**

This Ordinance shall be effective immediately after passage by the legislative body of the Town of Waldoboro. Article 7, Shoreland Zoning, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection.

1-2
A certified copy of Article 7, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on Article 7 within forty-five (45) days of his/her receipt of Article 7, it shall automatically be approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of Article 7 if Article 7 is approved by the Commissioner.

Repeal of Municipal Timber Harvesting Regulation. The municipal regulation of timber harvesting activities is repealed on the statutory date established under 38 M.R.S.A. § 438-A(5), at which time the State of Maine Department of Conservation’s Bureau of Forestry shall administer timber harvesting standards in the shoreland zone. On the date established under 38 M.R.S.A § 438-A(5), the following provisions of this Ordinance are repealed:

- Article 7., Section E.. Table of Land Uses, Land Use 4 (Forest management activities except for timber harvesting) and Land Use 5 (Timber harvesting);
- Article 7., Section 16. in its entirety; and
- Article 16., Section B., Definitions, the definitions of “forest management activities” and “residual basal area”.

J. Fees

Fees in effect at the effective date of this Ordinance shall remain in effect until such time as new fees are set by the Board of Selectmen after public notice and hearing.
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ARTICLE 2. ADMINISTRATION AND ENFORCEMENT

A. Code Enforcement Officer

Unless otherwise provided in this Ordinance, the Code Enforcement Officer, as duly appointed or reappointed annually by July 1st, by the Town Manager and confirmed by the Waldoboro Board of Selectmen, shall administer and enforce this Ordinance. No permit or certificate of occupancy shall be issued by the Code Enforcement Officer except in compliance with the provisions of this Ordinance. The Code Enforcement Officer shall have the following duties, among others, in enforcing this Ordinance:


2. Applications and fees. Act upon all applications and collect any fees due; refer/process all applications as required.
   a. Code Enforcement Officer applications. Act upon building, construction and use applications which are under the jurisdiction of the Code Enforcement Officer as set forth in Article 3, Section F, Schedule of Uses;
   b. Planning Board applications. Review site plan review applications, subdivision applications, and hazardous materials applications for completeness of submissions and refer such applications to the Planning Board; and
   c. Board of Appeals applications. Refer requests for variances and administrative appeals to the Board of Appeals.

3. Inspections. Inspect sites where building permits have been issued to ensure compliance with all local, State and federal laws, codes and/or ordinances.

4. Complaints and violations. Investigate complaints and reported violations.

5. Reports and records. Keep written inspection reports and thorough records.


8. Consent agreements. Process or act on consent agreements involving violations of this Ordinance or appear in court when necessary.

9. Agendas. Prepare agenda, comments and recommendations for mailing at least ten (10) days before each meeting of the Planning Board and Board of Appeals, and attend meetings, provide advice and comments to the Planning Board and Board of Appeals.

10. Permit revocation. Revoke a permit after notice if it was issued in error or if it was based on erroneous information.

11. Additional Duties. Performs additional duties as assigned by the Town Manager.

When there is a question concerning the interpretation of this Ordinance, the Code Enforcement Officer
B. Planning Board

   
a. Appointments. Planning Board members shall be appointed by the Board of Selectmen and sworn by the Town Clerk or other person authorized to administer oaths.
   
b. Number of members. The Planning Board shall consist of seven (7) members.
   
c. Terms. The term of each member shall be three (3) years.
   
d. Vacancy. When there is a permanent vacancy, the Board of Selectmen shall, within thirty (30) days of its occurrence, appoint a person to serve the unexpired term. A vacancy occurs upon the resignation or death of any member, or when a member ceases to be a voting resident of the Town, or fails to attend at least seventy-five percent (75%) of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the Chairman of the Board shall immediately so advise the Board of Selectmen in writing. The Planning Board may recommend to the Board of Selectmen that the attendance provision be waived for cause, in which case no vacancy will then exist until the Board of Selectmen disapprove the recommendation. The Board of Selectmen may remove members of the Planning Board by vote for cause after notice and hearing.
   
e. Selectman. A Selectman or a Selectman’s spouse may not be a Planning Board member.

2. Organization and Rules
   
a. Offices. The Planning Board shall elect a chairperson from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-appointment.
   
b. Disqualification. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present and voting except the member who is being challenged.
   
c. Meetings. The chairperson shall call at least one (1) regular meeting of the Board each month.
   
d. Quorum. No meeting of the Board shall be held without a quorum consisting of four (4) members.
   
e. Majority vote. The Board shall act by majority vote calculated on a quorum of the members present and voting.
   
f. Reconsideration. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within thirty (30) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.
Reconsideration must be for one of the following reasons:

1) The record contains significant factual errors or omissions; or

2) The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

g. Rules and records. The Board shall adopt rules for transaction of business and the Code Enforcement Officer shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

3. Duties and Powers

a. Reviews. The Planning Board shall be responsible for reviewing and acting upon applications for Site Plan and Subdivision Reviews in accordance with the provisions of Article 6 of this Ordinance, as well as certain shoreland zoning applications in accordance with the provisions of Article 7 and hazardous materials applications in accordance with Article 9. Following approval, the applicant shall return to the Code Enforcement Officer for building and other permits. The Planning Board shall also review applications requiring Planning Board approval set forth in Article 3, Section F Schedule of Uses.

b. Duties and powers. The Board shall perform such duties and exercise such powers as are provided by this Ordinance and laws of the State of Maine. The Planning Board shall review the Land Use Ordinance and recommend Ordinance revisions to the Selectmen for vote by townspeople.

c. Goods and services. The Board may obtain goods and services necessary to its proper function within the limits of appropriations made for the purpose.

C. Code Enforcement Officer Permit Required

The owner of the property shall obtain a permit issued by the Code Enforcement Officer for any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved or relocated prior to the fact including:

1. Activities Listed in the Schedule of Land Uses. Any activity listed in Article 3, Section F of this Ordinance as requiring a permit from the Code Enforcement Officer. No permit may be issued under this provision for an activity which is part of a site or project requiring Site Plan Review until such approval has been granted by the Planning Board.

2. Site Plan Review Activities. Any activity approved by the Planning Board under the Site Plan Review provisions of Article 6 of this Ordinance.

3. Shoreland Zoning Activities. Any activity listed in Article 7 as requiring a permit from the Code Enforcement Officer. See Article 7 for additional provisions for administering permits in the Shoreland Zone. No permit may be issued under the provisions of Article 7 for an activity requiring Planning Board review until approval for such permit has been granted by the Planning Board in accordance with the provisions of Article 7.
Administration and Enforcement

4. Floodplain Management Activities. Any activity listed in Article 8 as requiring a permit from the Code Enforcement Officer. Such permit shall be issued in accordance with the provisions of Article 8.

5. Permit Application Procedure
   a. Application. The application for the permit shall be in writing on a form available from the Code Enforcement Officer, and shall contain a description of any proposed structure(s) or land uses prior to the fact. A scale drawing of the structure(s) and a plan of the site shall accompany the application. When required by the State Plumbing Code, the Code Enforcement Officer shall require evidence of adequate capacity of the septic system to support the structure(s) contemplated. All applications shall be signed by the owner or owners of the property or other person(s) authorizing the work, certifying that the information in the application is complete and correct. The applicant shall submit proof of right, title or interest in the property. If the person signing the application is not the owner or lessee of the property then that person shall submit a letter of authorization from the owner or lessee. 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.
   b. Modifications. Any modifications to the description, scale drawing, or site plan of the proposed structure(s) shall require a revised permit application, payment of an additional one-half of the application fee, and a permit prior to beginning the work.
   c. Fees. Each application shall be accompanied by an application fee payable to the Town of Waldoboro.
   d. Burden of proof. The applicant shall have the burden of proving that a proposed land use activity is in conformity with the provisions of this Ordinance.

6. Processing the Application. Within ten (10) working days of the date of receipt of a complete application for a permit, the Code Enforcement Officer shall examine such application and physically examine the premises to determine whether or not the proposed building, structure or use would be in compliance with this Ordinance.
   a. Referrals. All applications which require action from the Board of Appeals or which require approval by the Planning Board shall within such period of thirty (30) days be referred to the applicable Board for action and public notice shall be given. After approval, with or without conditions, by such Board, the Code Enforcement Officer shall issue a building or use permit within ten (10) working days after being notified of such approval.
   b. Approvals or denials. In all other cases, the Code Enforcement Officer shall within such period of ten (10) working days approve or deny such applications for a permit in accordance with whether or not such proposed building, structure or use complies with this Ordinance.
   c. Notification. The Code Enforcement Officer shall inform the applicant in writing of any actions taken by him regarding the permit application. If such application is rejected by the Code Enforcement Officer, such notice to the applicant shall contain a brief statement of the findings of the Code Enforcement Officer and the reasons for his rejection. No permit shall be issued except to the owner of record or his or her
Administration and Enforcement

7. **Applicant Responsibility**
   a. **Posting.** The applicant shall conspicuously post any permit issued, on the lot where the activity will occur, at a location clearly visible from the public street or road.
   b. **Appeals.** Appeals from decisions of the Code Enforcement Officer may be taken to the Board of Appeals in accordance with the provisions of Article 11 Section B.

8. **Duration of Permit.** All building permits shall be void unless a substantial start is made in construction or in the use of the property within 180 days of the date of the permit. Construction authorized by a permit and which is not completed within two (2) years of the effective date of the permit shall not continue until another permit is obtained.

9. **Proof of Compliance.** No building or property shall be occupied until a Certificate of Occupancy has been issued by the Code Enforcement Officer. The Code Enforcement Officer shall issue said certificate after proper examination shows that all work performed, including installation of a functional septic disposal system, is in compliance with the provisions of all State and local codes.

D. **Enforcement**

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

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

3. **Records.** 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 in areas subject to Article 7, Shoreland Zoning, a summary of this record shall be submitted to the Director of the Bureau of Land Quality Control within the Department of Environmental Protection.

4. **Legal Actions.** When the above action does not result in the correction or abatement of the violation, the Board of Selectmen, upon notice from the Code Enforcement Officer, may 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 Board of Selectmen, or their authorized agent, may 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.

5. Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. § 4452.

6. Violations of Article 8, Floodplain Management. In addition to any other actions, the Code Enforcement Officer, upon determination that a violation exists, shall submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:

   a. Legal description. The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;

   b. Ordinance violation. A clear and unequivocal declaration that the property is in violation of a cited State law or local law, regulation or ordinance;

   c. Authority. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;

   d. Notice. Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and

   e. Statement. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.
ARTICLE 3. LAND USE DISTRICTS

A. Districts Established

For the purpose of this Ordinance, the Town of Waldoboro is divided into the following districts:

<table>
<thead>
<tr>
<th>Town-wide Districts</th>
<th>Shoreland Districts (see Article 7)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Downtown Business District</td>
<td>General Development I</td>
</tr>
<tr>
<td>Historic Village District</td>
<td>General Development II</td>
</tr>
<tr>
<td>Limited Commercial</td>
<td>Limited Residential</td>
</tr>
<tr>
<td>Industrial District</td>
<td>Resource Protection</td>
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<tr>
<td>Residential District</td>
<td>Stream Protection</td>
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<tr>
<td>Route 1 Commercial A District</td>
<td>Commercial Fisheries/Maritime Activities</td>
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<tr>
<td>Route 1 Commercial B District</td>
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<tr>
<td>Rural District</td>
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<tr>
<td>Rural Village Business District</td>
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<tr>
<td>Village District</td>
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<tr>
<td>Wellhead Overlay Protection District</td>
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</tbody>
</table>

B. Land Use and Shoreland Zoning Maps

The location and boundaries of the above districts are hereby established as shown on the map entitled "Land Use Map of the Town of Waldoboro, Maine" approved by the voters June 16, 2005 and “Town of Waldoboro Shoreland Zoning Map” dated August 1, 2002, filed with the Town Clerk, which Maps are hereby made part of this Ordinance.

Shoreland areas as defined in Article 7 are supplemental to the Town-wide districts listed in Section A above and are subject to the provisions of Article 7 of this Ordinance, in addition to the provisions of the district in which they are located.

The Official Land Use Maps shall be drawn at a scale of not less than: 1 inch = 2000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Location and Authority of Land Use Map

The official Land Use Map shall be located in the Town Clerk's office and shall be the final authority as to the current status of the land and water areas, buildings and other structures in the Town.

D. Uncertainty of District Boundaries

Land use district boundaries shown within the lines of roads, streams and transportation rights-of-way shall be deemed to follow the center lines. When the Code Enforcement Officer cannot definitely determine the location of a district boundary by such center lines, by the scale of dimensions stated on the Land Use Map, or by the fact that it clearly coincides with a property line, the Code Enforcement Officer shall refuse action, and the Board of Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Land Use Map and the purposes set forth in all relevant provisions of this Ordinance.
Land Use Districts

E. Land Use Requirements.

Except as herein specified, no building, structure or land shall be used or occupied, and no building or structure or part thereof shall 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.

F. Purpose of Districts

1. Downtown Business District. The intent of the Downtown Business District is to protect the downtown commercial area of Waldoboro by allowing commercial and residential uses in existing buildings or in new buildings that are consistent with the architecture of a 19th century New England village, as well as apartments, theaters, libraries, public uses and parking lots. In order to encourage compact, urban-type development, there are no lot size requirements.

2. Historic Village District. The purpose of the Historic Village District is to preserve the 19th century character of the area in accordance with the 1998 Waldoboro Comprehensive Plan. The intent is to allow residential use, home occupations and some businesses in existing or new buildings consistent with the historic architecture.

3. Industrial District. The intent of the Industrial District is to allow light industry/manufacturing and heavy industry/manufacturing as defined.

4. Residential District. The purpose of the Residential District is to retain the rural character of Waldoboro and to protect residential property values by allowing agriculture, forestry, home occupations, and low density, single-family residential development. This district applies to land areas on the water sides of Routes 32 and 220 south of Waldoboro Village, areas of land within 400 feet of the landward side of Routes 32 and 220 south of Waldoboro Village and areas of land within 250 feet of great ponds not otherwise zoned Resource Protection.

5. Route 1 Commercial A District. The intent of the Route 1 Commercial A District, which applies to portions of Route 1, is to replace haphazard strip development with well-planned, attractive, well-landscaped development, to encourage the retention of open space areas, to require large setbacks from the edge of the road, and to minimize driveway openings onto Route 1. The intent of this district is to allow mixed residential/commercial uses, commercial uses, light industry/manufacturing, agricultural and forestry uses.

6. Route 1 Commercial B District. The intent of the Route 1 Commercial B District is to allow business and light industry/manufacturing development along Route 1 with fewer restrictions than in the Route 1 Commercial A District.

7. Rural District. The purpose of the Rural District is to retain the rural character of Waldoboro by allowing agricultural, forestry, home occupations, and light industrial uses. Low-density residential and related uses are permitted as consistent with the comprehensive plan. The purpose of this district is primarily to prevent inappropriate development of land where there are basically no public water and sewer utilities, and where the extension of such facilities is not economically feasible, to minimize the municipal cost of providing services to remote areas of the Town, to retain certain areas for non-intensive uses, and to retain areas for open space, such as natural land surrounding water bodies or land suitable for support of natural plant cover and wildlife, or land designated for recreational use. The intent of this district is also to allow rural-area commercial uses that may not be appropriate in other districts including saw mills, forestry, and other agriculturally-related businesses.
Manufactured home parks are permitted only within a two (2) mile radius of the intersection of Jefferson Street and U.S. Route 1.

8. Rural Village Business District. The intent of the Rural Village Business District is to encourage small scale, residentially compatible business activities in Waldoboro’s historic rural crossroad neighborhoods.

9. Village District. The purpose of the Village District is to retain and protect the character of Waldoboro Village, exclusive of the Downtown Business District and the Historic Village District, and to provide for future growth consistent with current land development patterns. The intent is to allow single-family dwellings, two-family dwellings, home occupations, multi-family dwellings, municipal and institutional uses, churches, libraries and schools with minimum lot sizes ranging from 5,000 square feet to 80,000 square feet depending upon the availability of public water and sewer services.

10. Wellhead Overlay Protection District. The purpose of the Wellhead Overlay Protection District is to protect the public water supply in Waldoboro from land uses that pose a threat to the quality and/or quantity of ground water being extracted from the wells that serve the public water system.

The Overlay District imposes performance standards over, and in addition to, those required in the underlying district. All land uses permitted in the underlying districts shall be subject to the conditions, standards, and review requirements contained in Article 12, Wellhead Protection, of this Ordinance.

The Wellhead Overlay Protection District overlays portions of the following districts:
- Rural District
- Industrial District
- Rural Village District
- Stream Protection
- Limited Residential
- General Development

11. Shoreland Districts. The Shoreland Districts are intended to comply with the Mandatory Shoreland Zoning, 38 M.R.S.A. § 435-449 (see Article 7).

a. General Development I District. The General Development I District includes the following types of existing, intensively developed areas:

1) Mix of activities. Areas of two (2) 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) Industrial activities. Areas devoted to manufacturing, fabricating or other industrial activities;

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

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

2) Patterns of uses. Areas otherwise discernible as having patterns of intensive
Land Use Districts

b. General Development II District. The General Development II District includes the same types of areas as those listed for the General Development I District. The General Development II District, however, shall be applied to newly established General Development Districts where the pattern of development at the time of adoption is undeveloped or not as intensively developed as that of the General Development I District.

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

In areas adjacent to great ponds and adjacent to rivers flowing to great ponds, 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, and adjacent to rivers that flow to great ponds.

c. Limited Commercial District. The Limited Commercial District includes areas of mixed, light commercial and residential uses excluding the Stream Protection District, which should not be developed as intensively as the General Development District. This district includes areas of two (2) or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

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

e. Resource Protection District. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the Shoreland Zone exclusive of the Stream Protection District, except that areas which are currently developed and areas which meet the criteria for the Limited Commercial, General Development, or Water-dependent Commercial Maritime Activities Districts need not be included within the Resource Protection District:

1) Wildlife habitat. Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, salt marshes and salt meadows, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value by the Maine Department of Inland Fisheries and Wildlife (MDIF&W), that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the Department as of May 1, 2006. For the purposes of this paragraph “wetlands associated with great ponds and rivers” shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the
“Wetlands associated with great ponds or rivers” are considered to be part of that great pond or river. Wetlands rated as “moderate” or “high” value wildlife habitat by the Maine Department of Inland Fisheries and Wildlife by a document entitled Conservation of Inland Fisheries and Wildlife Habitat, based on a wetlands inventory and assessment completed in 2006 by MDIF&W, include the wetlands listed below.

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<tr>
<th>Wetland ID #</th>
<th>Tax Map</th>
<th>Wetland ID #</th>
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<td>lwwh030041</td>
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</table>

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

3) Slopes. Areas of two (2) or more contiguous acres with sustained slopes of twenty percent (20%) or greater.

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

5) Severe bank erosion. Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

f. Stream Protection District. The Stream Protection District includes all land areas
Land Use Districts

within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, excluding those areas within 250 feet, horizontal distance, of the normal high-water line of a great pond, river or saltwater body, or within 250 feet, horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area is located within 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.

g. The Commercial Fisheries/ Maritime Activities District. The Commercial Fisheries/ Maritime Activities District includes areas where the existing predominant pattern of development is consistent with the allowed uses for this district as indicated in the Table of Land Uses, Article 7, Section E and other areas which are suitable for functionally water-dependent uses, taking into consideration such factors as:

1) Winds. Shelter from prevailing winds and waves;

2) Slopes. Slope of the land within two hundred and fifty (250) feet, horizontal distance, of the normal high-water line;

3) Water depth. Depth of the water within one hundred and fifty (150) feet, horizontal distance, of the shoreline;

4) Support facilities. Available support facilities including utilities and transportation facilities; and,

5) Upland uses. Compatibility with adjacent upland uses.

G. Schedule of Uses

1. Activity categories. The various land uses contained in the matrix are organized into the following activity classifications: Open Space; Residential; Commercial; Industrial; Institutional; and Miscellaneous.

2. Symbols used in schedule of uses. The following symbols contained in the Schedule of Uses have the following meanings:

   ▪ Yes - No permit required (must comply with land use standards)
   ▪ CEO - Permitted uses which require a building permit or other type of permit from the Code Enforcement Officer
   ▪ PB - Uses requiring approval from the Planning Board in accordance with the requirements of Article 6 of this Ordinance
   ▪ 1,2, etc. - Numbers adjacent to letter symbols refer to notes at the end of the Schedule of Uses which contain additional requirements.
   ▪ Blank - Not permitted

3. Compliance with performance standards. All uses which are permitted must occur and be maintained in compliance with the applicable requirements of the performance standards listed in Articles 4 and 5.

4. Matrix
<table>
<thead>
<tr>
<th>Land Use Districts</th>
<th>Rural</th>
<th>Residential</th>
<th>Rural Village Business</th>
<th>Village</th>
<th>Historic Village</th>
<th>Downtown Business</th>
<th>Route 1 Commercial A</th>
<th>Route 1 Commercial B</th>
<th>Industrial</th>
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<tr>
<td><strong>Open Space and Rural Uses</strong></td>
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<tr>
<td>Accessory Uses/Structures to Permitted Uses</td>
<td>CEO</td>
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<td>Agriculture and Related Businesses</td>
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<td>Aquaculture</td>
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<table>
<thead>
<tr>
<th>Uses Similar to Uses Requiring CEO Permit</th>
<th>Rural</th>
<th>Residential</th>
<th>Rural Village Business</th>
<th>Village</th>
<th>Historic Village</th>
<th>Downtown Business</th>
<th>Route 1 Commercial A</th>
<th>Route 1 Commercial B</th>
<th>Industrial</th>
</tr>
</thead>
<tbody>
<tr>
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<table>
<thead>
<tr>
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<th>Rural Village Business</th>
<th>Village</th>
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<th>Route 1 Commercial A</th>
<th>Route 1 Commercial B</th>
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<tr>
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<td>PB</td>
<td>PB</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

(1) Manufactured home parks proposed in the Rural or Village Districts are only allowed if located within a two (2) mile radius of the intersection of Jefferson Street and U.S. Route 1.

(2) Single-wide manufactured homes proposed in the Village, Route One Commercial A, or the Route One Commercial B Districts are allowed only in manufactured home parks in effect as of the effective date of this Ordinance or in permitted expansions of those manufactured home parks.

(3) Uses proposed in a Shoreland District are also subject to the requirements contained in Article 7, Shoreland Zoning, Subsection E, Table of Land Uses.

(4) A permit is needed for structures over 100 square feet outside the shoreland zone and all structures within the shoreland zone.

(5) Uses listed as industrial are prohibited from that part of the Industrial District within 300 feet of the Medomak River downstream from Main Street.

(6) Any Activity proposed within the Wellhead Overlay Protection District shall comply with the applicable requirements of Article 12 of this Ordinance. The Waldoboro Land Use District Map shall be consulted to determine the Wellhead Overlay Protection District boundaries.

H. Schedule of Dimensional Requirements

All structures and uses shall meet or exceed the following minimum dimensional requirements. Footnotes on some dimensional requirements refer to notes at the end of the schedule which contain additional requirements.

<table>
<thead>
<tr>
<th>Minimum Lot Size (sq. ft.)</th>
<th>Rural</th>
<th>Residential</th>
<th>Rural Village Business</th>
<th>Village</th>
<th>Historic Village</th>
<th>Downtown Business</th>
<th>Route 1 Commercial A</th>
<th>Route 1 Commercial B</th>
<th>Industrial</th>
</tr>
</thead>
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<tr>
<td>80,000</td>
<td>80,000</td>
<td>80,000</td>
<td>5,000</td>
<td>5,000</td>
<td>None</td>
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</tr>
<tr>
<td>Public Water &amp; Sewer</td>
<td>-</td>
<td>-</td>
<td>5,000</td>
<td>5,000</td>
<td>None</td>
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<td>-</td>
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<td>-</td>
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<td>-</td>
<td>80,000</td>
<td>80,000</td>
<td>None</td>
<td>-</td>
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</tr>
<tr>
<td>Road Frontage (ft.)</td>
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<td>200</td>
<td>50</td>
<td>50</td>
<td>75</td>
<td>None</td>
<td>400</td>
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<tr>
<td>Public Water &amp; Sewer</td>
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<td>-</td>
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<td>75</td>
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<td>-</td>
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<td>100</td>
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<td>-</td>
<td>80,000</td>
<td>80,000</td>
<td>None</td>
<td>-</td>
<td>100</td>
<td>25</td>
<td>150</td>
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<tr>
<td>Shore Frontage (ft.)</td>
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<td>200</td>
<td>200</td>
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<tr>
<td>Road Setback (ft.)</td>
<td>75</td>
<td>75</td>
<td>25</td>
<td>25</td>
<td>25</td>
<td>None</td>
<td>100</td>
<td>25</td>
<td>150</td>
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<tr>
<td>Side, Rear Setbacks (ft.)</td>
<td>30</td>
<td>30</td>
<td>15</td>
<td>15</td>
<td>15</td>
<td>None</td>
<td>30</td>
<td>15</td>
<td>30</td>
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<tr>
<td>Max. Lot Coverage</td>
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<td>40%</td>
<td>50%</td>
<td>50%</td>
<td>50%</td>
<td>100%</td>
<td>70%</td>
<td>70%</td>
<td>80%</td>
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<tr>
<td>Max. Building Height (ft.)</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
<td>42</td>
</tr>
</tbody>
</table>
Other Dimensional Requirements:

1. For multiple commercial uses, 80,000 square feet and 400 feet of road frontage and 100 feet setback for each use provided that developments which retain at least 50% of the frontage and lot area as open space and provide shared driveways no closer than 600 feet apart and/or a frontage road, the lot size is 80,000 square feet for the first use and 10,000 square feet for each additional use, the frontage is 400 feet for the first use and 50 feet for each additional use, and all buildings are set back at least 100 feet from the edge of the traveled way, but not within the right-of-way.

2. Lots for some utility installations such as pump lifts, transformer yards, telephone relays, etc. do not have to meet the minimum lot size.

3. Road setback is measured from the edge of the traveled way, but not within the right-of-way.

4. The minimum lot size requirement shall be met for each dwelling unit located on a parcel of land with the following exception: a duplex shall be subject to the same minimum lot size requirement as a single-family dwelling. By way of illustration, in the Rural District a single family dwelling would require 80,000 square feet, a duplex would require 80,000 square feet, and two separate dwellings would require 160,000 square feet. Each separate dwelling on a single lot requires the net developable acreage as required by this Ordinance.

5. The minimum road setback of principal structures in the Rural Village, Village, and Historic Village Districts where buildings have traditionally been sited closer to the road may be reduced to the average road setback of existing principal buildings located within 500 feet and which front on the same road.

6. Notwithstanding other provisions of this ordinance, where no other feasible alternative exists, a handicapped ramp may be added to an existing building closer than the required setbacks, provided that the applicant is a disabled person, that the property is to be used by persons with disabilities, as defined by the Americans with Disabilities Act (ADA); or that the property is a place of “public accommodation”; and that the design of the access structure conforms with ADA guidelines.
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ARTICLE 4. GENERAL PERFORMANCE STANDARDS

A. Air & Water Pollution

Will not result in undue water or air pollution on and off site.

1. In making this determination the Planning Board shall at least consider: the elevation of land above sea level and its relation to flood plains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and waste water resources rules and regulations.

2. No emission of dust, ash, smoke or other particulate matter or gasses and chemicals shall be allowed which can cause damage to human or animal health, vegetation, or property by reason of concentration or toxicity, which can cause soiling beyond the property boundaries, or which fails to meet or cannot meet the standards set by the Maine Department of Environmental Protection.

B. Buffer Areas

No industrial or commercial buildings or uses shall be established in, or about, a residential use, unless a landscaped buffer strip is provided to visually screen the uses. Where no natural vegetation can be maintained due to varying site conditions, the landscaping may consist of fences, walls, tree plantings, hedges or combinations thereof. The buffering shall be sufficient to minimize the impacts of any kind of potential use such as: loading and unloading operations, outdoor storage areas, commercial boat storage, vehicle parking, mineral extraction, waste collection, and disposal areas. Where a potential safety hazard to small children would exist, physical screening/barriers shall be used to deter entry to such premises. The buffer areas shall be maintained and vegetation replaced to ensure continuous year round screening.

The following standards apply to buffer strips, screening and landscaping required under this Ordinance:

1. Buffer strips. Buffer strips shall be required of the following widths for the following areas and/or purposes:
   a. Protect water bodies. Along any water body within or adjacent to the project where the Planning Board determines it desirable and necessary to protect such water bodies from sedimentation and pollution: Such buffer strips shall be a minimum of seventy-five (75) feet in width or such greater width which in the judgment of the Planning Board may be necessary to protect water bodies from sedimentation and pollution.
   b. Buffer strip on adjacent lot. If there is a buffer strip on the adjacent lot and the applicant for Site Plan Approval provides the Planning Board with some form of guarantee from the abutter acceptable to the Board that the adjoining buffer strip will remain undeveloped, the Planning Board may reduce the required buffer strip by the width of the encumbered adjoining buffer strip.
   c. Route 1 buffer. A vegetative buffer, 15 feet deep, as measured from the front property line, shall be provided along Route 1 for all new commercial developments.
and for the redevelopment of existing commercial properties. Parking shall be prohibited within this buffer strip.

d. Incompatible uses. Along any property line, where the Planning Board determines the adjacent uses are incompatible, to shield incompatible uses from one another. Such buffer strips shall be a minimum of twenty-five (25) feet in width and such additional width which in the judgment of the Planning Board may be necessary to shield incompatible uses from ordinary view. In determining incompatible uses, the Planning Board shall consider whether the intensity of uses on the site in question would cause an undue loss of "quiet enjoyment" upon an adjacent property.

e. Visual impacts. Along any property line, where the Planning Board determines it desirable to minimize the visual impact on adjoining traveled ways and properties of uses including, but not limited to, the following: exposed storage and service areas, sand and gravel extraction operations, utility buildings and structures, automobile salvage and junkyards, parking areas, garbage collection areas, and loading and unloading areas. Such buffer strips shall be consistent with setback requirements.

f. Buffering of residential uses. Any lot within the Urban Compact line (see Appendix A) of the community that is used for nonresidential or multifamily residential purposes shall have a landscaped buffer on any property line that abuts a residential use or residentially zoned lot. The width of the buffer may vary depending on the treatment of the area. A buffer with dense planting, fencing, or changes in grade may be as little as five (5) feet in width. A buffer with moderate levels of planting should be ten (10) feet to fifteen (15) feet in width.

In all residential settings, the width of the vegetated buffer should be increased to a minimum of twenty-five (25) feet. Areas adjacent to service, loading or storage areas should be screened by dense planting, berms or a combination thereof.

2. Screening. Screening within the required buffer strips, in the form of natural or man-made barriers, existing vegetation or new plantings, if suitable existing vegetation and natural features do not exist, is required as follows:

a. Natural features. Natural features in buffer strips shall be maintained wherever possible. When natural features such as topography, gullies, stands of trees, shrubbery, and/or rock outcrops do not exist or are insufficient to screen structures and uses from the view of abutting properties and, where applicable, public roadways, other types of buffers shall be provided to supplement the existing features.

b. Vegetation variety. All buffers that contain vegetation shall provide for a variety and mixture of landscaping. The variety shall be based on a consideration of susceptibility to disease, hardiness for specific site location, colors, season, textures, shapes, sizes, blossoms and foliage. Planted vegetation shall take the form of shade trees, deciduous shrubs, evergreens, well-kept grassed areas or ground cover, the species of which shall be well-suited to the Waldoboro area and approved by the Planning Board.

c. Vegetation standards. Where planting is required, as determined by the Planning Board, at least one (1) shade tree at least six (6) feet in height and at least two and a half (2 ½) to three (3) inches in diameter, measured at a point four (4) feet above finished grade level, shall be planted no nearer than five (5) feet to any lot line for each three hundred (300) square feet of required landscaped area; and at least one
(1) deciduous shrub or evergreen at least eighteen (18) inches above finished grade level, shall be planted for each two hundred (200) square feet of finished landscaped area.

d. Fencing. Where fencing is provided, it shall be no more than six (6) feet in height, and shall be so located within the property line to allow access for maintenance on both sides without intruding upon abutting properties, except that the Planning Board may require up to an eight (8) foot high fence to separate incompatible uses.

3. Maintenance of the Buffer Areas

   a. Maintenance. All landscaped buffer areas shall be maintained in a healthy, neat and attractive condition by the owner. Maintenance shall include, but not be limited to, watering, fertilizing, weeding, cleaning, pruning, trimming, spraying and cultivating.

   b. Replacements. Vegetation which dies shall be replaced as quickly as possible and within one (1) growing season. Replacement plantings shall conform to the original intent of the landscape design.

4. Landscaping

   The landscape shall be preserved in its natural state insofar as practical, by minimizing tree removal and grade changes. Landscaping shall be designed to soften, screen, or enhance the physical design of structures and parking areas to avoid the encroachment of the proposed use on abutting land uses. All parking lots shall be landscaped along the property boundaries with shrubbery, trees, and other landscape materials. Parking lots shall provide a two and one-half inch (2½") caliper shade tree per twenty (20) parking spaces (six (6) trees per acre) located throughout the lot.

C. Construction Standards

   All construction must meet the State adopted codes as follows:


D. Electrical Disturbances

   No use or activity shall be permitted which creates electrical disturbances (electromagnetic radiation) that affect the operation of any equipment, such as radio or television interference, or has known adverse effects on human health beyond the boundaries of the site.

E. Historic Village District, Architectural Standards

   The intent of these regulations is to allow uses as permitted in the Schedule of Uses in existing or new buildings consistent with the historic architecture of the District.
General Performance Standards

1. Minimal alteration. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.

2. Architectural features. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

3. Historical reference. All buildings, structures, and sites shall be recognized as products of their own time.

4. Significance. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Stylistic features. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

6. Contemporary design. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the scale and character of the property, neighborhood, or environment.

7. Form and integrity. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

8. Visual compatibility. New and existing buildings and structures that are moved, reconstructed, materially altered, or repaired shall be visually compatible with the neighborhood.

F. Hydrogeologic Assessment of Groundwater Impacts

1. Groundwater Impact Analysis. A groundwater impact analysis prepared by a groundwater hydrologist shall be required for projects involving on-site water supply or sewage disposal facilities with a cumulative capacity of two thousand (2,000) gallons or more per day.

2. Assessment contents. When a hydrogeologic assessment is submitted, the assessment shall contain at least the following information:

   a. Map. A map showing the basic soils types.

   b. Depth to water table. The depth to the water table at representative points throughout the development site.

   c. Drainage conditions. Drainage conditions throughout the development site.

   d. Groundwater quality. Data on the existing groundwater quality, either from test wells on the development site or from existing wells on neighboring properties.

   e. Impacts on groundwater. An analysis and evaluation of the impacts of the development on groundwater resources. In the case of residential developments, the
evaluation shall, at a minimum, project nitrate-nitrogen concentrations. For development within the watershed of a lake, projections of phosphate impacts shall also be calculated.

f. Disposal systems and wells. The location of any subsurface wastewater disposal systems and drinking water wells within the development and within 200 feet of the subdivision boundaries.

3. Potential contamination sources. Projections of groundwater quality shall be made at any wells within the development site and at the development's boundaries or at a distance of 500 feet from potential contamination sources, whichever is a shorter distance.

4. Drought conditions. Projections of groundwater quality shall be based on the assumption of drought conditions (assuming sixty percent (60%) of annual average recharge from precipitation).

5. Increase of contaminant concentration. No development shall increase any contaminant concentration in the groundwater to more than one half of the Primary Drinking Water Standards. No development shall increase any contaminant concentration in the groundwater to more than the Secondary Drinking Water Standards.

6. Improvement or treatment. If existing groundwater quality already exceeds the primary standards, and the development is to be served by on-site groundwater supplies, the applicant shall demonstrate how water quality will be improved or treated.

7. Ambient concentration. If existing groundwater quality already exceeds the secondary standards, the development shall not cause the concentration of the parameters in question to exceed 150% of the ambient concentration.

8. Deed restrictions. Subsurface waste water disposal systems and drinking water wells shall be constructed as shown on the map submitted with the assessment. If construction standards for drinking water wells are recommended in the assessment, those standards shall be included as a note on the Final Plan, and as restrictions in the deeds to the affected lots.

9. Lot size formula. The Planning Board shall require lot sizes larger than required by Article 3, where completion of the following formula indicates such lot sizes or densities are necessary in order to meet the standards above.

\[ d = (q)(C_{\text{nitrate}} - C_b) + (cs)(qs) \]

- \( d \) is the allowable housing density in dwellings per acre
- \( q \) is the rate of natural groundwater recharge, averaged over the year in gpm/acre; some representative numbers, based on soil types are:
  - glaciomarine clay-silt: 0.11-0.23
  - thick silty clay: 0.23
  - thin soil over rock: 0.33
  - thin till over rock: 0.46
  - sandy glacial till: 0.57
  - glaciomarine fine sands: 0.91
  - raised beach deposits: 1.16
  - sand and gravel: 1.16
General Performance Standards

- C nitrate is the resultant concentration of nitrate-nitrogen in groundwater as a result of subsurface sewage disposal systems, 10 mg/l.
- C b is the background concentration of nitrate-nitrogen in groundwater; if records are not available, assume 0.25 mg/l.
- C s is the nitrate-nitrogen concentration in typical septic tank discharge, 30 mg/l.
- q s is the average leach field discharge rate per dwelling, which is equal to 70% of 300 gallons per day or 0.15 gal/min.

G. Lighting and Glare

1. Lighting. The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours, if such use is contemplated. Lighting may be used which serves security, safety and operational needs. The lighting shall not directly or indirectly produce deleterious effects on abutting properties or which would impair the vision of a vehicle operator on adjacent roadways. Lighting fixtures shall be shielded or hooded so that the lighting elements are not exposed to normal view by motorists, pedestrians, or from adjacent dwellings. Direct or indirect illumination shall not exceed five-tenths (0.5) foot-candles upon abutting residential properties.

2. Hazards. The Code Enforcement Officer may require a light source to be modified or removed even though it may have been approved by the Planning Board if such light source causes a hazard.

H. Net Developable Acreage Calculation

The net developable acreage shall be calculated by taking the total area of the lot and subtracting, in order, the following:

1. Unavailable areas. Portions of the lot which, because of existing land uses or lack of access, are isolated and unavailable for building purposes or for use in common with the remainder of the lot, as determined by the Planning Board.

2. Floodway. Portions of the lot shown to be in a floodway or a coastal high hazard zone as designated in the Flood Boundary and Floodway Map prepared by the Federal Emergency Management Agency (FEMA).

3. Unsuitability. Portions of the lot which are unsuitable for development in their natural state due to topographical, drainage or subsoil conditions such as, but not limited to:
   - slopes greater than a rise of one (1) foot vertical in four (4) feet horizontal
   - wetland soils
   - Fifty percent (50%) of the poorly drained soils, unless the applicant can demonstrate specific engineering techniques to overcome the limitations to the satisfaction of the Planning Board.

4. Rights-of-way. Portions of the lot subject to rights-of-way, not including driveways with a thirty (30) foot right-of-way serving up to two (2) back lots.

5. Resource protection. Portions of the lot located in the resource protection zone.

7. The Developable area shall have a minimum width and a minimum depth equivalent to \( \frac{1}{2} \) the required frontage except that one dimension may be decreased by up to 25% as long as the other dimension is increased by the equivalent amount.

I. Noise

The development will control noise levels such that it will not cause unreasonable interference with the use and enjoyment of neighboring properties.

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

<table>
<thead>
<tr>
<th></th>
<th>7:00 a.m. - 10:00 p.m.</th>
<th>10:00 p.m. - 7:00 a.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>55</td>
<td>45</td>
</tr>
<tr>
<td>Commercial</td>
<td>70</td>
<td>60</td>
</tr>
<tr>
<td>Industrial</td>
<td>70</td>
<td>60</td>
</tr>
</tbody>
</table>


3. Construction activities. No person shall engage in construction activities on a site abutting any residential use between the hours of 10:00 p.m. and 7:00 a.m. Otherwise, the following activities shall be exempt from these regulations:
   a. Construction and maintenance activities. Sounds emanating from construction and maintenance activities conducted between 7:00 a.m. - 10:00 p.m.
   b. Safety and warning devices. Sounds emanating from safety signals, warning devices, emergency pressure relief valves and other emergency activities.

J. Parking and Loading

Note: The following standards shall not apply in the Downtown Business District nor to home occupations.

1. General. A use shall not be extended, and no structure shall be constructed or enlarged, unless off-street automobile parking space is provided in accordance with the following requirements.
   a. No backing onto street. Parking areas with more than two (2) parking spaces shall be arranged so that it is not necessary for vehicles to back into the street.
   b. Joint use. The joint use of a parking facility by two (2) or more principal buildings or uses may be approved by the Planning Board where it is clearly demonstrated that said parking facilities would substantially meet the intent of the requirements by reason of variation in the probable time of maximum use by patrons or employees of such establishments.
General Performance Standards

c. Certificate of occupancy. Parking spaces shall be provided as required and made available for use prior to the issuance of the certificate of occupancy.

2. Additional Requirements for Commercial and Industrial Establishments

a. Minimize traffic congestion. Access points from a public road to commercial and industrial operations shall be so located as to minimize traffic congestion and to avoid generating traffic on local access streets of a primarily residential character.

b. Visibility. All driveway entrances and exits shall be kept free from visual obstructions between three (3) and seven (7) feet above street level for a distance of twenty-five (25) feet measured along the intersecting driveway and street lines in order to provide visibility for entering and leaving vehicles.

c. Loading facilities. Loading facilities shall be located entirely on the same lot as the building or use to be served so that trucks, trailers, and containers for loading or storage shall not be located upon any Town way.

d. Landscaped area. Off-street parking and loading spaces, where not enclosed within a building, shall be effectively screened from view by a continuous landscaped area not less than six (6) feet in height along exterior lot lines adjacent to residential properties, except that driveways shall be kept open to provide visibility for entering and leaving. No off-street parking and loading shall be permitted within the front setback or any setback adjoining a public street, except as specifically authorized in this Ordinance.

3. Parking Lot Design Criteria (Not applicable to single-family dwellings and duplexes)

a. Vehicular Entrance and Exit.

1) Clear identification. Entrances and exits should be clearly identified by the use of signs, curb cuts, and landscaping.

2) Design standards. Entrance/exit design shall be in conformance with the standards for Street Access.

b. Interior Vehicular Circulation.

1) Uninterrupted traffic movement. Major interior travel lanes should be designed to allow continuous and uninterrupted traffic movement.

2) Identification of circulation patterns. Enclosures, such as guardrail, curbs, fences, walls, and landscaping, should be used to identify circulation patterns of parking areas and to restrict driving movements diagonally across parking aisles, but not to reduce visibility of oncoming pedestrians and vehicles.

3) Vehicle stacking. Entrance/exits shall be designed to allow adequate stacking of vehicles without blocking interior vehicle circulation lanes.

c. Parking.

1) Access to stalls. Access to parking stalls should not be from major interior travel lanes, and shall not be immediately accessible from any public way.
2) Movement to and from spaces. Parking areas shall be designed to permit each motor vehicle to proceed to and from the parking space provided for it without requiring the moving of any other motor vehicles.

3) Pedestrian access. Parking aisles should be oriented perpendicular to stores or businesses for easy pedestrian access and visibility.

4) Setbacks. All parking spaces and access drives shall have at least eight (8) feet from any side or rear lot line, except for the additional requirements in buffer yards.

5) Parking stalls. Parking stalls and aisle layout shall conform to the following standards.

<table>
<thead>
<tr>
<th>Parking Angle</th>
<th>Stall Width</th>
<th>Skew Width</th>
<th>Stall Depth</th>
<th>Aisle Width</th>
</tr>
</thead>
<tbody>
<tr>
<td>90°</td>
<td>9' - 0&quot;</td>
<td>18' - 5&quot;</td>
<td>24' - 0&quot;</td>
<td></td>
</tr>
<tr>
<td>60°</td>
<td>8' - 6&quot;</td>
<td>10' - 5&quot;</td>
<td>16' - 0&quot;</td>
<td>one way only</td>
</tr>
<tr>
<td>45°</td>
<td>8' - 6&quot;</td>
<td>12' - 9&quot;</td>
<td>17' - 5&quot;</td>
<td>one way only</td>
</tr>
<tr>
<td>30°</td>
<td>8' - 6&quot;</td>
<td>17' - 0&quot;</td>
<td>12' - 0&quot;</td>
<td>one way only</td>
</tr>
</tbody>
</table>

6) Parking stripes. In paved parking area painted stripes shall be used to delineate parking stalls. Stripes should be a minimum of 4" in width. Where double lines are used, they should be separated a minimum of 1'0" on center.

7) Directional arrows. In aisles utilizing diagonal parking, arrows should be painted on the pavement to indicate proper traffic flow.

8) Bumpers. Bumpers and/or wheel stops shall be provided where overhang of parked cars might restrict traffic flow on adjacent through roads, restrict pedestrian movement on adjacent walkways, or damage landscape materials.

9) Number required. Off-street parking spaces shall be provided to conform to the number required in the following schedule:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Required Parking (du = dwelling unit; s.f. = square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Art gallery</td>
<td>6.5/1000 s.f.</td>
</tr>
<tr>
<td>Auto sales</td>
<td>5 plus 1/3000 s.f. indoor or outdoor display</td>
</tr>
<tr>
<td>Auto/truck repairs</td>
<td>5/service bay</td>
</tr>
<tr>
<td>Bank</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Barber shop</td>
<td>3/chair</td>
</tr>
<tr>
<td>Beauty shop</td>
<td>3/chair</td>
</tr>
<tr>
<td>Bed &amp; Breakfast</td>
<td>1/guest room</td>
</tr>
<tr>
<td>Campground</td>
<td>1/campsite</td>
</tr>
<tr>
<td>Child care</td>
<td>1/four children licensed for care</td>
</tr>
<tr>
<td>Church</td>
<td>1/two seats</td>
</tr>
<tr>
<td>Club, lodge</td>
<td>1 space per every 4 members</td>
</tr>
<tr>
<td>Convenience store</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Convenience store with gas pumps</td>
<td>4/1000 s.f.; ½ the service spaces at pump islands may be used to meet not more than ½ the total parking required.</td>
</tr>
<tr>
<td>Fitness center, health spa</td>
<td>5/1000 s.f.</td>
</tr>
<tr>
<td>Funeral home</td>
<td>1/100 s.f.</td>
</tr>
<tr>
<td>Hardware, home improvements</td>
<td>3/1000 s.f.</td>
</tr>
<tr>
<td>Hospital and medical care facility</td>
<td>1 space for every 3 beds and every 2 employees on maximum</td>
</tr>
</tbody>
</table>
General Performance Standards

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Minimum Required Parking (du = dwelling unit; s.f. = square feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry, light</td>
<td>1.5/1000 s.f.</td>
</tr>
<tr>
<td>Industrial park</td>
<td>1.5/1000 s.f.</td>
</tr>
<tr>
<td>Library</td>
<td>6.5/1000 s.f.</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>1.5/1000 s.f.</td>
</tr>
<tr>
<td>Medical Marijuana Dispensary</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Methadone Clinic</td>
<td>4/1000 s.f. plus 3 additional spaces per dispensing room</td>
</tr>
<tr>
<td>Motel, hotel, inn</td>
<td>1/rm and for each employee on the largest shift</td>
</tr>
<tr>
<td>Museum</td>
<td>6.5/1000 s.f.</td>
</tr>
<tr>
<td>Nursing home</td>
<td>1/three rms</td>
</tr>
<tr>
<td>Office, general</td>
<td>3/1000 s.f.</td>
</tr>
<tr>
<td>government</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>medical, dental</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Residential</td>
<td>2/du</td>
</tr>
<tr>
<td>Apartments, condominiums</td>
<td>2/du</td>
</tr>
<tr>
<td>Senior citizen, multi-family</td>
<td>1/du</td>
</tr>
<tr>
<td>Restaurant</td>
<td>9/1000 s.f. or 1/three seats</td>
</tr>
<tr>
<td>Fast food</td>
<td>14/1000 s.f. or 1/two seats</td>
</tr>
<tr>
<td>Drive-in</td>
<td>To be determined on a case-by-case basis</td>
</tr>
<tr>
<td>School, Primary</td>
<td>1.5 spaces per classroom</td>
</tr>
<tr>
<td>Secondary</td>
<td>8 spaces per classroom</td>
</tr>
<tr>
<td>Post-secondary</td>
<td>1 space for each student and 1 space for each faculty and staff member</td>
</tr>
<tr>
<td>Services</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Shopping center</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Sports club</td>
<td>5/1000 s.f.</td>
</tr>
<tr>
<td>Store, retail</td>
<td>4/1000 s.f.</td>
</tr>
<tr>
<td>Theater, auditorium, public assembly</td>
<td>1 space per 3 seats based on maximum seating capacity</td>
</tr>
<tr>
<td>Warehousing</td>
<td>1/1000 s.f.</td>
</tr>
<tr>
<td>Other uses not listed</td>
<td>sufficient spaces to accommodate normal parking demand as determined by the Planning Board</td>
</tr>
</tbody>
</table>

NOTES

a) Fractional Calculations. Where the calculation of the aforementioned parking spaces results in a fractional part of a complete parking space, the parking spaces required shall be construed to be the next highest number.

b) Minimum Standards. The above are minimum standards, and additional parking spaces shall be required if necessary to provide off-street parking.

c) Gross Floor Area. Where floor space is to be used in calculating the number of required parking stalls, gross floor area shall be used unless otherwise noted.

K. Phosphorus Control

The introduction of excessive amounts of phosphorus into lakes and ponds has been identified as a significant threat to water quality. The long-term effects of the proposed development will not unreasonably increase a great pond’s phosphorus concentration during the construction phase and life of the proposed development. The following provisions are applicable to all projects requiring site plan or subdivision review that are located within the watershed of a great pond.

1. For all new principal structures, expansions of existing structures which increase the floor area by 30% or more over the lifetime of the structure, new accessory structures of 300 square feet or more and new or enlarged roads and driveways of 300 square feet or more on lots, phosphorus export from such development shall be equal to or less than that which is calculated using the methods established by the Maine Department of Environmental Protection and described in Section 4.2.1 of Phosphorus Control in Lake Watersheds: A Technical Guide to Evaluating New Development (September, 1992). The following phosphorus allocation factors shall be applicable.
### General Performance Standards

#### Phosphorus Allocation

<table>
<thead>
<tr>
<th>Watershed</th>
<th>Water Quality As Established by MDEP</th>
<th>Protection Level (From MDEP)</th>
<th>Phosphorus Coefficient (a)</th>
<th>Acceptable Increase In Phosphorus</th>
<th>Future Area To Be Developed (b)</th>
<th>Per Acre Phosphorus Allocation (c)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duckpuddle Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>32.08</td>
<td>1.00</td>
<td>794</td>
<td>0.0404</td>
</tr>
<tr>
<td>Havener Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>3.55</td>
<td>1.00</td>
<td>83</td>
<td>0.0426</td>
</tr>
<tr>
<td>Kalers Pond</td>
<td>mod-sensitive</td>
<td>H</td>
<td>4.36</td>
<td>0.75</td>
<td>50</td>
<td>0.0654</td>
</tr>
<tr>
<td>Little Medomak Pond</td>
<td>mod-sensitive</td>
<td>H</td>
<td>6.37</td>
<td>0.75</td>
<td>135</td>
<td>0.0354</td>
</tr>
<tr>
<td>Medomak Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>11.70</td>
<td>1.00</td>
<td>384</td>
<td>0.0305</td>
</tr>
<tr>
<td>North Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>1.80</td>
<td>1.00</td>
<td>24</td>
<td>0.0750</td>
</tr>
<tr>
<td>Pemaquid Pond</td>
<td>mod-sensitive</td>
<td>H</td>
<td>6.39</td>
<td>0.75</td>
<td>75</td>
<td>0.0639</td>
</tr>
<tr>
<td>Round Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>1.76</td>
<td>1.00</td>
<td>31</td>
<td>0.0568</td>
</tr>
<tr>
<td>Sidensparker Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>9.39</td>
<td>1.00</td>
<td>209</td>
<td>0.0449</td>
</tr>
<tr>
<td>Tobias Pond</td>
<td>mod-sensitive</td>
<td>M</td>
<td>0.19</td>
<td>1.00</td>
<td>4</td>
<td>0.0447</td>
</tr>
<tr>
<td>Unnamed Pond (d)</td>
<td>mod-sensitive</td>
<td>M</td>
<td>3.96</td>
<td>1.00</td>
<td>91</td>
<td>0.0434</td>
</tr>
</tbody>
</table>

#### Notes to Phosphorus Allocation Table

- **a.** Indicates the amount of additional phosphorus that, if exported from the watershed to the lake, will produce a 1 part per billion (ppb) increase in the lake's phosphorus concentration (lbs./ppb/year)
- **b.** Assumes 15% of each watershed is undevelopable due to environmental considerations; 30% of the remaining acreage is likely to be developed over the next 50 years.
- **c.** Amount of phosphorus each developed acre is allowed to export without violating water quality goals.
- **d.** Drains to Sidensparker Pond

2. For all other accessory buildings, expansions of existing structures and expansions of existing roads and driveways, the applicant shall demonstrate that, by utilizing permanent vegetated buffers, limiting the clearing of vegetation and the size of the development area limiting impervious surfaces and directing runoff away from the affected water body, the potential for phosphorus export has been minimized.

3. For all developments which require a building permit, the applicant shall demonstrate to the satisfaction of the Code Enforcement Officer that the existing septic system is functioning properly.

### L. Refuse Disposal

The applicant shall provide for the disposal of all solid and liquid wastes on a timely basis and in a manner provided for by federal and State law and this Ordinance. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste if municipal services are utilized. If demolition debris, stumps, rocks, and brush are to be disposed of they shall be disposed of on site if possible. If they are disposed of at a municipal site, the costs of such disposal shall be paid for by the developer.

The Planning Board shall consider the impact of particular industrial or chemical wastes or by-products upon the Town's facilities (in terms of volume, flammability or toxicity) and may require the applicant to dispose of such wastes elsewhere, in conformance with all applicable State and federal regulations. The Planning Board may require the applicant to specify the amount and exact nature
General Performance Standards

of all industrial or chemical and hazardous wastes to be generated by the proposed operation.

M. **Sanitary Provisions**

Will provide for adequate sewage disposal.

1. Adequate soils. When not serviced by the public sewerage system, the approval of building permit applications shall be subject to presentation of a completed Maine Department of Human Services Bureau of Health Engineering site evaluation form (HHE-200) which evidences adequate soil conditions for subsurface wastewater disposal.

2. Common system. When two (2) or more lots or buildings in different ownership share a common subsurface disposal system, the system shall be owned and maintained in common by an owners’ association. Covenants in the deeds for each lot shall require mandatory membership in the association and provide for adequate funding of the association to assure proper maintenance of the system.

3. Commercial or industrial waste. Industrial or commercial waste waters may be discharged to municipal sewers only and in such quantities and/or of such quality as to be compatible with municipal sewage treatment operations. Such wastes may require pretreatment at the industrial or commercial site in order to render them amenable to municipal treatment processes. Pretreatment includes, but is not limited to, screening, grinding, sedimentation, pH adjustment, surface skimming, chemical oxidation and reduction and dilution. The disposal of industrial or commercial waste waters by means other than the municipal sewerage system shall comply with the laws of the State of Maine concerning water pollution. Wash water or other process water carrying stone dust, stone particles, silt or other mineral matter will not be accepted into the municipal system.

4. Medomak River discharges. Treated industrial waste discharges to the Medomak River shall be prohibited above head of tide.

5. Municipal sewage disposal. If the development will use more than 33-1/3% of the available excess capacity of any portion of the municipal sewerage collection system, treatment facility, and/or discharge permits, the developer shall pay for the replacement of the available excess capacity needed by the development.

N. **Signs**


1. Exception. These regulations shall not apply to the following:

   a. Government signs. Signs of a duly constituted governmental body, a soil and water conservation district or regional planning district;

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

   c. Private property parking. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter or commercial identification;
d. Garage sales. Yard and garage sale signs posted for less than three (3) days;
e. Political signs. Signs bearing political messages relating to an election, primary, or referendum, provided that these signs may not be placed within the right-of-way prior to six (6) weeks before the election, primary or referendum to which they relate and must be removed by the candidate or political committee not later than one (1) week thereafter;
f. Signs of organizations. Signs erected by a public, civic, philanthropic, charitable, or religious organization announcing an auction, public supper, lawn sale, campaign or drive or other like event;
g. Fairs and expositions. Signs erected by fairs and expositions;
h. Common carriers. Signs located on or in the rolling stock of common carriers except those which are determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance. Circumvention shall include, but not be limited to, rolling stock which is continuously in the same location or signs that extend beyond the height, width, or length of the carrier;
i. Registered motor vehicles. Signs on registered and inspected motor vehicles, except those which are determined by the Code Enforcement Officer to be circumventing the intent of this Ordinance. Circumvention shall include, but not be limited to, signs on motor vehicles which are continuously in the same location or signs that extend beyond the height, width, or length of the vehicle;
j. Handheld signs. Handheld or similar signs not affixed to the ground or buildings used by roadside vendors if written permission of the property owner has been filed with the Code Enforcement Officer. These signs must be located in such a way as to avoid obscuring the vision of traffic and are limited to two (2) signs.

2. No sign shall be constructed, placed or erected in a manner inconsistent with the requirements of this Ordinance.

3. Residential Uses. For residential uses only the following signs shall be allowed:
   a. Name signs. Signs are allowed and may be used to convey the inhabitants' names, the property name, and safety and caution messages. Such signs shall not be placed on the roof of the building and shall be no larger than two (2) square feet.
   b. Rentals. Rental vacancies may be advertised with a non-illuminated sign no larger than two (2) square feet. Such sign shall be displayed only during such times as the rental property is vacant.
   c. Home occupations. Home occupation may have one sign on the premises no larger than six (6) square feet, externally lit only, with a sign permit from the Code Enforcement Officer and payment of a fee.

4. Sale of Real Estate. The sale of real estate may be advertised by non-illuminated signs as follows:
   a. One (1) sign only. Each broker or person advertising the sale of property shall be permitted only one (1) sign which shall be no larger than six (6) square feet in area.
   b. Site plan review sales. Projects subject to Site Plan Review and Subdivision Review...
General Performance Standards

are permitted one (1) sign advertising the sale of the property and such sign shall
not exceed thirty-two (32) square feet in area.

c. Architect/contractor sign. Projects subject to Site Plan Review and Subdivision
Review are permitted one (1) sign denoting the architect, engineer, contractor,
owner, or funding agency when placed upon work under construction and not
exceeding thirty-two (32) square feet in area. Upon completion of the construction
one (1) sign identifying the project may be allowed not to exceed fifteen (15) square
feet in area.

5. Industrial, Commercial, Educational, Institutional and Religious Uses. For industrial,
commercial educational, institutional and religious uses only the following signs shall be
allowed with a sign permit from the Code Enforcement Officer and payment of a fee:

a. On-premise signs. Signs shall relate to the premises on which they are located and
shall only identify the occupant of such premises or advertise the service available
within the premises.

b. Promotional signs. Promotion signs, banners, streamers, or placards erected,
suspended, posed, or affixed in any manner outdoors shall not be illuminated or
exceed ten (10) square feet. These signs must be located in such a way as to avoid
obscuring the vision of traffic and are limited to one (1) sign per business under
separate ownership, operation, and control and shall not be in place for more than
thirty (30) days per promotion. The 30-day limit per promotion shall not apply to
window signs.

c. Affixed to building. On each site there is permitted one (1) sign affixed to the exterior
of a building not to exceed thirty-two (32) square feet. On premises with multiple
occupancies there is permitted one (1) sign of up to thirty-two (32) square feet in size
affixed to the exterior of a building for each business under separate ownership,
operation and control.

1) Overhanging signs. If attached to the structure by way of a frame or bracket
which overhangs a pedestrian walkway or public sidewalk, it shall not extend
beyond five (5) feet from the structure face to which it is attached and shall
have a vertical height clearance of ten (10) feet.

2) Wall signs. If the proposed sign is to be attached to the structure without the
use of overhanging frames or brackets, the "wall sign" shall not extend or
project more than twelve (12) inches from the structure surface. Cut-out
letters should not project more than six (6) inches from the building wall.

3) Roof signs. No sign shall be permitted on the roof of any building, except as
specified in Article 4 Section N.7 below.

d. Free-standing signs. Free-standing signs are limited in number to one (1) per lot.
The top edge of any such free-standing sign shall not be more than sixteen (16) feet
above the ground. For traffic safety, where vision may be obscured entering a public
street, the whole of the signboard or display elements of any free-standing sign shall
be either below three (3) feet in height or above seven (7) feet in height above the
street grade. A free-standing sign may be located within the front yard space, but
shall not be closer than the edge of the right-of-way line on State or State-aid
highways. On Town or private roads, a sign shall not be closer than five (5) feet from
the edge of the traveled way. No sign shall be closer than twenty (20) feet to either
of the lot side lines. Free-standing signs shall be no larger than thirty-two (32) square feet in size, except that a business with a second corporate franchise may have fifty (50) square feet of signage on a single free-standing pole.

Corner lots. Corner lots are allowed two (2) free-standing signs and two (2) attached signs provided that no more than one (1) free-standing and no more than one (1) attached sign face each road.

6. Limitation on Types and Locations of Signs
   a. Illumination. No sign shall be illuminated with flashing, moving, or animated-type lights except those which offer essential services to the public such as the date, time, temperature, and weather conditions. Interior lit signs must utilize opaque background for lettering and logos. Background material may be Plexiglas, Lexan, or black or bronze aluminum. There shall be no interior-lit signs outside of the Route 1 Commercial B District and the Route 1 Commercial A District.
   b. Moving signs. There shall be no moving signs or signs with moving parts.
   c. Off-premises signs. No sign shall be located off the site of the lot on which the related services are located except as provided for in this Ordinance and except for directional signs. If a business does not own frontage on any public or private road, one (1) sign may be placed off premise with permission of the landowner.
   d. Painted signs. No sign shall be painted on a structure over the allowable size for that structure.
   e. Natural features. No on-premise sign shall be permitted which is erected or maintained upon trees or painted or drawn upon rocks or other natural features.

7. Existing Non-Conforming Signs. All existing non-conforming interior-lit signs with non-opaque backgrounds in the Route 1 Commercial B and Route 1 Commercial A Districts, and all interior-lit signs in other land use districts, shall be removed or the interior light rendered inoperative on a common date ten (10) years from the date of adoption of this Ordinance.

Non-conforming signs which must be moved due to construction activities may be replaced and resume the status they had prior to the onset of construction activities.

All lots with permanent, complete, and functioning non-conforming signs as of November 5, 1987, may continue to use and maintain one freestanding or roof mounted non-conforming and one attached non-conforming sign, and corner lots may continue to use and maintain two attached non-conforming signs.

8. Business Directional Signs. No business directional sign shall be located on Main Street between Old Route One and Medomak Terrace or on Jefferson Street between School Street and Main Street or on Friendship Street between Main Street and Stahl Farm Road.

9. Calculation of the Sign Area. The area limitation for the size of the sign relates to one (1) of two (2) sides of the signboard, both sides of which may have on it the sign message. For example, a sign limited to ten (10) square feet may have two (2) sides with the result that the sign message covers an area of twenty (20) square feet but only ten (10) square feet would be visible at one time.

10. Maintenance and Repair. All signs, including their supporting structures and other
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components, shall be maintained to prevent rust, peeling or similar deterioration. Vegetation and landscaping adjacent to any sign shall be maintained in a neat and sightly condition and shall not interfere with legibility of the sign. Damaged signs shall be repaired or removed within ten (10) days.

The Code Enforcement Officer may, after ten (10) days’ notice, have any damaged or worn sign removed, repaired, or secured at the expense of the owner or lessee of the sign.

Any sign determined by the Code Enforcement Officer to be a public safety hazard shall be removed, repaired, or secured to make it safe immediately upon notification by the Code Enforcement Officer. If the owner or lessee of the sign does not take immediate action to make it safe, the Code Enforcement Officer may secure or remove the sign at the expense of the owner or lessee.

11. Obsolete Signs. Any sign, or portions thereof, which advertises, identifies, or pertains to any activity no longer in existence at that location, shall be removed by its owner or lessee within one (1) month from the date the activity ceased. If the sign is not removed, the Code Enforcement Officer may have such sign removed at the expense of the owner or lessee.

12. Removal of Unlawful Signs

a. Notice to remove. The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this Ordinance shall be in violation of this Ordinance until the sign is removed. The owner of the sign shall remove the sign within thirty (30) days of receipt of a notice to remove by the Code Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed.

b. Failure to remove. If the owner fails to remove the sign as required, the Code Enforcement Officer shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner.

13. Waiver of Setback Requirements. The Board of Appeals is authorized to waive the location requirements only if the applicant for a sign permit can show unusual hardship due to conditions of topography, access, or other physical characteristics.

O. Soils

No activity shall be permitted in any area where the soil is rated severe or very severe for the proposed activity, according to the County Soil Survey of the U.S.D.A. Soil Conservation Service, unless satisfactory evidence is presented to the Code Enforcement Officer, within the application for a permit, that construction methods will overcome any pertinent slope and soil inadequacies.

P. Soil Erosion and Sedimentation Control

Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result either on or off site. If the development proposes to discharge storm water runoff at an increased rate compared to pre-application rate into a municipal storm water system, then the developer shall improve or pay for the improvement of such municipal storm water system so that it will have the capacity to handle such an increase plus 25% extra capacity. (Criteria in “Stormwater Management For Maine: Best Management Practices”, as
amended or revised, prepared by the Department of Environmental Protection, 1995, shall be followed.)

An erosion and sedimentation control plan shall be prepared for site plan review and subdivision applications in accordance with the “Maine Erosion and Sedimentation Control Handbook for Construction: Best Management Practices”, latest revision. At a minimum, the following items shall be discussed and provided:

1. The name, address and telephone number of the applicant.
2. The name, address and telephone number of the person responsible for implementing the plan.
3. A vicinity map showing the location of water bodies that may be affected by erosion and sedimentation from the project.
4. Existing and proposed drainage patterns, including drainage channels that drain to surrounding water bodies.
5. A sequence of work that outlines how the project will be constructed and specifically addressing how soil disturbance will be minimized during the construction process.
6. Clear definition of the limits of work and any buffer areas that will remain undisturbed and an indication of how these areas will be protected during construction.
7. Description of temporary and permanent erosion control practices that will be used.
8. Identification of the locations of the temporary and permanent erosion control practices.
9. Identification of how, where and when collected sediment will be disposed.
10. Dust control measures.
11. Inspection and maintenance procedures, including schedule and frequency.
12. Description of when and how temporary and permanent erosion and sedimentation control practices, as applicable, will be removed.

The Board may require the review and endorsement of this plan by the Knox-Lincoln Soil and Water Conservation District.

Q. **Storage of Materials**

All materials stored outdoors shall be stored in such a manner as to prevent the breeding and harboring of insects, rats or other vermin. This shall be accomplished by enclosures in containers, raising materials above ground, separation of material, prevention of stagnant water, extermination procedures or other means. Material shall be stored so as to prevent wind blown debris, insects, odors, or any form of liquid discharge from migrating beyond property boundaries. Exposed non-residential storage areas, exposed machinery and areas used for the storage or collection of discarded automobiles, auto parts, metals or other articles of salvage or refuse shall have sufficient setbacks and screening (such as a stockade fence or dense evergreen hedge) to provide a visual buffer sufficient to screen the proposed use from abutting residential uses and users of public streets.
General Performance Standards

All dumpsters or similar large collection receptacles for trash or other waste shall be located on level surfaces which are paved or graveled. Where the dumpster or receptacle is located in a yard which abuts a residential or institutional use or a public street, it shall be screened by fencing or landscaping.

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

R. Storm Water Management

The proposed development will provide for adequate storm water management.

A storm water management plan shall be prepared for site plan review and subdivision applications by a registered professional engineer or a storm water management professional certified by the Maine Department of Environmental Protection and be designed so that the post-development storm water runoff does not exceed the pre-development storm water runoff for the 24-hour duration, 2-, 10- and 25-year frequency storm events. The storm water plan shall be prepared in accordance with Stormwater Management for Maine: Best Management Practices, latest edition, prepared by the Maine DEP, which is incorporated herein by reference and made a part hereof. The storm water plan shall include the following information for the pre- and post-development conditions: drainage area boundaries, hydrologic soils groups, ground cover type, time of concentration flow paths, modeling methodology, calculations, and background data. The Board may require review and endorsement of the storm water plan and calculations by the Knox-Lincoln Soil and Water Conservation District.

S. Street Access, Driveways, Street/Road Construction Standards

1. General. Provision shall be made for vehicular access to any development. Circulation upon the site shall be provided in such a manner as to safeguard against hazards to traffic and pedestrians in the street and within the development, to avoid traffic congestion on any street and to provide safe and convenient circulation on public streets and within the development. More specifically, access and circulation shall also conform to the following standards and the design criteria below.

2. Permit Required. No person shall construct or cause to be constructed any vehicular access way onto a public street or way without first obtaining a permit from the Code Enforcement Officer. The Code Enforcement Officer, together with the Road Commissioner, shall inspect the site prior to issuance of an entrance permit. This permit is required in addition to a Planning Board permit under Site Plan or Subdivision Review. Once the permit is obtained, the e-911 addressing officer shall assign a number, or in the case of a private road, refer the matter to the Board of Selectmen for approval of a name.

3. Access Types. As referenced below, and elsewhere in this ordinance, an access point shall be classified as one of the types below:

   a. Low Volume Driveway: Commercial, light industrial, or residential access point serving no more than two dwelling units, lots, or commercial businesses and having less than twenty-five (25) vehicle trips per day.

   b. Medium Volume Driveway: Any commercial driveway having from 26 vehicle trips per day up to 100 trips per peak hour.

   c. High Volume Driveway: Any commercial driveway having a peak hour volume over 100 vehicle trips.
General Performance Standards

d. Minor Private or Public Street: A private or public way serving 3-5 dwelling units or lots.

e. Intermediate Private or Public Street: A private or public way serving 6-10 private dwelling units or lots.

f. Major Private or Public Street: A private or public way serving more than 10 private dwelling units or lots.

g. Industrial/Commercial Street: A private or public way serving only a commercial or industrial use, exclusive of parking lots, greater than 500’ in length and having greater than twenty-five (25) vehicle trips per day.

4. Creation of Private Residential Street/Road.

A private drive may be created either through the Site Plan or Subdivision approval or by addition of a third dwelling unit to a private driveway. A private drive serving three or more residential lots or dwelling units shall be considered a street, and meet the standards in table 14(i) below. The Code Enforcement Officer shall not issue a building permit for a third dwelling unit served by a common drive until the drive is upgraded to road standards along its entire length, to the point of, and including an emergency vehicle turn around, as described in section 14.J. below. In the case of a residential Subdivision, a road maintenance agreement prepared or approved by the town’s attorney and paid for by the developer shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a method to initiate and finance a private road, maintain the road in good condition, and a method of apportioning maintenance costs to current and future users.

5. Access Location and Connectivity.

a. Avoidance of local streets. The vehicular access to any development shall be arranged to avoid unnecessary traffic use of local residential streets.

b. Frontage on two (2) streets. Where a lot has frontage on two (2) or more streets, the access to the lot shall be provided to the street where is lesser potential for traffic congestions and for hazards to traffic and pedestrians.

c. Connections. Where topographic and other conditions allow, provision shall be made for circulation driveway connections to adjoining lots of similar existing or potential use:

1) Fire protection. When such driveway connection will facilitate fire protection services as approved by the Fire Chief and/or

2) Adjacent uses. When such driveway will enable the public to travel between two (2) existing or potential uses generally open to the public, without need to travel upon a street.

6. Sight Distances. Access points shall be designed in profile and grading and located to provide the required sight distance measured in each direction. Sight distances shall be measured from the driver’s seat of a vehicle standing on that portion of the exit lane with the front of the vehicle a minimum of ten (10) feet behind the curb line or edge of shoulder, with the height of the eye 3-1/2 feet, to the top of an object 4-1/2 feet above the pavement. The required sight distances are listed below for various posted speed limits.
The sight distances provided below are based on passenger cars exiting from driveways or roads onto two (2) lane roads and are designed to enable exiting vehicles:

a. Acceleration. Upon turning left or right, to accelerate to the operating speed of the street without causing approaching vehicles to reduce speed by more than ten (10) miles per hour; and;

b. Traffic clearance. Upon turning left, to clear the near half of the street without conflicting with vehicles approaching from the left.

<table>
<thead>
<tr>
<th>Operating Speed (mph)</th>
<th>Safe Sight Distance Left (ft)</th>
<th>Safe Sight Distance Right (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>200</td>
<td>200</td>
</tr>
<tr>
<td>30</td>
<td>300</td>
<td>300</td>
</tr>
<tr>
<td>40</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>50</td>
<td>500</td>
<td>500</td>
</tr>
</tbody>
</table>

7. Vertical Alignment. An access point shall be flat enough to prevent the dragging of any vehicle undercarriage. Low volume driveways shall slope upward or downward from the gutter line on a straight slope of two percent (2%) or less for at least twenty-five (25) feet followed by a slope of no greater than ten percent (10%) for the next fifty (50) feet. The maximum grade over the entire length shall not exceed fifteen percent (15%). Medium and high volume driveways, and any classification of street should slope upward or downward from the gutter line on a straight slope of two percent (2%) or less for at least twenty-five (25) feet. Following this landing area, the steepest grade on the driveway shall not exceed eight percent (8%).

8. Access Location and Spacing

a. Minimum Corner Clearance. Corner clearance shall be measured from the point of tangency (PT) for the corner to the point of tangency for the access. In general, the maximum corner clearance should be provided as practical based on site constraints. Minimum corner clearances are listed below based upon access volume and intersection type.

<table>
<thead>
<tr>
<th>MINIMUM STANDARDS FOR CORNER CLEARANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Corner Clearance (feet)</td>
</tr>
<tr>
<td>Access Type</td>
</tr>
<tr>
<td>----------------------------</td>
</tr>
<tr>
<td>Low Volume Driveway</td>
</tr>
<tr>
<td>Medium Volume Driveway</td>
</tr>
<tr>
<td>Minor Private Street</td>
</tr>
<tr>
<td>Intermediate Private Street</td>
</tr>
<tr>
<td>Major Private Street</td>
</tr>
<tr>
<td>High Volume Driveway</td>
</tr>
<tr>
<td>Special Case Driveway</td>
</tr>
<tr>
<td>Right turn in only</td>
</tr>
<tr>
<td>Right turn out only</td>
</tr>
<tr>
<td>Right turn in or out</td>
</tr>
</tbody>
</table>

When standards cannot be met. Where the minimum standard for a full access drive cannot be met, only a special case access shall be permitted. If based on the above criteria, full access to the site cannot be provided on either the major or minor
streets, the site shall be restricted to partial access. Alternatively, construction of a shared access with an adjacent parcel is recommended.

b. Access Spacing. Access points shall be separated from adjacent driveways and property lines as indicated below, in order to allow major through routes to effectively serve their primary arterial function of conducting through traffic. This distance shall be measured from the access point of tangency to the access point of tangency for spacing between access points and from the access point of tangency to a projection of the property line at the edge of the roadway for spacing to the property line.

**MINIMUM ACCESS SPACING**

<table>
<thead>
<tr>
<th>Access Type</th>
<th>Minimum Spacing to Adjacent Access to Property Line</th>
<th>Low (feet)</th>
<th>Medium (feet)</th>
<th>High w/o RT,*(feet)</th>
<th>High W/RT,**(feet)</th>
</tr>
</thead>
</table>
| Low Volume Driveway, Minor Street, or Intermediate Street | 8***  
High Volume Driveway, Major Street, Industrial/Commercial Street, (w/o RT)* | 8  
75 | 75  
150 | 75  
250  
500 | 40**** |
| High Volume (w/ RT)** | 75  
75  
150 | 75  
250  
500 | 40**** |

1. Measured from point of tangency of driveway to projection of property line on roadway edge.
2. For two or more access points serving a single parcel, or distance to a proposed access point from an existing access point.
3. Measured from point of tangency of driveway to point of tangency of adjacent driveway.
4. High volume driveway without right turn channelization.
5. High volume driveway with right turn channelization.
6. Low volume driveways are not permitted in combination with other driveway types on a single lot.
7. Right-turn-in-only up stream of right-turn-out-only. Right-turn-out followed by right-turn-in not allowed.

9. Number of Access Points. The maximum number of access points onto a single existing public street is controlled by the available site frontage and the table above. In addition, the following criteria shall limit the number of access points independent of frontage length. In subdivision developments, the entire project shall be considered for determination of number of access points allowed to open onto an existing public street.

a. Low volume traffic generator. No low volume traffic generator shall have more than one (1) two-way access onto a single roadway.

b. Medium or high volume traffic generator. No medium or high volume traffic generator shall have more than two (2) two-way access points or three access points in total onto a single roadway.

c. Notwithstanding other provisions of this ordinance, this driveway limit shall not apply to a private or public road being created as part of a subdivision or site plan.

10. Construction Materials/Paving
General Performance Standards

a. Curb matching. All access points entering a curbed street shall be curbed with materials matching the street curbing at point of entry. Curbing is required around all raised channelization islands or medians.

b. Commercial driveway to be paved. All commercial driveways regardless of driveway volume may be required by the Planning Board to be paved with bituminous concrete pavement within thirty (30) feet of the street right-of-way.

11. Increases to Traffic Volume

a. Capacity of street. The street giving access to the lot and neighboring streets which can be expected to carry traffic to and from the development shall have traffic carrying capacity and be suitably improved to accommodate the amount and types of traffic generated by the proposed use. The capacity of any such street or streets shall not drop below the Level of Service "D", due to the development, as determined by using the capacity analysis procedures set forth in the Highway Capacity Manual 2000 as published by the Transportation Research Board.

b. Traffic management. Where necessary to safeguard against hazards to traffic and pedestrians and/or to avoid traffic congestion, provision shall be made for turning lanes, traffic directional islands, frontage roads, driveways and traffic controls within public streets.

c. Vehicle queuing. Access ways shall be of a design and have sufficient capacity to avoid queuing of entering vehicles on any street.

12. Construction Standards for Driveways

a. Low Volume Driveways

1) Skew Angle. Low volume driveways shall be a two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

2) Curb Radius. The curb radius shall be between five (5) feet and fifteen (15) feet, with preferred radius of ten (10) feet.

3) Driveway Width. The minimum width of the driveway shall be twelve (12) feet.

b. Medium Volume Commercial Driveways

1) Skew Angle. Medium volume driveways shall be either one-way or two-way operation and shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

2) Curb Radius. Curb radii will vary depending if the driveway is one-way or two-way operation. On a two-way driveway the curb radii shall be between twenty-five (25) feet and forty (40) feet, with a preferred radius of thirty (30) feet. On one way driveways, the curb radii shall be thirty (30) feet for right turns into and out of the site, with a five (5) foot radius on the opposite curb.

3) Width. On a two-way driveway the width shall be between twenty (20) feet and twenty-six (26) feet, with a preferred width of twenty-four (24) feet;
however, where truck traffic is anticipated, the width may be thirty (30) feet. On a one-way driveway the width shall be between sixteen (16) feet and twenty (20) feet, with a preferred width of sixteen (16) feet.

c. High Volume Commercial Driveways

1) Skew Angle. High volume driveways shall intersect the road at an angle as nearly ninety (90) degrees as site conditions permit, but in no case less than sixty (60) degrees.

2) Curb Radius. Without channelization islands for right-turn movements into and out of the site, the curb radii shall be between thirty (30) feet and fifty (50) feet. With channelization islands, the curb radii shall be between seventy-five (75) feet and one hundred (100) feet.

3) Entering and exiting driveways shall be separated by a raised median which shall be between six (6) feet and ten (10) feet in width. Medians separating traffic flow shall be no less than twenty-five (25) feet in length, with a preferred length of one hundred (100) feet.

4) Width. Driveway widths shall be between twenty (20) feet and twenty-six (26) feet on each side of the median, with a preferred width of twenty-four (24) feet. Right turn only lanes established by channelization island shall be between sixteen (16) feet and twenty (20) feet, with a preferred width of twenty (20) feet.

5) Signage. Appropriate traffic control signage shall be erected at the intersection of the driveway and the street and on medians and channelization islands.

d. Special Case Driveways. Special case driveways are one-way or two-way drives serving medium or high volume uses with partial access (right turn only) permitted. These driveways are appropriate on roadway segments where there is a raised median and no median breaks are provided opposite the proposed driveway. These driveways are usually located along the approaches to major signalized intersections where a raised median may be provided to protect left-turning vehicles and separate opposing traffic flows.

13. General Requirements - Streets/Roads

a. Subdivision and site plan review. The Planning Board shall not approve any subdivision and site review plan unless proposed streets and storm water management systems are designed in accordance with the specifications contained in this Ordinance.

Approval of the Final Plan by the Planning Board shall not be deemed to constitute or be evidence of acceptance by the municipality of any street or easement.

b. Construction drawings. Developers shall submit to the Planning Board, as part of the final plan, detailed construction drawings showing a plan view, profile, and typical cross-section of the proposed streets. The plans shall include the following information:

1) Date, scale, and magnetic or true north point.
2) Intersections. Intersections of the proposed street with existing streets.

3) Dimensions. Roadway and right-of-way limits including edge of pavement, edge of shoulder, sidewalks, and curbs.

4) Drainage. Kind, size, location, material, profile and cross-section of all existing and proposed drainage structures and their location with respect to the existing natural waterways and proposed drainage ways.

5) Curves. Complete curve data shall be indicated for all horizontal and vertical curves.

6) Turning radii. Turning radii at all intersections.

7) Centerline gradients.

8) Utilities. Locations of all existing and proposed overhead and underground utilities, to include but not be limited to water, sewer, electricity, telephone, lighting and cable television.

c. Road Commissioner review. Upon receipt of plans for a proposed public street, the Code Enforcement Officer shall forward one (1) copy to the Board of Selectmen and one (1) copy to the Road Commissioner or engineer retained by the Town of Waldoboro for review and comment. Plans for streets which are not proposed to be accepted by the municipality shall be sent to the Road Commissioner for review and comments.

14. Street Design Standards

a. General. These design standards shall be met by all streets within the subdivision or site review plan, and shall control the roadway, shoulders, curbs, sidewalks, drainage systems, culverts, and other appurtenances.

b. Through traffic. Streets shall be designed to discourage through traffic within a residential Subdivision or Site Plan.

c. Solar energy. Wherever existing or other proposed streets, topography, and public safety permit, streets shall run in east-west directions to maximize access for solar energy utilization. The character, extent, width, and grade of all streets shall be considered in their relation to existing or planned streets.

d. Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the municipality.

e. Commercial streets. Adjacent to areas of commercial use, or where a change to a commercial use is contemplated, the street right-of-way and/or pavement width shall be increased on each side by half of the amount necessary to bring the road into conformance with the standards for commercial streets in this Ordinance.

f. Narrow streets. Where a proposed development borders an existing narrow street (not meeting the width requirements of the standards for streets) the plan shall indicate reserved areas for widening or realigning the road marked “Reserved for Road Realignment (Widening) Purposes.” Land reserved for such purposes may not
be included in computing lot area or setback requirements.

g. Arterial street. Where a proposed development for more than 10,000 square feet of floor space abuts or contains an existing or proposed arterial street, no residential lot may have vehicular access directly on to the arterial street. This requirement shall be noted on the Plan and in the deeds of any lot with frontage on the arterial street.

h. Two street connections. Any proposed development may be required to have at least two (2) street connections with existing public streets, or streets on an approved subdivision plan or site review plan for which performance guarantees have been filed and accepted to provide for safe access for emergency vehicles. Any street may be required to have at least two (2) street connections leading to existing public streets, streets shown on an official map, or streets on an approved subdivision plan or site review plan for which performance guarantees have been filed and accepted to provide for safe access for emergency vehicles.

i. Design standards. The following design standards apply according to street classification.

<table>
<thead>
<tr>
<th>Type of Street</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Industrial/Commercial</th>
<th>Major Private Street</th>
<th>Intermediate Private Street</th>
<th>Minor Private Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Right-of-Way Width</td>
<td>80'</td>
<td>50'</td>
<td>50'</td>
<td>80'</td>
<td>50'</td>
<td>36'</td>
<td>36'</td>
</tr>
<tr>
<td>Minimum Traveled Way Width</td>
<td>44'</td>
<td>20'</td>
<td>18'</td>
<td>36'</td>
<td>18'</td>
<td>16'</td>
<td>12'</td>
</tr>
<tr>
<td>Sidewalk Width</td>
<td>5'</td>
<td>5'</td>
<td>3'</td>
<td>5'</td>
<td>3'</td>
<td>3'</td>
<td>3'</td>
</tr>
<tr>
<td>Minimum Grade</td>
<td>.5%</td>
<td>.5%</td>
<td>.5%</td>
<td>0.5%</td>
<td>.5%</td>
<td>0.5%</td>
<td>0.5%</td>
</tr>
<tr>
<td>Maximum Grade</td>
<td>5%</td>
<td>8%</td>
<td>10%</td>
<td>5%</td>
<td>10%</td>
<td>12%</td>
<td>12%</td>
</tr>
<tr>
<td>Minimum Centerline Radius</td>
<td>800'</td>
<td>230'</td>
<td>75'</td>
<td>230'</td>
<td>75'</td>
<td>75'</td>
<td>75'</td>
</tr>
<tr>
<td>Minimum Tangent between curves of reverse alignment</td>
<td>300'</td>
<td>200'</td>
<td>60'</td>
<td>300'</td>
<td>N/A</td>
<td>60'</td>
<td>60'</td>
</tr>
<tr>
<td>Roadway Crown</td>
<td>1/4&quot;/ft</td>
<td>1/4&quot;/ft</td>
<td>1/4&quot;/ft</td>
<td>1/4&quot;/ft</td>
<td>N/A</td>
<td>1/4&quot;/ft</td>
<td>1/4&quot;/ft</td>
</tr>
<tr>
<td>Minimum angle of street intersections</td>
<td>90°</td>
<td>90°</td>
<td>75°</td>
<td>90°</td>
<td>75°</td>
<td>75°</td>
<td>75°</td>
</tr>
<tr>
<td>Maximum grade within 60 ft of intersection</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
<td>2%</td>
</tr>
<tr>
<td>Minimum curb radii at intersections</td>
<td>30'</td>
<td>20'</td>
<td>15'</td>
<td>20'</td>
<td>N/A</td>
<td>15'</td>
<td>15'</td>
</tr>
<tr>
<td>Minimum r/o/w radii at intersections</td>
<td>20'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
<td>10'</td>
</tr>
<tr>
<td>Minimum width of shoulders (each side)</td>
<td>6'</td>
<td>3'</td>
<td>2'</td>
<td>6'</td>
<td>2'</td>
<td>2'</td>
<td>2'</td>
</tr>
</tbody>
</table>

Notes:
1. The Planning Board may allow light industrial and commercial uses with minimal traffic to be built to major private street standards.

j. Dead End Streets. In addition to the design standards above, dead end streets shall be constructed to provide a turn-around for emergency and service vehicles as described below:

1) A cul-de-sac with minimum radii: Property line sixty-five (65) feet; outer edge of pavement fifty (50) feet. The Planning Board may require the reservation of a twenty (20) foot easement in line with the street to provide continuation of pedestrian traffic or utilities to the next street. Where Subdivision or Site Plan is required, the Planning Board may also require the reservation of a thirty-six (36) foot easement in line with the street to provide continuation of the road where future subdivision is possible.
2) Alternatively, a T-turn around is permissible for residential subdivisions carrying an ADT (average daily trips) of 100 or less. The turn around area shall have a width equal to the street width, a 5-foot turning radius, and a total length of 50 feet centered above the street.


1) Conformance to terrain. Grades of all streets shall conform in general to the terrain so that cut and fill are minimized while maintaining the grade standards above.

2) Vertical curves. All changes in grade shall be connected by vertical curves to provide for the minimum sight distances below.

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

<table>
<thead>
<tr>
<th>Posted Speed Limit (mph)</th>
<th>25</th>
<th>30</th>
<th>35</th>
<th>40</th>
<th>45</th>
<th>50</th>
<th>55</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sight Distance</td>
<td>250</td>
<td>300</td>
<td>350</td>
<td>400</td>
<td>450</td>
<td>500</td>
<td>550</td>
</tr>
</tbody>
</table>

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

4) Four-cornered intersections. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Comprehensive Plan or at other important traffic intersections. A minimum distance of 200 feet shall be maintained between centerlines of side streets.

l. Sidewalks. Sidewalks shall be installed within all proposed development within the urban compact area as shown on the Maine Department of Transportation Compact Area Map 1984 (see Appendix A). Where installed, sidewalks shall meet these minimum requirements.

1) Bituminous Sidewalks

   a) Gravel aggregate sub-base. The gravel aggregate sub-base course shall be no less than twelve (12) inches thick.

   b) Crushed aggregate base. The crushed aggregate base course shall be no less than two (2) inches thick.

   c) Bituminous surface. The hot bituminous pavement surface course shall be no less than two (2) inches after compaction.

2) Portland Cement Concrete Sidewalks

   a) Sand base. The sand base shall be no less than six (6) inches thick.

   b) Concrete. The Portland Cement concrete shall be reinforced with six (6) inch square, #10 wire mesh and shall be no less than four (4) inches thick.
m. Curbing. Where installed, curbing shall be granite and shall be installed on a thoroughly compacted gravel base of six (6) inches minimum thickness. The specified pavement width above shall be measured between the curbs.

15. Street Construction Standards

a. Thickness. Minimum thickness of material after compaction:

<table>
<thead>
<tr>
<th>Street Material</th>
<th>Arterial</th>
<th>Collector</th>
<th>Minor</th>
<th>Private Road</th>
<th>Industrial / Commercial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aggregate Sub-base Course (max. sized stone 4&quot;)</td>
<td>18&quot;</td>
<td>18&quot;</td>
<td>16&quot;</td>
<td>12&quot;</td>
<td>18&quot;</td>
</tr>
<tr>
<td>Crushed Aggregate Base Course</td>
<td>4&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>4&quot;</td>
</tr>
<tr>
<td>Hot Bituminous Pavement:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Thickness</td>
<td>3½&quot;</td>
<td>3&quot;</td>
<td>3&quot;</td>
<td>N/A</td>
<td>3½&quot;</td>
</tr>
<tr>
<td>Surface Course</td>
<td>1½&quot;</td>
<td>1&quot;</td>
<td>1&quot;</td>
<td>N/A</td>
<td>1½&quot;</td>
</tr>
<tr>
<td>Base Course</td>
<td>2&quot;</td>
<td>2&quot;</td>
<td>2&quot;</td>
<td>N/A</td>
<td>2&quot;</td>
</tr>
</tbody>
</table>

b. Preparation

1) Centerline flagging. Before any clearing has started on the right-of-way, the center line and side lines of the new road shall be staked or flagged at fifty (50) foot intervals.

2) Removal of objectionable materials. Before grading is started, the entire right-of-way shall be cleared of all stumps, roots, brush, and other objectionable material. All ledge, large boulders, and tree stumps shall be removed from the area to be paved.

3) Organic material. All organic materials shall be removed below the sub grade of the roadway. Rocks and boulders over eight (8) inches shall be removed to a depth of two (2) feet below the sub grade of the roadway. On soils which have been identified by the Knox and Lincoln Counties Soil Survey as not suitable for roadways, the subsoil shall be removed from the street site to a depth of two (2) feet below the sub grade and replaced with material meeting the specifications for gravel aggregate sub-base below, or geotextiles may be used in accordance with industry standards.

4) Side slopes. Side slopes shall be no steeper than a slope of three (3) feet horizontal to one (1) foot vertical, and shall be graded, limed, fertilized, seeded, and mulched according to the specifications of the erosion and sedimentation control plan.

5) Underground utilities. All underground utilities shall be installed prior to paving to avoid cuts in the pavement. Building sewers and water service connection shall be installed to the edge of the right-of-way prior to paving.

c. Bases and Pavement

1) Bases

   a) Aggregate sub-base. The Aggregate Sub-base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The gradation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:
Aggregate for the sub-base course shall contain no particles of rock exceeding four (4) inches in any dimension.

b) Aggregate base. The Aggregate Base Course shall be sand or gravel of hard durable particles free from vegetative matter, lumps or balls of clay and other deleterious substances. The graduation of the part that passes a 3-inch square mesh sieve shall meet the following grading requirements:

<table>
<thead>
<tr>
<th>Sieve Designation</th>
<th>Percentage by Weight Passing Square Mesh Sieves</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/2 inch</td>
<td>45-70%</td>
</tr>
<tr>
<td>1/4 inch</td>
<td>30-55%</td>
</tr>
<tr>
<td>No. 40</td>
<td>0-20%</td>
</tr>
<tr>
<td>No. 200</td>
<td>0-5%</td>
</tr>
</tbody>
</table>

Aggregate for the base course shall contain no rocks exceeding four (4) inches in any dimension.

2) Pavement Joints. Where pavement joins an existing pavement, the existing pavement shall be cut along a smooth line and form a neat, even, vertical joint.

3) Curbs and Gutters
a) Installation. Street curbs and gutters shall be installed as required by the Board.

b) Handicapped access. Curbs shall be arranged for handicapped access at street corners and crosswalks, as specified by the Board.

4) Pavements
a) M.D.O.T. base layer specifications. Minimum standards for the base layer of pavement shall be the M.D.O.T. specifications for plant mix grade B with an aggregate size no more than one (1) inch maximum.

b) M.D.O.T. pavement specifications. Minimum standards for the surface layer of pavement shall meet the M.D.O.T. specifications for plant mix grade C with an aggregate size no more than ¾ inch maximum.
16. Street Names, Signs and Lighting. Streets which join and are in alignment with streets of abutting or neighboring properties shall bear the same name. Names of new streets shall not duplicate, nor bear phonetic resemblance to, the names of existing streets within the municipality, and shall be subject to the approval of the Board of Selectmen. No street name shall be the common given name of a person. The developer shall reimburse the municipality for the costs of installing street name, traffic safety and control signs. Street lighting shall be installed as approved by the Planning Board.

17. Certification of Construction before Municipal Acceptance. Upon completion of street construction and prior to a vote by the Board of Selectmen to submit a proposed public way to the town meeting for acceptance by the Town, a written certification signed by a professional engineer registered in the State of Maine shall be submitted to the Board of Selectmen at the expense of the applicant, certifying that the proposed way meets or exceeds the design and construction requirements of the Ordinance. "As built" plans shall be submitted to the Board of Selectmen.

S. Reserved

U. Traffic Impact Analysis

1. Traffic Impact Analysis. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service, and safety of adjacent streets shall be required if the project or expansion will provide parking for fifty (50) or more vehicles or generate more than one hundred (100) trips during the a.m. or p.m. peak hour based upon “Trip Generation, Seventh Edition”, published in 2003 by the Institute of Transportation Engineers.

2. Changes to Public Ways. Any required changes to municipal owned or maintained public ways as a result of the development shall be paid for by the developer.

V. Water Quality Impacts

Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater both on and off site.

1. General. No activity shall locate, store, discharge, or permit the discharge of any treated, untreated or inadequately treated liquid, gaseous, or solid materials of such nature, quality, obnoxiousness, toxicity, or temperature that has the potential to run off, seep, percolate, or wash into surface or ground waters so as to contaminate, pollute, or harm such waters or cause nuisances, such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness, or be harmful to human, animal, plant, or aquatic life.

2. Storage facilities. All above ground storage facilities for fuel, chemicals, chemical or industrial wastes, and biodegradable raw materials, shall be located on impervious pavement, and shall be completely enclosed by an impervious dike which shall be high enough to contain the total volume of liquid kept within the storage area, plus the rain falling into this storage area during a 25-year storm, so that such liquid shall not be able to spill onto or seep into the ground surrounding the paved storage area. Storage tanks for home heating oil and diesel fuel, not exceeding 275 gallons in size, are exempted from this requirement.

3. Below-ground tanks. All below-ground tanks must meet the standards of the Maine Department of Environmental Protection.
General Performance Standards


W. **Aesthetic, Cultural, and Natural Values**

Will not have an undue adverse effect on scenic or natural beauty of the area, aesthetics, historic sites, significant wildlife habitat identified by the Department of Inland Fisheries and Wildlife or the municipality or on Beginning with Habitat maps for Waldoboro, rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

X. **Financial and Technical Capability**

The developer shall show adequate financial and technical capacity to meet the standards of this Ordinance.

Y. **Flood Zone**

The applicant will determine, based on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the project is in a flood prone area. If the project, or any part of it, is in such an area, the applicant will determine the 100-year flood elevation and flood hazard boundaries within the project. The proposed project plan shall include a condition of plat approval requiring that principal structures on lots in the project shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

Any project in the flood zone must comply with Article 8 Floodplain Management.

Z. **Freshwater Wetlands**

All freshwater wetlands within the proposed development have been identified on any maps submitted as part of the application, regardless of the size of these wetlands.

AA. **River, Stream or Brook**

Any river, stream or brook within or abutting the proposed development has been identified on any maps submitted as part of the application. For the purposes of this section, “river, stream or brook” has the meaning as in Title 38, section 480-B, subsection 9.

BB. **Spaghetti Lots**

If any lots in the proposed subdivision have shore frontage on a river, stream, brook, great pond or coastal wetland as these features are defined in Title 38, Section 480-B, none of the lots created within the subdivision have a depth to shore frontage ratio greater than five (5) to one (1).

CC. **Adjoining Municipality**

For any proposed development that crosses municipal boundaries, the proposed development will not cause unreasonable traffic congestion or unsafe conditions with respect to the use of existing public ways in an adjoining municipality in which part of the development is located.

DD. **Access to direct sunlight**

The Planning Board may prohibit, restrict or control development to protect and ensure access to direct sunlight for solar energy systems. The Planning Board may call for development plans which
may contain restrictive covenants, height restrictions, side yard setback requirements, or other permissible forms of land use controls.

EE. **Sufficient water.**

Has sufficient water available for the foreseeable needs of the development including, but not limited to, potable water and fire control water. Will not cause an unreasonable burden on an existing water supply, including private groundwater or the Waldoboro Water Department, whichever is utilized.

FF. **Conformity with Town ordinance and plans.** Is in conformance with all Town of Waldoboro Ordinances, comprehensive plan, development plans, or land use plans. In making this determination, the Planning Board may interpret these ordinances and plans.
General Performance Standards

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ARTICLE 5. SPECIFIC PERFORMANCE STANDARDS

A. Accessory Apartments

Accessory apartments are permitted in any district where single-family detached residences are a permitted use. Not more than one accessory apartment may be developed within a single residential dwelling structure. The resulting two family units must share a structural common wall and will be treated the same as a two-family dwelling or duplex. (See footnote 5 in Article 3 H., Schedule of Dimensional Requirements.)

B. Adult Business Establishments/Adult Entertainment

1. Findings and Purpose. The Town of Waldoboro hereby finds that because of their unique and potentially offensive nature, adult business establishments can have a blighting influence on the surrounding neighborhood if permitted in certain districts or if allowed to concentrate in certain other districts within the Town. Moreover, such establishments are incompatible with uses characterized as family and youth activities. The purpose of this Section is, therefore, to prevent such deleterious effects and thus protect public health, safety, and general welfare by regulating the location and certain other aspects of adult business establishment as defined.

2. Requirements

Location. Adult business establishments must be at least 1,000 feet from any other business establishment and at least 1,000 feet as measured along the ordinary course of travel from the main entrance of each premise of a public, private or parochial school, school dormitory, church, synagogue or similar place of worship or legally established residential structure in existence prior to the establishment of the business. Adult business establishments may be located only in the Route 1 Commercial B and Route 1 Commercial A Districts.

Visibility of materials. No sexually explicit materials, entertainment or activity shall be visible from the exterior of the premises.

Compliance. Adult business establishments shall comply with all other codes of the Town of Waldoboro.

C. Agriculture and Related Businesses

The keeping of barnyard animals shall be subject to the following:

1. Best management practices. The management of animals must be consistent with the Maine Department of Agriculture Best Management Practices (MAPA Title 5, Chapter 275 and Nutrient Management Rules, Chapter 565).

   a. Buffering and screening standards. The property shall be subject to the Buffering and Screening standards of this Ordinance, Article 4, Section B.

   b. Fence. The landowner or occupant shall fence in any area in which animals are allowed to roam free with a fence of a type and height adequate to contain his or her livestock.
Specific Performance Standards

c. Manure storage. No manure shall be stored within 300 feet of the normal high water line of any water body, watercourse, fresh water or coastal wetland, or wells used to supply water for human consumption, or within 150 feet from the nearest dwelling other than the applicant's, unless stored in a weather proof structure designed to agricultural standards.

d. Feed and grain. All processed feed and grain must be kept in enclosed rodent-proof containers.

D. Archaeological/Historic Sites

For any proposed land use activity requiring site plan or subdivision review, the owner or developer shall contact the Maine Historic Preservation Commission and request written confirmation as to whether or not the site of the proposed development has potential historic or archaeological significance 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.

E. Automobile Graveyards, Junkyards, or Recycling Centers

1. Permits
   a. DEP permit. Prior to issuance of the municipal permit, the applicant shall present either a permit from the Maine Department of Environmental Protection (DEP) or a letter from DEP stating that a permit is not required.

   b. Permit renewal. Permits shall be renewed annually to be valid until the first day of the following year. After five consecutive years of violation-free operation, permits may be issued for five years. Revocation or suspension of the permit will require annual renewal for five consecutive years before a five-year permit may be issued. Once the site plan is approved it does not have to be resubmitted unless changes are made on the site. The Code Enforcement Officer shall inspect quarterly or cause to be inspected, the site to ensure that the provisions of this ordinance and state laws are complied with and document conditions for the Planning Board’s use at the time of renewal. Violation of any condition, restriction or limitation of this Ordinance is cause for revocation or suspension of the permit. No permit may be revoked or suspended without a hearing and notice to the owner or the operator of the automobile graveyard, junkyard or automobile recycling business. Notice of hearing in front of the Planning Board shall be sent to the owner or operator by registered mail at least seven (7) but not more than fourteen (14) days before the hearing. The notice must state the time and the place of hearing and contain a statement describing the alleged violation of any conditions, restrictions or limitations inserted in the permit.

   c. Fee. The Code Enforcement Officer shall collect in advance from the applicant a fee payable to the Town of Waldoboro for each permit for an automobile graveyard, automobile recycling or junkyard business plus the cost of posting and publishing the notice of public hearing.

   d. Liability insurance. Applicant shall furnish proof of general liability insurance in the amount of $300,000 to ensure adequate financial protection in the event of injury or damage caused to members of the public.

2. Site considerations:
Specific Performance Standards

a. Aquifer. No motor vehicles, junk or salvage material shall be located on a sand and gravel aquifer, or on an aquifer recharge area, as mapped by the Maine Geological Survey or a licensed geologist.

b. Floodplains. No motor vehicles, junk or salvage material shall be located within the 100 year flood plain, as mapped by the Federal Insurance Administration, the Army Corps of Engineers, or the U.S. Department of Agriculture.

c. Visual buffer. A visual buffer capable of completely screening from view all portions of the automobile graveyard or junkyard shall be established and maintained along all property lines. All motor vehicles, junk and salvage materials shall be stored within the screened/fenced areas and the operation shall be conducted in such a manner as to prevent unsightliness to the adjacent areas.

d. Dwelling or School. No motor vehicles or junk or salvage material shall be stored within 500 feet of any dwelling or school.

e. Water body. No motor vehicles or junk or salvage material shall be stored within 300 feet of any water body.

f. Road rights-of-way, property lines. No motor vehicles or junk or salvage materials shall be stored within 100 feet of the road right-of-way or fifty (50) feet from the side or rear lot lines in order to protect neighboring landowners from any adverse consequences of the business, such as noise during operating hours.

g. Height. No motor vehicles or junk or salvage materials shall be stored over twelve (12) feet in height.

h. Size. Automobile graveyards, junkyards or recycling businesses shall not be over five (5) acres in size.

i. Fluids. Upon receiving a motor vehicle, the battery shall be removed, and the engine lubricant, transmission fluid, brake fluid, and engine coolant shall be drained into watertight, covered containers. No discharge of any fluids from any motor vehicle shall be permitted into or onto the ground. A concrete containment slab is required to be used for all dismantling operations. Waste fluids and unusable materials shall be disposed of in an environmentally sound manner. The applicant shall provide documentation of methods to handle fluids prior to annual permit renewal.

j. Burning. No open burning of salvage material or junk shall be permitted on the premises.

k. Sanitation

1) Storage. The facility shall be at all times maintained in a sanitary condition. Refuse shall be kept in a water-tight, insect-proof, and animal-proof enclosure.

2) Prohibition. No garbage or other waste liable to give off a foul odor or attract vermin shall be kept on the property.

3) Weeds and vegetation. Weeds and vegetation on the property, other than trees and shrubs, shall be kept at a height of not more than ten (10) inches.
Specific Performance Standards

I. **Hours of operation**

1) 7:00 a.m. to 10:00 p.m. No junk shall be delivered to the facility on Sundays, legal holidays, nor before the hour of 7:00 a.m. or after the hour of 10:00 p.m. on other days, except that special permission may be granted by an officer of the Waldoboro Police Department in the event of extenuating circumstances.

2) Crushing equipment. Any equipment used to crush motor vehicles shall only be operated within the area enclosed by screening of junked motor vehicles. No such equipment shall be operated on Sundays, legal holidays, or before the hour of 7:00 a.m. or after the hour of 10:00 p.m. on other days, except that special permission may be granted by an officer of the Waldoboro Police Department in the event of extenuating circumstances.

F. **Bed & Breakfasts**

1. Scale drawing. The application for approval shall include a scale drawing of the lot showing the location of: existing buildings, existing and proposed parking, and existing and proposed sewage disposal systems.

2. Parking. There shall be no less than one (1) parking space for each rental room in addition to the spaces required for the dwelling unit.

3. Bathrooms. There shall be one (1) bathroom provided for the rental rooms, in addition to the bathroom for the dwelling unit.

4. Room size. Each rental room shall contain not less than 120 square feet of floor space.

5. Smoke detector. Each rental room, stairwell and hallway on each level shall be equipped with a ULC approved smoke detector.

G. **Campgrounds and Tenting Grounds**

Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following (in cases of conflict, the stricter rule shall apply):

1. **General**

   a. Acreage and location. A campground must be constructed on at least ten (10) acres of land, all camping sites or structures shall be located at least fifty (50) feet from any property line and 100 feet from any residence on abutting property, and have a maximum limit of 100 units or sites.

   b. Site layout. Campsites shall be laid out and screened in such a manner that none are within view from public roads, existing residences or approved subdivision lots. Any combination of evergreen planting, landscaped earthen berms, or solid fencing may be used to achieve this screening standard.

   c. Density. Tent sites and sites for recreational vehicles (RV's) shall be laid out so that the density of each developed acre of land does not exceed eight (8) sites per acre of land excluding circulation roads.

   d. Floodplain. No campsite shall be located within the 100 year flood plain.
2. Parking and circulation
   a. Off-street parking. A minimum of 300 square feet of off-street parking plus maneuvering space shall be provided for each recreational vehicle, tent, or shelter site.

   Recreational vehicles shall be parked in spaces so that:
   
   1) Vehicle separation. There shall be a minimum of twenty-five (25) feet between vehicles; and
   
   2) Tent site separation. There shall be a minimum of seventy-five (75) feet between all tent sites.

3. Health and safety
   a. Picnic table, trash receptacle. Each recreational vehicle, tent, or covered shelter site shall be provided with a picnic table and trash receptacle for every three (3) sites. The park management shall empty said containers at least once every two (2) days.

   b. Water and sewer. A campground shall provide water and sewerage systems, sanitary stations, and convenience facilities in accordance with the regulations of the State Wastewater Disposal Rules. In no case shall less than one (1) toilet and lavatory be provided for each sex for every ten (10) camping and tent sites.

   c. Fire extinguishers. Fire extinguishers capable of dealing with electrical and wood fires shall be kept in all service buildings. A suitable ingress and egress shall be provided so that every campground may be readily serviced in emergency situations.

   d. Fireplace. Each campsite shall be provided with a masonry or metal fireplace, approved in writing by the Town of Waldoboro Fire Chief.

H. Excavation/Borrow Pits

1. Permit Required. Topsoil, rock, sand, gravel and similar earth materials may be removed only after a site plan for such operations has been approved by the Planning Board. The following earth-moving activity shall be allowed without approval from the Planning Board:

   a. Less than 1,000 cubic yards. The removal of less than 1,000 cubic yards of material (500 cubic yards of topsoil) from any lot in any twelve (12) month period.

   b. Incidental to construction. The removal of material incidental to construction, alteration or repair of a building or in the grading and landscaping incidental thereto; and

   c. Right-of-way, essential service. The on-site removal of material incidental to construction, alteration or repair of a public or private right-of-way or essential service.

   All other earth-moving, processing and storage shall require a Site Plan Review approved by the Planning Board.

2. Submission requirements
Specific Performance Standards

a. Site plan review procedures. Applications to the Planning Board for a Site Plan Review for the excavation, crushing, screening or storage of soil (including topsoil), peat, loam, sand, gravel, rock, or other mineral deposits shall be prepared according to Article 6, Section C.

b. Hydrogeologic study. The Planning Board may require the additional submission of a hydrogeologic study to determine the effects of the proposed activity on groundwater movement and quality within the general area.

c. Restoration plan. The applicant for site plan approval for the operation of an earth-moving activity shall present a restoration plan for the operation of the activity and the restoration of the land. Such plan shall include dates by which the various temporary and permanent conservation practices will be initiated, and must be reviewed and evaluated by the Knox/Lincoln County Soil Conservation Service before it will be considered acceptable.

3. Performance standards

a. Property lines and streets. No part of any extraction operation shall be permitted within 100 feet of any property or street line, except drainage ways to reduce run-off into or from the extraction area. Natural vegetation shall be left and maintained on the undisturbed land.

b. Fencing. If any standing water accumulates, the site shall be fenced in a manner adequate to keep children out.

c. Slopes. No slopes steeper than three (3) feet horizontal to one (1) foot vertical shall be permitted at any extraction site unless a fence at least five (5) feet high is erected to limit access to such locations.

d. Liability insurance. Before commencing removal of any earth materials, the owner or operator of the extraction site shall present evidence to the Code Enforcement Officer of adequate insurance against liability arising from the proposed extraction operations, and such insurance shall be maintained throughout the period of operation.

e. Hours of operation. The hours of operation at any extraction site shall be limited as the Planning Board deems advisable to ensure operational compatibility with nearby residences.

f. Secured vehicles. Loaded vehicles shall be suitably secured to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods shall be subject to approval by the Road Commissioner. No mud, soil, sand, or other materials shall be allowed to accumulate on a public road from loading or hauling vehicles.

g. Access roads. All access/egress roads between the extraction site and public ways shall be treated with suitable materials to reduce dust and mud for a distance of at least 100 feet from such public ways.

h. Debris, shelters. No equipment debris, junk or other material shall be permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith shall be removed following completion of active extraction operations.
i. **Grade restoration.** Within six (6) months of the completion of extraction operations at any extraction site or any one (1) or more locations within any extraction site, ground levels and grades shall be established in accordance with the approved restoration plans filed with the Planning Board. Operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive twelve (12) month period.

j. **Removal or burial of debris.** All debris, brush, stumps, boulders, and similar materials shall be removed or disposed of in an approved location or in the case of inorganic materials, buried and covered with a minimum of two (2) feet of soil.

k. **Storm drainage, water courses.** Storm drainage and water courses shall leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

l. **Disturbed areas.** All disturbed areas shall be reseeded and restored to a stable condition adequate to meet the provisions of the "Maine Erosion & Sediment Control Handbook for Construction: Best Management Practices", as amended or revised, published by the Maine Department of Environmental Protection.

m. **Permanent slopes.** No permanent slope greater than three (3) feet horizontal to one (1) foot vertical shall be permitted.

n. **Topsoil, loam.** Top soil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

o. **Depth to water table.** Excavation may not occur within five (5) feet of the seasonal high water table. If standing water already exists in an excavated area, no further excavation that would result in an increased area of standing water shall be allowed. The Planning Board may allow excavation to extend to or below the water table and an area of standing water may be increased through excavation if such excavation is approved by the Maine Department of Environmental Protection.

4. **Imposition of conditions.** In granting site plan approval for the operation of an earth-moving activity, the Planning Board may impose other reasonable conditions to safeguard the neighborhood and the municipality. Such conditions may include but shall not be limited to:

   a. **Processing.** Methods of removal or processing.

   b. **Hours.** Hours of operation.

   c. **Structures.** Type and location of temporary structures including installation of barriers such as fences to control access.

   d. **Routes.** Routes of transporting materials.

   e. **Excavations.** Area and depth of excavations.

   f. **Debris.** Disposition of stumps, brush and boulders.

   g. **Streets.** Cleaning, repair and resurfacing of streets used in removal activity which
Specific Performance Standards

have been adversely affected by such activity.

I. Fuel Storage

Commercial fuel storage facilities for wholesale or retail distribution other than automobile service stations shall be located a minimum of 300 feet from a public way, and 300 feet from a residential dwelling unit.

J. Groundwater Extraction, Impact Assessment and Permit

1. Permit required. The removal of more than 1000 gallons per day of groundwater or spring water as part of a residential, commercial, industrial, or land excavation operation or for a public water supply or distribution system, where allowed under this ordinance, shall require a Planning Board Site Plan Review approval. The Planning Board shall grant approval if it finds that the proposal, with any reasonable conditions, will conform to the requirements of this Section and Article 6, Section D.

2. Submission requirements. The application together with site plan shall include the following information:
   
a. Statement. Statement of the quantity of groundwater to be extracted, expressed as the annual total, the maximum monthly rate by month, and the maximum daily rate;
   
b. DHS review. A letter from the Maine Department of Human Services with review comments on the facility as proposed where the Department has jurisdiction over the proposal.
   
c. Hydrogeologic investigation. Applicants shall present a written report of a hydrogeologic investigation conducted by a certified professional geologist with demonstrated groundwater hydrology impact assessment experience and training. This report shall include the following information:
      
      1) Aquifer map. A map of the aquifer tributary to the spring(s), well(s) or excavation(s) from which water is to be extracted, in sufficient detail to support a calculation of sustained yield during a drought with a probability of one (1) in ten (10) years, as well as an estimate of any potential interaction between this aquifer and adjacent aquifers.
      
      2) Aquifer characteristics. The results of the investigation shall establish the aquifer characteristics, the rates of draw-down and rebound, the sustainable yearly, monthly (by month) and daily extraction rates, the cone of depression which may develop about the proposed facility, and impacts on the water table in the tributary aquifer and all private or public wells within the tributary aquifer or within 1,000 feet of the proposed extraction facilities whichever is greater shall be assessed.

3. Performance standards
   
a. Water table. The quantity of water to be taken from groundwater sources will not substantially lower the groundwater table beyond the property lines, cause salt water intrusion to any existing well, cause undesirable changes in groundwater flow patterns, or cause unacceptable ground subsidence, based on the conditions of a drought with a probability of occurrence of once in ten (10) years.
b. Water quality. The proposed facility shall not cause water pollution or other diminution of the quality of the aquifer from which the water is to be extracted.

c. Recharge area. The proposed facility is not within the defined aquifer recharge area of a public water supply, unless notice is given to the operator thereof and the Board has considered any information supplied by the operator and finds that no adverse affect on a public water supply will result.

d. Records. The operator shall make monthly operating records of the quantity of water extracted, stored and removed from the site available to the Code Enforcement Officer or a designee.

e. Groundwater rights. Nothing in this procedure, and no decision by the Planning Board, shall be deemed to create groundwater rights other than those rights which the applicant may have under Maine law.

K. Home Occupations

A home occupation shall be permitted if it complies with all of the requirements of this Section:

1. Incidental use. The use of a dwelling unit for a home occupation shall clearly be incidental and subordinate to its use for residential purposes.

2. Residents. A home occupation shall be carried on only by residents of the dwelling unit and not more than two (2) persons other than family members residing in the home.

3. Residential character. A home occupation may not alter the residential character of the structure or change the character of the lot from its principal use as a residence.

4. Principal or accessory structure. The home occupation shall be carried on wholly within the principal and/or one (1) accessory structure. The home occupation may utilize up to 2,500 s.f. footprint in the accessory structure plus not more than forty (40) percent of the footprint of the principal structure. The outside storage or display of materials or products shall be screened from view from the abutting properties and street. Exterior storage of materials shall occupy no more than 1,000 square feet of land area, and such land area shall meet the setback requirements for structures as specified in this Ordinance. The storage of up to two (2) commercial fishing boats shall not be included in the 1,000 square foot limitation.

5. Sign. One (1) externally lit sign no larger than six (6) square feet may be erected on the premises.

6. On-premise products. The sale of products shall be limited to those which are crafted, assembled, or substantially altered on the premises, to catalog items ordered off the premises by customers, items which are accessory and incidental to a service which is provided on the premises and antiques which, because of their age, rarity or historical significance, have a monetary value greater than their original value.

7. Traffic. A home occupation shall not create greater traffic than normal for the area in which it is located.

8. Nuisance control. No home occupation shall be permitted or allowed to operate if it creates any of the following nuisances off the lot: noise, vibration, glare, odors, dust, smell, smoke or heat. In addition no home occupation shall be allowed which creates a fire hazard to the premises or neighboring premises or which creates electrical interference such that it causes
Specific Performance Standards

visual or audible interference in any radio or television receivers off the premises, or such that it causes voltage fluctuations off the premises.

L. Hotels, Motels, Overnight Cabins

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

1. Cooking and eating facilities. If cooking or eating facilities are provided in hotel rental units, each such rental unit shall be considered a dwelling unit, and the hotel with more than three (3) such units shall be required to meet all the standards for multifamily dwellings (see Article 5 Section Q).

2. Size. Each motel rental unit shall contain not less than 200 square feet of habitable floor area enclosed by walls and roof, exclusive of any adjoining portions of roofed or covered walkways. Each motel rental sleeping room shall not be less than twelve (12) by fifteen (15) feet in floor area exclusive of bath. Each rental unit shall include private bathroom facilities.

3. Apartment. On each hotel lot, one (1) apartment may be provided for a resident owner, manager, or other responsible staff person.

4. Fire Marshal review. Hotel building construction plans shall be reviewed and approved by the State Fire Marshal's Office.

M. Kennels, Commercial, and Veterinary Clinics

1. Residential setback. Structures or pens for housing or containing the animals shall be located not less than 100 feet from the nearest residence other than the owners' existing at the time of permit.

2. Impacts on other properties. All pens, runs, or kennels and other facilities shall be designed, constructed, and located on the site to minimize the adverse effects upon the surrounding properties. Among the factors that shall be considered are the relationship of the use to the topography, natural and planted screening, the direction and intensity of the prevailing winds, the relationship and location of residences and public facilities on nearby properties, and other similar factors.

3. Sanitary conditions. The owner or operator of a kennel shall maintain the premises so that no garbage, offal, feces, or other waste material shall be allowed to accumulate on the premises. The premises shall be maintained in a manner that they will not provide a breeding place for insects, vermin or rodents.

4. Temporary storage containers. Temporary storage containers for any kennel or veterinary wastes containing or including animal excrement shall be kept tightly covered at all times, and emptied no less frequently than once every four (4) days. Such containers shall be made of steel or plastic to facilitate cleaning, and shall be located in accordance with the setbacks required for outdoor runs.

5. Kennels and runs. Any kennels or runs shall be fenced if located within 250 feet of any property line. A kennel run shall be constructed of suitable material to provide for cleanliness, ease of maintenance and noise control.
6. Incineration. Any incineration device for burning excrement-soaked waste papers and/or animal organs or remains shall be located a minimum distance of 400 feet from the nearest residence other than the applicant's, and shall have a chimney vent not less than thirty-five (35) feet above the average ground elevation. The applicant shall demonstrate that there will be no offensive odor.

7. Performance standards. All other relevant performance standards in Article 4 shall also be observed.

N. Industry/Manufacturing, Warehousing and Trucking Terminals

1. Environmental Standards. These standards shall apply to industrial uses as defined. When submitting an application for a Site Plan Review, the applicant shall submit the following information:

a. Description of operations. A written description of the industrial operations proposed in sufficient detail to indicate the effects of these operations in producing traffic congestion, noise, toxic or noxious matter, vibration, odor, heat, glare, air pollution, waste, and other objectionable effects.

b. Plan for wastes. Engineering and architectural plans for the treatment of and disposal of sewage and industrial wastes and any on-site disposal of wastes.

c. Plans for impacts. Engineering and architectural plans for handling any traffic congestion, noise, odor, heat, glare, air pollution, fire hazard, or safety hazard.

(d. Fuel use. Designation of the fuel proposed to be used and any necessary plans for controlling the emission of smoke or particulate matter.

e. Shifts and employees. The proposed number of shifts to be worked and the maximum number of employees on each shift.

f. Landscape features. A plan prepared by a registered professional landscape architect, engineer, surveyor, or architect indicating trees to be retained, streams and other topographical features on the site and within one hundred (100') feet from the exterior boundaries of the property.

(g. Chemicals. A list of all chemicals and all hazardous materials regulated by the U.S. Environmental Protection Agency or the Maine Department of Environmental Protection that are to be hauled, stored, used, generated or disposed of on the site, and a list of required State and Federal permits.

2. General requirements

a. Enclosed buildings. All business, service, repair, manufacturing, storage, processing, or display on property abutting or facing a residential use or property or public road shall be conducted wholly within an enclosed building unless screened from the residential area or road.

b. Loading docks. Loading docks, overhead doors and similar openings in structures shall be prohibited on sides of the structure adjacent to or across the street from a residential use or property.

c. Yard maintenance. All other yards abutting or across a street from a residential use
Specific Performance Standards

or property shall be continuously maintained in lawn or other landscaping unless screened from the residential use.

d. Access. Access points from a public road to industrial operations shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.

e. Sanitary conditions. All materials including wastes shall be stored, and all grounds shall be maintained, in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

f. Ordinance provisions. Prior to the issuance of building permits, the applicant shall demonstrate that all provisions of this Ordinance have been met.

g. Off-street parking. Off-street parking requirements as stated in Article 4, Section J shall be met.

h. Buffers. The requirements for buffers contained in Article 4, Section B shall be met.

i. Noise. The noise level of the industrial process shall not exceed 60 decibels at any property line from 10:00 p.m. to 7:00 a.m. and 70 decibels from 7:00 a.m. to 10:00 p.m.

j. Exterior storage. Exterior storage of materials shall occupy no larger than 5,000 square feet of contiguous land area and be screened, per Article 5. a. above.

k. Property line impacts. There shall be no objectionable land, water or air discharges or emissions at any property line.

l. Machinery testing. The operation or testing of machinery and engines, including but not limited to saws, splitters, snowmobiles, and all-terrain vehicles, shall be prohibited other than in enclosed buildings.

m. Deliveries. There shall be no deliveries or shipments of hazardous materials in quantities large enough to cause a public health hazard in case of accidental release.

n. Discharges. Discharges shall be in conformance with Article 4, Section M - Sanitary Provisions.

O. Light Industry:

1. Specific Performance Standards

a. General requirements. The Planning Board shall classify an industrial use a light industrial use if it finds that it meets all of the following standards:

1) Will generate less than 30 truck trips per day.

2) Noise will not exceed 50 decibels at any property line from 10:00 p.m. to 7:00 a.m. and 60 decibels from 7:00 a.m. to 10:00 p.m.

3) Outside storage of materials or waste shall not exceed 1,000 s.f.
Specific Performance Standards

4) Will not create a nuisance by smoke, vibration, odor or appearance.

5) Parking and loading facilities are not oriented towards any residence within 300 feet.

6) The total footprint of all structures does not exceed 10,000 s.f.

7) The use is determined to be a low-impact activity, including, by way of example only, the following: bakeries, breweries, bottling, printing and publishing, pharmaceuticals, machine shops, precision instruments, watchmakers, musical instruments, toys and sporting goods, pottery and ceramics using only pulverized clay, wood products, jewelry, assembly of electrical components, canteen services, tool and die shops, and the packaging of foods.

P. Manufactured Home Parks

The following provisions shall apply to all development proposals for new construction of manufactured home parks and to any expansion of existing manufactured home parks.

1. Plan
   a. Site plan review. An approved manufactured home park plan shall be necessary under the Site Plan Review provisions of this Ordinance, prior to the establishment or expansion of a manufactured home park.
   
   b. Other requirements. An approved manufactured home park plan shall not exempt an applicant from meeting other applicable local, State, or federal requirements.
   
   c. Construction time limits. Manufactured home park construction shall be accomplished in accordance with the approved plan and shall be completed within forty-eight (48) months from approval date of the plan. If construction is incomplete after forty-eight (48) months and the manufactured home park operator desires to continue construction, the applicant must re-submit a plan for Planning Board approval.

2. General
   
   b. Three (3) lot minimum. At least three (3) manufactured home lots shall be established and provided with utilities before manufactured home park occupancy is allowed.
   
   c. Electrical service. Electric substations, transformers, transmission lines, distribution lines, and meters shall be located in such a manner that they are not hazardous.
   
   d. Sanitary sewers. New manufactured home parks shall either be connected to the municipal sanitary sewer system or be located within a two-mile radius of the intersection of Jefferson Street and U.S. Route 1, provided that manufactured home parks shall be prohibited in the Residential, Historic Village, Downtown Business, Route 1 Commercial B or Route 1 Commercial A Districts. Developers of proposed manufactured home parks not on the municipal sanitary sewer system shall conduct a hydrogeologic assessment according to the "Hydrogeologic Assessment of..."
Specific Performance Standards

Groundwater Impacts" standard in Article 4 of this Ordinance.

3. Access. A manufactured home park shall have safe and convenient vehicular access from public streets.

4. Lot size

   a. Minimums. Notwithstanding other requirements of this Ordinance, lots shall meet the following requirements:

<table>
<thead>
<tr>
<th>Minimum Lot Size</th>
<th>Minimum Frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sq. ft.</td>
<td>Feet</td>
</tr>
<tr>
<td>Lots served by public sewer</td>
<td>5000</td>
</tr>
<tr>
<td>Lots served by individual subsurface wastewater disposal systems</td>
<td>20,000</td>
</tr>
<tr>
<td>Lots served by one (1) or more centralized subsurface waste disposal systems serving two (2) or more dwelling units and approved by the Maine Department of Human Services</td>
<td>12,000</td>
</tr>
</tbody>
</table>

5. Overall density. The overall density of any park served by any on-site wastewater disposal system shall not exceed one (1) dwelling unit for each 20,000 square feet of total park area. The total area of a manufactured home park shall not be less than the sum of the following:

   a. Lot total. The combined area of the manufactured home park lots, which shall each meet the minimum lot requirements,

   b. Roads. The area required for road rights-of-way,

   c. Buffer strips. The area required for buffer strips,

   d. Open space. For parks served by public sewer, a minimum of open space area equal to ten (10) percent of the combined area of the lots.

6. Setbacks

   a. Minimums. Minimum setback distances for structures shall be as follows:

<table>
<thead>
<tr>
<th>Location</th>
<th>Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street right of way</td>
<td>25 feet</td>
</tr>
<tr>
<td>Side lot line</td>
<td>10 feet</td>
</tr>
<tr>
<td>Rear lot line</td>
<td>10 feet</td>
</tr>
</tbody>
</table>

   b. Boundaries. Structures shall be set back a minimum of thirty (30) feet from manufactured home park boundary lines.

7. Placement of units on lots

   a. Manufactured home lots. All manufactured homes shall be placed upon separate lots within the manufactured home park. The boundaries of each lot shall be clearly marked with permanent corner pins for each lot, and the lots shall be well surfaced or seeded to provide adequate drainage beneath and adjacent to any manufactured housing units parked thereon.

   b. Manufactured home pad. Each manufactured home shall be set upon a manufactured home pad consisting of at least a twelve (12) inch thickness of gravel base material. Concrete or other durable pads approved by the Planning Board may
be used. The width and length of the manufactured home pad shall conform to those dimensions of the manufactured home placed upon it.

c. Skirting. The vertical space from the manufactured home pad to the manufactured home frame shall be enclosed with a durable material, installed in a neat manner within thirty (30) days after the manufactured home is set in place. The material requires approval of the manufactured home park operator and the Code Enforcement Officer of the Town of Waldoboro.

d. Utility building. Each occupied home lot shall be provided with a utility building within thirty (30) days after the manufactured home is set in place. The minimum size of the utility building shall be eight (8) feet square. The utility building shall be stable and attractive. This utility building requires the approval of the manufactured home park operator and the Code Enforcement Officer of the Town of Waldoboro.

e. Accessory structures. Accessory structures such as a garage shall be allowed upon mobile home lots provided the structure meets requirements of this Ordinance.

f. Refuse. Each occupied manufactured home lot shall be provided with a water-tight, insect-proof and animal-proof enclosure for storage of refuse. The responsibility of providing the refuse storage enclosure shall be that of the manufactured home park operator prior to the installation of a manufactured home.

1) Single structure. A single structure, if built by the operator of the manufactured home park, shall satisfy the requirements of this Section, provided it is of sufficient size and design to meet the purposes of those provisions.

2) Location. The refuse storage enclosure required herein need not be on the same lot as the manufactured home.

3) Collection. Collection of refuse shall be conducted at regular intervals and shall be performed in a neat workmanlike manner. Collection and disposal of refuse shall be the responsibility of the manufactured home park operator and shall be accomplished according to State of Maine and local regulations.

g. Grading and drainage. Every lot used in a manufactured home park shall be properly graded and drained for disposal of surface and storm water.

8. Landscaping

a. Pad orientation. Manufactured home pads shall be oriented in regard to natural features where practical.

b. Trees. Wooded areas and individual trees shall be preserved where practical.

c. Vegetative cover. Vegetative cover such as grass shall be provided for land area not paved, graveled, or occupied by a structure.

d. Other plantings. Other planting shall be established to create an attractive setting for manufactured home homes, promote privacy, minimize glare, and provide shade.

9. Street illumination
Specific Performance Standards

a. Brightness. Streets shall be illuminated with a minimum illumination level of 0.1 foot candle per square foot.

b. Intersections. Street intersections shall be illuminated.

10. Manufactured home park roads

a. Roads for public acceptance. Manufactured home park roads which the developer intends to offer to the municipality for acceptance as Town ways shall be constructed to the road standards found in Article 4, Section T.

b. Private roads. Manufactured home park roads which the developer intends to retain in private ownership shall be designed in accordance with accepted engineering standards by a licensed professional engineer and stamped with a professional engineer's seal in accordance with the requirements of the Manufactured Housing Board, and shall be constructed to the standards in Table 1.

Table 1
Manufactured Home Park Private Road Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum right-of-way width</td>
<td>23 feet</td>
</tr>
<tr>
<td>Minimum pavement width</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum sidewalk width, if installed</td>
<td>5 feet</td>
</tr>
<tr>
<td>Minimum grade</td>
<td>0.5 %</td>
</tr>
<tr>
<td>Maximum grade within 100' of the intersection of a public way</td>
<td>1.0 %</td>
</tr>
<tr>
<td>measured from the center line of the public way</td>
<td>8.0 %</td>
</tr>
<tr>
<td>Minimum center line radius</td>
<td>100 feet</td>
</tr>
<tr>
<td>Minimum tangent between curves of reverse radius</td>
<td>50 feet</td>
</tr>
<tr>
<td>Minimum roadway crown</td>
<td>1/8&quot;/ft</td>
</tr>
<tr>
<td>Maximum roadway crown</td>
<td>1/2&quot;/ft</td>
</tr>
<tr>
<td>Minimum angle of street intersections</td>
<td>75 degrees</td>
</tr>
<tr>
<td>Minimum curb radii at street intersections</td>
<td>20 feet</td>
</tr>
<tr>
<td>Minimum right-of-way radii at intersections</td>
<td>10 feet</td>
</tr>
<tr>
<td>Minimum width of shoulders without sidewalks (each side)</td>
<td>3 feet</td>
</tr>
<tr>
<td>Cul-de-sac &amp; turn around radii:</td>
<td></td>
</tr>
<tr>
<td>1) Property line</td>
<td>65 feet</td>
</tr>
<tr>
<td>2) Outer edge of pavement</td>
<td>50 feet</td>
</tr>
<tr>
<td>3) Inner edge of pavement</td>
<td>30 feet</td>
</tr>
</tbody>
</table>

c. Off-street parking. At least one (1) off-street parking space shall be provided for each manufactured home lot at a distance less than 100 feet from the manufactured home it serves. Off-street parking spaces shall be constructed with a minimum thickness of twelve (12) inches gravel base material. Such parking space shall have a minimum dimension of ten (10) feet width by twenty (20) feet length.

d. Street maintenance. Streets within the manufactured park not to be offered to the Town for acceptance as Town ways shall be constructed, maintained, and serviced by the manufactured home park operator.

11. Buffer strips

a. Continuous buffer strip. A continuous buffer strip or an existing wooded area not less than twenty-five (25) feet in width shall be required, and shall contain evergreen
Specific Performance Standards

shrubs, trees, fences, walls, or any combination of the above. The buffer strip shall be located along all boundaries of the manufactured home park.

b. Structure prohibition. No structures, streets or utilities shall be permitted in the buffer strip, except that utilities may cross a buffer strip to provide services to a manufactured home park, and driveways may cross the buffer strip to provide access to roads outside the park.

12. Conversion of park. No lot in a manufactured home park may be sold or otherwise conveyed without prior written approval of the Planning Board. Any such lot sold or conveyed shall meet the lot size requirements of the district in which it is located.

13. Utilities

a. Water supply

   1) Individual service. Each manufactured home shall be provided with an adequate, safe, potable water supply.

   2) Quantity. The water supply shall provide a minimum of 150 gallons of water per day per manufactured home.

   3) Plumbing code. Water supply systems shall be installed and maintained in accordance with the State of Maine Plumbing Code, 10-144A CMR 238 and all revisions thereof.

b. Sanitary sewer system

   1) Plumbing code. Sanitary sewer systems shall comply with the State of Maine Plumbing Code, 10-144A CMR 241 Subsurface Waste Water Disposal Rules and all revisions thereof.

   2) On-site system. Where public sewer is not available, a sanitary sewer system and treatment facility shall be designed and installed under supervision of an engineer registered in the State of Maine.

   3) Connection to public sewer. A manufactured home park located within 1500 feet of a public sewer system shall provide an internal sewer system connected into the public system. The internal sewer system shall be designed and installed under the direction of an engineer registered in the State of Maine.

   4) Septic systems. Septic systems for individual lots are permitted. Privies shall not be permitted in a manufactured home park.

   5) Maintenance. The sanitary sewer system within the manufactured home park shall be constructed and maintained under the responsibility of the manufactured home park management.

   6) Off-premises maintenance. A portion of a sanitary sewer system located outside a manufactured home park and not maintained by a public utility shall require maintenance under the responsibility of the manufactured home park owner.
Specific Performance Standards

c. Electric Supply

1) Regulations. A manufactured home park shall contain an electrical system designed, installed, and maintained in accordance with the National Fire Protection Association's NFIPA-70-1990 National Electric Code and applicable State of Maine and local regulations.

2) Design, installation. The electrical system shall be designed and installed under the supervision of an electrical engineer registered in the State of Maine.

3) Lines. Electrical distribution lines within the manufactured home park may be installed overhead or underground. All underground lines shall be protected by a rigid conduit or encased in concrete.

14. Innovative Manufactured Home Park Design

a. Waivers. The Planning Board may consider waiving provisions of these regulations to allow innovative design. However, the following minimum standards must be met:

1) Purpose. The purpose and intent of this Ordinance shall be upheld.

2) Regulations. Federal, State and local regulations shall not be violated.

3) Frontage Reductions. Manufactured home lots bounding cul-de-sacs or curvilinear streets may have reduced street frontage requirements up to ten percent (10%) or a maximum of seven and a half (7.5) feet.

4) Setback reductions. Setback requirements may be reduced according to the following:

<table>
<thead>
<tr>
<th>Location</th>
<th>Normal Setback</th>
<th>Modified Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street right-of-way</td>
<td>25 feet</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side lot line</td>
<td>10 feet</td>
<td>8 feet</td>
</tr>
<tr>
<td>Rear lot line</td>
<td>10 feet</td>
<td>8 feet</td>
</tr>
</tbody>
</table>

5) Density. The manufactured home park net residential density shall not exceed five (5) mobile homes per acre. Net residential density is computed by dividing the number of lots by the total lot acreage.

b. Open space. Land accumulated by reducing lot size to areas within the net residential density shall be used to increase recreational space.

15. Fire protection

a. Fire regulations. A manufactured home park shall comply with state and local fire regulations.

b. Internal fire protection. A manufactured home park located within 1500 feet of an adequate public water supply system shall provide an internal fire protection water supply system connected to the public system. The internal fire protection water system shall be designed and installed under direction of an engineer registered in
Specific Performance Standards

the State of Maine.

c. Fire extinguisher. Each manufactured home shall be equipped with at least one (1) fire extinguisher rated as Class A-B-C of not less than four and three-fourths (4-3/4) pounds capacity.

d. Smoke detectors. Each manufactured home shall be equipped with two (2) or more smoke detectors.

16. Exterior lighting. Exterior lighting installed on a manufactured home or manufactured home lot shall be installed in accordance with Article 4, Section G.1., Lighting and Glare, such that it is not directed toward surrounding property, street, or other manufactured home lots.

17. Signs. All signs shall be in conformance with Article 4, Section N., Signs.

18. Lot identification

a. Lot number. Each manufactured home lot shall have a number applied by the operator of the manufactured home park, and the lots shall be numbered in an orderly consecutive fashion. Even numbers shall be on the one side of a street and odd numbers shall be on the opposite side of the street.

b. Manufactured home number. Each manufactured home shall be numbered in a manner consistent with the number assigned to the lot.

c. Display. The manufactured home lot number shall be prominently displayed upon the manufactured home on a surface facing the street. Manufactured home lot numbers shall be uniformly located on each manufactured home if possible.

19. Recreational areas. Not less than eight percent (8%) of the gross site area shall be devoted to recreational facilities, with no single recreation area being less than 10,000 square feet. Such areas shall be located in one (1) or more convenient, central location(s) with easy and safe access for all park residents.

20. Mailboxes. The manufactured home park operator shall supply mailboxes for the residents in a place, number and manner satisfactory to the Post Office.

21. Miscellaneous

a. General requirements

1) Regulations. A manufactured home park shall conform to this Ordinance and to the "State of Maine Rules and Regulations of The Professional and Financial Regulation, Manufactured Housing Board to Mobile Homes".

2) Occupant notification. The manufactured home park operator shall inform occupants of this Ordinance and indicate the responsibilities of the occupants under this Ordinance.

3) Register. Manufactured home park management shall maintain a register containing names and lot numbers of manufactured home park occupants. The register shall be available for inspection by federal, State, and local authorities upon request during normal business hours.
Specific Performance Standards

4) Utility connections. Manufactured home park management shall be responsible for connection of utilities for set up of a manufactured home.

5) Installation permit. A permit is required prior to a manufactured home or accessory structure being installed on a manufactured home park lot.

6) Removal of manufactured home. A manufactured home shall not be removed from a lot until a written certificate is obtained from the tax collector of the Town of Waldoboro, identifying the manufactured home and stating that all property taxes applicable to the manufactured home, including those for the current tax year, have been paid or that the manufactured home is exempt from such taxation.

b. General prohibitions

1) District prohibitions. Manufactured home parks are not allowed within the Shoreland Zone; such parks are allowed only in those districts where specific provision is made for them in Article 3, Section F.4., Schedule of Uses.

2) Ruins. Ruins caused by fire or other causes are not allowed within a manufactured home park. If ruins are created, such ruins shall be removed within sixty (60) consecutive calendar days from the time of their creation.

3) Fuel tanks. Fuel tanks and bottled gas shall not be placed such that they face a street or road.

Q. Mass Gatherings

Applications for mass gatherings shall contain the following information:

1. A site plan showing the following:
   a. The area to be used for the mass gathering
   b. The area to be used for parking
   c. Traffic ingress and egress
   d. Sight distances at ingress and egress drives
   e. Existing and proposed structures to be used for gathering
   f. A site plan drawn to scale, if requested by the Code Enforcement Officer or Planning Board

2. Written information including the following:
   a. How will traffic control / public safety be handled?
   b. How will emergency medical services be handled?
   c. How will fire control be handled?
   d. Refuse disposal provisions
   e. Sanitary provisions
   f. Proposed signs: size, location, and duration
R. Multi-Family Dwellings

Multi-family developments shall be approved by the Planning Board pursuant to this Ordinance. All proposals to construct multi-family developments shall be in conformance with this Ordinance and the design requirements listed below.

1. Water supply
   a. Public supply - mandatory connection. When a multi-family development is proposed within the service area of a public water supply system, all dwellings shall be connected to the system. The applicant shall demonstrate by a signed letter from an authorized representative of the Water Department that an adequate water supply can be provided to the development for potable water supply purposes and at an adequate pressure for fire fighting purposes. Fire hydrants shall be located so that they are not more than 500 feet from any building, as hose is laid on the street.
   b. Hydrogeologic assessment. When a multi-family development is proposed outside of the service area of a public water supply system, the applicant shall provide a hydrogeologic assessment and demonstrate the availability of adequate supply and quality of water for both domestic and firefighting purposes. The Planning Board may require the construction of fire ponds and dry hydrants.

2. Sewage disposal. All residential buildings shall be connected to the Waldoboro Utility District system. The applicant shall submit to the Planning Board a letter from the Superintendent of the Utility District indicating that service is available and the sewage from the development can be adequately treated.

3. Rubbish, snow removal, maintenance. It shall be the responsibility of the owner to provide for rubbish disposal, snow removal, and site maintenance. All outdoor storage areas for waste collection shall be enclosed by a wooden or masonry screen at least six (6) feet in height.

4. Storm water and drainage. Storm water and surface drainage systems shall be designed in accordance with Article 4, Section R.

5. Multiple street access. All developments containing fifteen (15) or more dwelling units may be required by the Planning Board to have more than one (1) street access (for emergency and safety purposes). No more than two (2) accesses shall be allowed on any single street or roadway.

6. Recreation and open space. All multi-family developments of fifteen (15) dwelling units or more shall provide a developed play area no smaller than 5,000 square feet. Any development in which occupancy is restricted to the elderly need not provide a play area, but space shall be provided for outdoor recreation.

S. Open Space Subdivisions

1. Introduction
   a. Policy

   It is the policy of the Town of Waldoboro to encourage the use of open space...
Specific Performance Standards

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

This performance standard is intended to implement that policy by providing incentives that afford flexibility to landowners in road and lot layout and design and road frontage requirements and by allowing the Planning Board to expedite procedure and to waive or reduce certain otherwise applicable standards and provisions of this Land Use Ordinance if such landowners commit to the permanent preservation of important open space resources. These incentives are designed to encourage greater flexibility and more innovative approaches to housing and environmental design for the development of single and multi-family residential areas that will promote the most appropriate use of land and will preserve, as permanent open space, agricultural or forestry land, important natural features, wildlife habitat, water resources, ecological systems, and historic and scenic areas for the benefit of present and future residents.

b. Purposes

To qualify as an open space subdivision, the Planning Board must find that the subdivision will achieve all of the following purposes that are applicable to its specific circumstances:

1) Long term protection and conservation of existing natural and other resources and landscapes identified in the Comprehensive Plan and the Land Use Ordinance, including but not limited to:
   a) State-defined critical areas, and unique natural features located on the parcel to be subdivided;
   b) Historic land use patterns and historic structures;
   c) Points of visual access to or from water bodies, scenic vistas, and points of access to water bodies;
   d) Contiguous stands of mature trees;

2) Maintenance or establishment of compatibility with surrounding land uses and the overall rural character of the Town as defined by the Comprehensive Plan;

3) Provision of adequate buffers for adjoining properties where needed;

4) Contribution to Town-wide open space planning by creating a system of permanently preserved open space, both within large parcels of land and among such parcels throughout the Town, and by encouraging linkages between open space areas;

5) Conservation of land suitable or actively used for agriculture and forestry, particularly where the open space subdivision borders active agricultural or forest land or land suitable for the same;
Specific Performance Standards

6) Conservation of traditional land uses;

7) Creation of choices in the type of environment (business or residential) and type of housing available that will be a long-term asset to Waldoboro;

8) Construction of affordable housing;

9) Provision of recreation facilities, including active and passive recreational space, in the most suitable locations for use consistent with the other purposes of this performance standard; and

10) Attainment of planned variety and coordination in the location of structures, architectural styles, and building forms and relationships.

c. Types of Open Space Subdivisions
There are two types of open space subdivisions, which may be used separately or in combination:

1) Cluster Subdivisions.

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

2) Conservation Density Subdivisions

A conservation density subdivision achieves the purposes of this performance standard through the creation of significantly lower lot densities than what would be allowed in the applicable land use district. In no event may the density of such a subdivision average less than ten (10) acres per principal structure, including the land placed in open space for the parcel or portion of the parcel to be developed. This low density is maintained in perpetuity through the use of permanent conservation easements or covenants and restrictions running with the land.

d. Grouping Contiguous Parcels

In order to increase design flexibility, two or more contiguous parcels of land under the same or different ownership, including parcels separated by a public or private road, may be grouped together as one open space subdivision, if the Planning Board finds that such grouping will benefit the Town and that it helps achieve the purposes set forth in Article 5 Section R.1.b.

2. Planning Board Review

a. Pre-application

An individual may test the feasibility of an open-space subdivision as part of the pre-
Specific Performance Standards

application conference described in Article 6 Section D.1.

b. Application Procedure

1) Required Plans

The submissions for an open space subdivision shall include, as appropriate unless any of the same is waived, all plans and materials required for a conventional subdivision.

2) Waiver of Submission and Review Requirements

The Planning Board may grant appropriate waivers of submission requirements for an open space subdivision in order to expedite and make the review process more efficient where the number of lots proposed for development in a parcel is five or fewer within any five-year period, or the proposed open space subdivision is a conservation density subdivision.

3. General Requirements

In Planning Board review and approval of an open space subdivision, the following requirements shall apply and shall supersede any inconsistent or more restrictive provisions of the Land Use Ordinance:

a. Use and District Requirements

All open space subdivisions shall meet the use standards of the districts in which they are located.

b. Allowable Density

1) The allowable density for a proposed development of five or fewer lots within any five-year period on a parcel of land under one ownership or a grouping of contiguous parcels as described in Article 5 Section R.1.d. shall be determined by the gross lot area of the portion of each parcel proposed for development without reference to net residential acreage, divided by the minimum lot size of the applicable district without reference to net residential acreage.

2) The provisions for open space subdivisions may be applied to a development consisting of a single lot where the purposes set forth in Article 5 Section R.1.b. will be served and which may provide effective long range planning for a larger parcel of land than sought to be developed, when used in conjunction with the flexible open space and substitution, timing, or phasing provisions of this performance standard. In such cases, sufficient open space to accommodate the single lot shall be permanently preserved as set forth in Article 5 Section R.4., Open Space Requirements.

3) The allowable density for all other developments shall be based on net residential density, and shall be calculated in the following manner:

a) Determine the buildable area of the parcel according to the definition of "net developable area" contained in Article 4 Section H. and reduce it by 20%; then
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b) Divide the reduced net developable area by the minimum lot size required in the district to obtain the net residential density allowable.

4) A lot for a dwelling unit created as part of an open space subdivision shall not be further subdivided.

5) A lot for a principal structure created as part of an open space subdivision where such lot shall have within its bounds designated open space shall not be further subdivided unless the original approved plan shall have reserved future development of such lot. Any such further subdivision shall only be made in accordance with Article 5 Section R.

6) Any affordable housing density bonus provision provided for in the Land Use Ordinance shall also apply within clustered residential projects.

7) In a conservation density subdivision, where all other requirements of Article 5 Section R are met, the Planning Board may include up to 50% of land in Resource Protection zones and wetland areas for purposes of calculating density.

c. Layout and Siting Standards

In planning the location and siting of residential or business structures in an open space subdivision, lot dimension and frontage should not be the primary considerations. Priority should be given to the preservation of the open space for its natural resource value, with human habitation and business activity located and sited on the lower valued natural resource portion of a parcel, taking into account the contours of the land and the reasonableness of slopes.

The building lots on a parcel shall be laid out and the residences and business structures shall be sited so as to maximize the following principles. The Board in its discretion shall resolve conflicts between these principles as applied to a particular site.

1) In the least suitable agricultural soils and in a manner which maximizes the useable area remaining for the designated open space use, where existing or future agricultural, forestry, or recreational uses are particularly sought to be preserved.

2) In locations least likely to block or interrupt scenic, historic, and traditional land use views, as seen from public roadways and great ponds.

3) Within woodlands or along the far edges of open agricultural fields adjacent to any woodland, to reduce encroachment upon agricultural soils, to provide shade in the summer and shelter as well as solar gain in the winter, and to enable new residential development to be visually absorbed by natural landscape features;

4) In such manner that the boundaries between residential or business lots and active agricultural or forestry land are well buffered by vegetation, topography, roads, or other barriers to minimize potential conflict between residential or business and agricultural or forestry uses;

5) In locations where buildings may be oriented with respect to scenic vistas,
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natural landscape features, topography, and natural drainage areas, in accordance with an overall plan for site development;

6) In locations that provide compatibility in terms of physical size, visual impact, intensity of use, proximity to other structures, and density of development with other permitted uses within the land use district;

7) In locations such that diversity and originality in lot layout and individual building, street, and parking layout is encouraged.

8) So that individual lots, buildings, street and parking areas shall be designed and situated to minimize alterations of the natural site, to avoid the adverse effects of shadows, noise and traffic on the residents of the site, to conserve energy and natural resources, and to relate to surrounding properties, to improve the view from and of buildings.

d. Space Standards

1) Shore frontage and shore setback requirements shall not be reduced below the minimum shore frontage or shore setback required in the land use district.

2) Distances between residential structures in multi-family open space subdivisions shall be a minimum of the height of the tallest structure.

3) In areas outside of the shoreland zone, the required minimum lot size or minimum land area per dwelling unit for the building envelope may be reduced in open space subdivisions to no less than one-half acre. If the lot area is reduced, the total open space in the development shall equal or exceed the sum of the areas by which the building lots are reduced below the minimum lot area normally required in the land use district as modified by Article 5 Section R.3. b Allowable Density.

4) Minimum road frontage requirements of the Land Use Ordinance may be waived or modified by the Planning Board provided that:

   a) Any applicable provisions regarding roads in Article 4 Sections S and T are satisfied.

   b) Adequate access and turnaround to and from all parcels by fire trucks, ambulances, police cars and other emergency vehicles can be ensured by private roads and /or common driveways.

   c) No common driveway shall provide access to more than three (3) lots.

5) A reduction of required setback distances may be allowed at the discretion of the Board, provided that the front, side and rear setbacks shall be no less than twenty-five feet or that required for the applicable land use district, whichever shall be less. For the perimeter of a multi-family cluster development, site setback shall not be reduced below the minimum front, side and rear setbacks required in the land use district unless the Planning Board determines a more effective design of the project can better accomplish the purposes of this performance standard.
e. Utilities

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

1) The Planning Board may waive or modify hydrogeological reviews or studies, if the applicant demonstrates that due to the specific placement of wells and septic systems:

   a) Adequate groundwater is available at all locations proposed for individual water systems; and that

   b) There is no reasonable likelihood that the domestic water supply for any proposed lot will exceed 10mg/l of nitrates.

2) If a private central collection septic system is proposed for a single-family clustered development or a multiplex cluster development, the applicant must show that at least one (1) designated site for each lot, either in the open space or on the lot, has adequate soils and land area suitable for subsurface waste disposal for each lot in accordance with the minimum standards set forth in the Maine State Plumbing Code, or that a second designated site on the parcel has the size, location and soil characteristics to accommodate a system similar to the one originally proposed.

3) If a private central collection system is proposed, the system shall be maintained by a homeowners’ association or under an agreement of the lot or unit owners in the same fashion required for maintenance of the open space by a homeowners’ association or the lot or unit owners in common, and written evidence of said maintenance agreement shall be submitted to the Planning Board.

4. Open Space Requirements

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

Open space set aside in an open space subdivision shall be permanently preserved as required by this performance standard, except as allowed under this provision for flexible open space and the substitution for and/or the addition to the same. Land set aside as permanent open space may, but need not, be a separate tax parcel. Such land may be included as a portion of one or more large parcels on which dwellings are permitted, provided that a conservation easement or a declaration of covenants and restrictions is placed on such land pursuant to Article 5 Section R.4.c., Preservation in Perpetuity, and provided that the Planning Board approves such configuration of the open space.

a. Open Space Uses

On all parcels, open space uses shall be appropriate to the site. Open space shall include natural features located on the parcel(s) such as, but not limited to, stream
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beds, significant stands of trees, individual trees of significant size, agricultural land, forested acreage, wildlife habitat, rock outcroppings and historic features and sites. Open space shall be preserved and maintained subject to the following, as applicable:

1) On parcels that contain significant portions of land suited to agricultural production, open space shall be conserved for agriculture or other consistent open space uses such as forestry, recreation (active or passive), and resource conservation.

2) When the principal purposes of conserving portions of the open space is the protection of natural resources such as wetlands, aquifers, steep slopes, wildlife and plant habitats, and stream corridors, open space uses in those portions may be limited to those which are no more intensive than passive recreation.

3) Open space areas shall be contiguous, where possible, to allow linking of open space areas throughout the Town.

4) If the open space is to be devoted at least in part to a productive land use, such as agriculture or forestry, the developer shall submit to the Planning Board a plan of how such use is to be fostered in the future. Such plan may include, for example, a long-term timber management plan.

5) The Planning Board may limit the use of any open space at the time of final plan approval where the Board deems it necessary to protect adjacent properties or uses, or to protect sensitive natural features or resources. A proposed change in use of open space land, other than that specified at the time of plan approval, shall be reviewed by the Planning Board as an amendment to the approved plan.

6) Further subdivision of open space or its use for other than agriculture, forestry, recreation or conservation, except for easements for underground utilities, shall be prohibited and shall be so stated by deed restrictions except as provided in Article 5 Section R.4.c. Structures and buildings accessory to agriculture, recreation or conservation uses may be erected on open space, subject to Planning Board approval under Article 6 of the Land Use Ordinance and the provisions for open space subdivisions.

b. Notations on Plan

Open space must be clearly labeled on the Final Plan to show ownership, management, responsibility for maintenance, method of preservation, permitted uses and the portions of the open space to which such uses apply, and the rights, if any, of the owners in the subdivision to such land or portions thereof. The Plan shall clearly show that the open space land is permanently reserved for open space purposes, is subject to a reservation for future development, including those provisions allowed under Article 5 Sections R.4.e and f. and shall contain a notation indicating the book and page of any conservation easements or deed restrictions required to be recorded to implement such reservations or restrictions.

c. Preservation in Perpetuity

An owner of a parcel of land may designate all or a portion of the parcel for open
space use in perpetuity if the purposes set forth in Article 5 Section R.1.b. are achieved and all other requirements of this performance standard are met, subject to the following conditions:

1) A perpetual conservation easement or declaration of covenants and restrictions restricting development of the open space land must be incorporated in the open space plan.

2) The conservation easement may be granted to or the declarations may be for the benefit of a private party, third party or other entity, the Town, with the approval of the Board of Selectmen, or to a qualified not-for-profit conservation organization acceptable to the Planning Board.

3) Such conservation easement or declaration of covenants and restrictions shall be reviewed and approved by the Planning Board and be required as a condition of plan approval hereunder.

4) The Planning Board may require that such conservation easement, or declaration of covenants and restrictions, be enforceable by the Town of Waldoboro if the Town is not the holder of the conservation easement or beneficiary of the declarations.

5) The conservation easement or declarations shall prohibit residential, industrial, or commercial use of such open space land (except in connection with agriculture, forestry, and recreation), and shall not be amendable to permit such use.

6) The conservation easement or declarations shall be recorded in the Lincoln County Registry of Deeds prior to or simultaneously with the filing of the Open Space Subdivision final plan in the Lincoln County Registry of Deeds.

7) Notwithstanding the foregoing, the conservation easement, or the declaration of covenants and restrictions, may allow dwellings to be constructed on portions of parcels that include protected open space land, provided that:

a) The total number of dwellings permitted by the conservation easement, or declaration of covenants and restrictions, in the entire subdivision does not exceed the allowable density established in this performance standard above;

b) The Planning Board grants approval for such lots; and,

c) The applicant has reserved the right to apply for approval for such additional lots.

d. Ownership of Open Space Land

Open space land may be held in private ownership (which is to be preferred) including an appropriate third party not the applicant; or owned in common by a homeowners’ association (HOA); dedicated to the Town, county or State governments or agencies; transferred to a non-profit organization such as a conservation trust or association acceptable to the Planning Board; or held in such other form of ownership as the Planning Board finds adequate to achieve the
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purposes set forth in Article 5 Section R.1.b. and under the other requirements of this Land Use Ordinance.

The appropriate form of ownership shall be determined based upon the purpose of the open space reservation as stated pursuant to Article 5 Section R Q.4.a. above. Unless so determined, or unless deeded to the Town of Waldoboro and accepted by the citizens of the Town at Town Meeting, common open space shall be owned in common by the owners of the lots or units in the development. Covenants for mandatory membership in the association setting forth the owners’ rights and interest and privileges in the association and the common land shall be included in the deed for each lot. Ownership of the open space land shall be indicated on the final subdivision plan.

e. Flexible Open Space and Substitution; Phasing

An applicant for an open space subdivision may at a future time designate other land to serve as the open space for such subdivision if the Planning Board finds that the purposes set forth in Article 5 Section R.1.b. will better be served by promoting a more innovative design and layout of lots created over time in relation to the area(s) designated as open space if all other requirements under this performance standard may be met and such substitution is specifically allowed in any documentation associated with the open space, conservation easement, or homeowners’ association. Development that is phased over time, including a schedule over time for either sale of lots or layout of further lots as part of the open space subdivision plan, is encouraged so that more appropriate design of land use and preservation of greater open space may be achieved.

f. Maintenance Standards

Maintenance standards for open space land, where appropriate, shall be in accordance with other requirements of this Land Use Ordinance.

T. Recreational Facilities

All recreation facilities shall meet the provisions below:

1. Parking. There shall be provided adequate off-street parking for the anticipated maximum attendance at any event.

2. Rubbish facilities. Containers and facilities for rubbish collection and removal shall be provided.

3. Screening. Adequate screening, buffer area, or landscape provisions shall be built, planted, or maintained, to protect adjacent residences from adverse noise, light, dust, smoke and visual impact.

U. Recycling Centers other than Automobile Recycling Facilities

1. Processing. No processing shall be conducted on-site except to bundle/bale the materials for pick-up.

2. Time limits. No processing, pickup or delivery of recyclable materials shall take place before 7:00 a.m. or after 10:00 p.m. during any day.
3. Storage. The facility shall store the materials on-site for a period of time not to exceed one (1) year.

4. Maintenance. The facilities shall be maintained in a neat, clean and orderly manner.

5. Identification. The facility shall be clearly identified.

V. Restaurants

1. Seating capacity. The application for a permit shall state the maximum seating capacity of the restaurant. Any expansion or enlargement over the stated capacity shall require a new permit.

2. Public sewer connection. Any restaurant located within 500 feet of an existing public sewer line shall connect with the sewer system at the expense of the owners. When subsurface wastewater disposal is proposed, completed soil evaluation forms (HHE-200) shall be submitted. All proposed subsurface disposal systems shall meet the Maine State Subsurface Wastewater Disposal rules.

3. Restrooms. Restroom facilities for the patrons shall be provided consistent with State law.

4. Parking. Parking shall comply with the standards in Article 4 Section J.

W. Shipping Containers, Mobile Homes and Buses as Outdoor Storage

1. Lots in Residential Use
   a. Shipping containers, mobile homes and buses are not permitted for use as outdoor storage on lots in residential use. Existing units must be removed within two years of the effective date of this Ordinance.
   b. A property owner may apply for a shipping container permit to temporarily locate a single shipping container on a lot in residential use for a period not to exceed six (6) months. Use of such shipping container shall be limited to the temporary storage of residential goods, such as household furniture, appliances, bathroom fixtures, clothing and similar items, while the residence is being remodeled or is being repaired after damage due to fire, flood or similar event. A three (3) month extension of a shipping container permit may be granted at the discretion of the Code Enforcement Officer.

2. Lots in Non-Residential or Mixed Use
   a. Shipping containers are permitted on lots in non-residential or mixed use in the Route 1 Commercial A, Route 1 Commercial B and Industrial Districts subject to Site Plan Review by the Planning Board and issuance of a shipping container permit by the Code Enforcement Officer and further subject to the following standards:
      1) Their use is limited to the temporary storage of goods, products or materials that are manufactured or assembled on the site or used in manufacturing and assembly on the site.
      2) The total floor area of all shipping containers on a lot shall not exceed seven hundred (700) square feet.
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3) They are located outside of any required setback, parking space or vehicle maneuvering area.

4) They do not adversely affect sight distance at any point of access from the site onto a public or private way.

5) They do not adversely affect stormwater flow across the site.

b. A property owner may apply for a shipping container permit from the Code Enforcement Officer to continue use of shipping containers on lots in non-residential or mixed use in the Route 1 Commercial A, Route 1 Commercial B and Industrial Districts if he/she can demonstrate to the satisfaction of the Code Enforcement Officer that such shipping containers were on his/her lot and in active use as of January 1, 2005. The Code Enforcement Officer may not issue such permit unless the property owner has submitted a written application within six (6) months of the effective date of this ordinance. The application shall include a site plan that shows the location of all shipping containers in relation to existing improvements and demonstrates compliance with the standards of subsection 2.a.1) – 5). In the event the site does not comply with one or more of the subsection 2.a standards, the application shall include a written plan demonstrating how the site will be brought into conformance within three (3) months of issuance of a shipping container permit. If the Code Enforcement Officer determines that the site has not been brought into compliance with the subsection 2.a standards within this time period, he/she may revoke the shipping container permit and order all shipping containers removed from the site.

c. Shipping containers may be temporarily placed on lots in non-residential or mixed use where a construction project is occurring and utilized for the storage of construction materials, equipment, tools, etc. without a shipping container permit from the Code Enforcement Officer. In all cases, such shipping containers shall not be placed where they will diminish or negatively impact sight distance, cause a hazard to the traveling public, or negatively impact existing stormwater flow across the site. Such shipping containers shall be removed within thirty (30) days after the completion of the construction project.

X. Single-Wide Manufactured Homes

1. Older single-wide manufactured homes (pre-June, 1976)

a. Nonconforming structures. Older single-wide manufactured homes which were legally existing in the Town of Waldoboro as of the effective date of this Ordinance, shall be considered nonconforming structures and may continue and may be maintained, repaired, improved, and expanded. Legally nonconforming older single-wide manufactured homes may also be relocated from one lot to another within a manufactured home park, from one manufactured home park in the Town of Waldoboro to another manufactured home park in Waldoboro, from an individual lot in the Town of Waldoboro to a manufactured home park, or if it meets the standards in b., below, to individual lots in Waldoboro.

b. Importation of older single-wide manufactured homes. Older single-wide manufactured homes being relocated into the Town of Waldoboro shall be at least fourteen (14) feet wide and shall have at least 750 square feet of floor area and be certified as being in compliance with the safety standards contained in Rule 02-385, Department of Professional and Financial Regulation, Manufactured Housing Board.
c. Alteration of older single-wide manufactured homes. No person shall remove any structural component from under the older single-wide manufactured home such that it might weaken its structural integrity unless the older single-wide manufactured home is to be set on a permanent foundation that shall adequately support the older manufactured home in such a way as to maintain its structural integrity.

2. Newer single-wide manufactured homes
   a. Placement on individual lots. A single-wide manufactured housing unit meeting the following standards may be placed on any residential lot in the Rural District.
      1) Minimum horizontal dimension: fourteen (14) feet;
      2) Living space: at least 750 square feet;
      3) Roof: a pitched, shingled roof with a minimum pitch of 3/12 that meets the standards of the State of Maine Manufactured Housing Act;
      4) Construction: meets standards of the U.S. Department of Housing and Urban Development;
      5) Siding: residential in appearance;
      6) Foundation: Any foundation system allowed by the State’s "Manufactured Housing Installation Standards," 1991, as amended, with properly attached and residential appearing skirting, or a full basement.

3. Construction sites. The Code Enforcement Officer may issue a special permit for use of a single-wide manufactured home for a temporary office for the length of the project period on construction sites anywhere in the Town of Waldoboro.

4. Placement in a manufactured home park. The following types of manufactured housing may be placed in an approved manufactured home park:
   a. Newer manufactured homes (manufactured after June 15, 1976)
   b. Modular homes
   c. Safety standards. Older manufactured homes which meet the safety standards referenced in Article 5 Section W.1.b. and the following:
      1) Width. Are at least fourteen (14) feet in width,
      2) Size. Have a minimum of seven hundred fifty (750) square feet of living area,
      3) Roof. Have a roof which sheds snow (minimum pitch 3/12), and
      4) Siding. Have residential siding.

5. Travel trailers. A travel trailer shall in no case be used as a manufactured home and any travel trailer in use as a temporary dwelling (i.e. not more than three (3) months) shall have adequate health and sanitation facilities provided. A travel trailer while not in use may be stored on the premises of the owner.
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6. Replacement of a non-conforming single-wide manufactured home.

A single-wide manufactured home that is non-conforming due to a setback from a road or lot line may be replaced provided that such non-conformity is reduced to the greatest practical extent.

Y. Small Wind Energy Regulations

1. Intent of this Section: The Town of Waldoboro regulates the placement and construction of Small Wind Energy Systems in order to promote their safe and efficient use. These regulations are meant to encourage the Town's government, residences, small businesses, home occupations, and farms to use Small Wind Energy Systems, which reduce on-site demand for utility-supplied electricity and increase consumer energy independence and the demand for a non-polluting source of energy. The regulations are also intended to minimize the visual, environmental and operational impacts of Small Wind Energy Systems on the Town and its residents.

2. Definitions. The following definitions govern this section:
   a. "AWEA" means the American Wind Energy Association
   b. "Diameter" means the cross sectional dimension of the circle swept by the rotating blades or helix or other rotating or moving component of the Small Wind Energy System.
   c. "Small Wind Energy System" means a wind energy conversion system consisting of a wind turbine, air foils of various shape or size, a tower (or appropriate attachment to, or inclusion within a building) and all of its related components and associated control or conversion electronics, which has a rated capacity that does not exceed 100 kilowatts. A single Small Wind Energy System may serve more than one lot, residence, home occupation, farm or small business.
   d. "System Height" means the height above grade to the tip of the Small Wind Energy System when it reaches its highest elevation when in operation.
   e. "Tower" means, with regard to a Small Wind Energy System, the structure on which the Small Wind Energy System is mounted. This includes a monopole, or a freestanding or guyed structure that supports a Small Wind Energy System.
   k. "Tower Height" means the height above grade of the fixed portion of the Tower, excluding the wind turbine and air foils.

3. Permit Required. In addition to the procedures set forth in Article 2.C. of this Ordinance, the following permitting procedures shall apply:
   a. Notice to Abutters. Notice of an application for installation of a Small Wind Energy System shall be provided by regular US mail by the Town to property owners whose property line is within 1000 feet of the site of the proposed Small Wind Energy System. Responses to the notice shall be filed with the Code Enforcement Officer no later than 20 days from the date of notice. The Code Enforcement Officer may request that the Planning Board call a public hearing concerning the application if responses from abutters indicate that a public hearing, in the discretion of the Code Enforcement Officer, is either necessary or advisable.
b. Public Notice. The Code Enforcement Officer may, if he or she deems it necessary due to circumstances specific to the proposed installation, provide notice of the application by placing a display advertisement in at least one newspaper of general circulation. The applicant shall pay the cost of the display advertisement. The Code Enforcement Officer may request the Planning Board to call a public hearing concerning the application if responses to the public notice indicate that a public hearing, in the discretion of the Code Enforcement Officer, is either necessary or advisable.

c. Modifications. Any modifications to a previously permitted installation must receive the review and approval of the Code Enforcement Officer.

4. Schedule of Dimensional Requirements.

a. The permit applicant shall provide evidence that the proposed Tower Height does not exceed the tower height recommended by the manufacturer or distributor of the system.

b. Small Wind Energy System Tower Heights of not more than 80 feet may be allowed on parcels of one acre or less;

c. Small Wind Energy Systems on parcels of more than one acre may be allowed to accommodate Tower Heights of up to 90 feet.

d. In determining allowances for tower heights, consideration shall be given to the heights of surrounding trees, to existing wind corridors and to the proximity of buildings on abutters’ and the permit applicant’s properties.

e. The Tower shall be set back from the property line at least 100% of the System Height, except that guy wire anchors may extend to the property boundary.

f. Consideration shall be given to Restrictive Small Wind Energy System Easements on abutting parcels to satisfy acreage and setback requirements. If a Wind Easement and/or Restrictive Small Wind Energy System Easement has been obtained or granted to the owner of the proposed Small Wind Energy System, setback may be measured from the extent of the easement boundary (see #10 of this section)

g. Blade Clearance. For horizontal axis wind turbines, the minimum distance between the ground and any protruding propeller blades shall be not less than 15 feet as measured at the lowest point of the arc of the blades. For vertical axis wind turbines, the ground clearance shall be not less than 15 feet from the ground to the bottom of the lowest revolving element, unless adequate safety measures are in place.

5. Performance Standards.

a. Capacity: A Small Wind Energy System shall be rated to a maximum capacity of 100KW or less, and shall be used primarily to provide electricity on-site, rather than as a generator to the grid.

b. Visual Impacts:

1) Each wind turbine shall be located to maximize the effectiveness of existing vegetation, structures and topographic features to screen views of the wind
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turbine(s) from occupied buildings, scenic resources, and public roads.

2) When existing features do not screen views of a wind turbine from occupied buildings, scenic resources and public roads, screening shall be provided, where feasible and effective, through the planting of trees and/or shrubs. Generally, such plantings should be of native varieties. In order to maximize the screening effect and minimize wind turbulence near the wind turbine, plantings should be situated as near as possible to the occupied buildings, scenic resources and/or public roads.

3) If requested by an affected party, the Planning Board may require a visual impact assessment by a qualified professional. The Planning Board may, at the applicant’s expense, require an independent second assessment. If the Planning Board determines that the proposed project will constitute an “undue adverse effect” upon a neighboring property, it may require mitigation of the effects to the greatest practical extent. However, visual impact shall not be grounds for denial of an application.

c. Lighting: Illumination, signals, signs, and antennas are expressly prohibited on Small Wind Energy Systems except as required by the Federal Communications Commission or the Federal Aviation Administration.

d. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

e. Tower: The tower shall be designed and installed such that public access via step bolts or a ladder is prevented for a minimum of 12 feet above the ground. Lattice structures shall be prohibited and guyed structures shall only be permitted if the Code Enforcement Officer deems them to be appropriate for their intended site and location within the Town.

f. Attached Small Wind Energy Systems: Small Wind Energy Systems designed for attachment to a building shall be allowed provided the system meets the applicable requirements of this section and is engineered to prevent damage or wear to the building and injury to its inhabitants.

g. Shadow Flicker: Wind turbines shall be sited and designed to avoid unreasonable adverse shadow flicker effects on any occupied building located on another landowner’s property.

h. All electrical lines leading from the Small Wind Energy System shall be buried.

i. Both a manual and an automatic braking, governing or feathering system shall be required to prevent uncontrolled rotation and noise.

j. Noise: A Small Wind Energy System shall conform to the noise provisions of Article 4.I.1 of this Ordinance, except during short-term events such as utility outages and severe wind storms. Owners operating Small Wind Energy Systems which exceed the allowed noise level shall be required, within 30 days of receipt of notice from the Code Enforcement Officer, (i) to modify the operation and/or design of the system to bring it into compliance with this section and (ii) to pay any cost abutter(s) incurred for a sound level test. Owner’s failure to comply with this section within the designated time-frame shall constitute sufficient grounds for the Code Enforcement Officer to demand and enforce the immediate shut-down of the small wind energy
6. Submission Requirements. The following information shall be submitted to the Code Enforcement Officer as part of the building permit application for a Small Wind Energy System:

a. Standard drawings of the footprint on the lot showing (i) a title block with date, scale, and arrow point north; (ii) the applicable zoning district; (iii) setbacks of all existing and proposed structures or uses; (iv) the location of all existing and/or proposed structures or uses; and (v) any overhead utility lines.

b. Small Wind Power Energy System specifications, including manufacturer and model; diameter; generating capacity; tower height, type of tower (free-standing or guyed); evidence of compliance with AWEA standards, and a photograph, line drawing or digital image of the Small Wind Energy System.

c. Tower foundation blueprints or drawings.

d. Standard drawings and an engineering analysis of the tower or certification by the manufacturer or by a professional mechanical, structural or civil engineer that the system meets AWEA standards. The analysis shall include standards for ice and wind loading and operations in winter weather and evidence that the proposed Small Wind Energy System will not exceed the permitted noise level. If a distance of less than system height is proposed from all boundaries and structures (including allowances for wind easements and/or restrictive small wind energy easements), then the Code Enforcement Officer may require that the Small Wind Energy System and foundation design, taking into consideration soil conditions at the installation site, be certified by a State of Maine Licensed Professional Engineer.

e. Confirmation that the generators and alternators specified do not interfere with radio and television signals.

f. If applicable, documentary evidence of any restrictive small wind energy system easements and wind easements.

g. Evidence of compliance with, or non-applicability of, FAA regulations.

h. Information demonstrating that the system will be used primarily to reduce onsite consumption of electricity.

i. Evidence that the completed Small Wind Energy System is in compliance with dimensional requirements.

j. Photographs of the proposed site and surrounding landscape.

k. Any additional information the Code Enforcement Officer deems to be necessary.


8. Expeditious Review and Commissioning. The Code Enforcement Officer shall review an application for a Small Wind Energy System in accordance with Article 2.C.6. of this Ordinance. Small Wind Energy Systems approved pursuant to this Section shall only become operable when commissioned by inspection of the Code Enforcement Officer.

9. Fees. The Select Board shall determine the fees the Town charges to review an application.
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and to issue a permit for a Small Wind Energy System.

10. Wind Easement. A restrictive easement may be placed on a property abutting a property with a Small Wind Energy System. If an easement contains terms restricting the uses and structures within the easement area, a Small Wind Energy System may be permitted closer to the easement abutter’s property line than would normally be allowed by applicable setback requirements. Any property owner may grant a wind easement in the same manner and with the same effect as a conveyance of any interest in real property. Wind easements shall be created in writing and shall be filed and duly recorded. Recorded easements shall run with the land or lands benefited and burdened and shall constitute a perpetual easement, except that an easement may terminate upon the conditions stated therein.

11. Dismantling of Unsafe or Non-Functional Small Wind Energy Systems. In the event the Code Enforcement Officer determines any Small Wind Energy System is unsafe, the Code Enforcement Officer shall inform the owner of the determination in writing. The owner shall immediately repair the Small Wind Energy System to meet all Federal, State and local safety standards within 30 days of receipt of the Code Enforcement Officer’s written determination. A facility that does not generate electricity for twelve (12) consecutive months shall be deemed a discontinued use and shall be removed from the property by the owner within 120 days of receipt of notice from the municipality, unless the owner provides information that the Code Enforcement Officer deems sufficient to demonstrate that the project has not been discontinued and should not be removed. The owner’s failure to comply with the above provisions within its time limitation shall constitute sufficient grounds for the Code Enforcement Officer to obtain a court order, in the interest of the safety of the public, to enter the owner’s property and to dismantle the Small Energy Wind System at the owner’s expense.

12. Insurance. If, after examining the documents submitted pursuant to Section 5, above, the Code Enforcement Officer determines, in his or her sole discretion, that a collapse or other failure of the Small Wind Energy System could threaten or endanger persons, buildings, vehicles, vegetation or other features of abutting properties, the owner shall be required to submit proof of adequate liability insurance against such collapse or failure as a condition precedent to the commissioning of the Small Wind Energy System. The insurance shall be maintained for as long as the Small Wind Energy System remains in place. The insurance policy shall name the Town as an additional insured under its terms and shall require the insurance company to give the Town thirty (30) days’ written notice prior to terminating the policy.

Z. Transmission Lines

1. Transmission lines and structures built in existing corridors may exceed the height restrictions set forth in this ordinance provided that all other dimensional standards and performance standards are met, but shall not exceed an average of greater than 80’ within a single project. This section shall not allow steel lattice-type structures. An applicant wishing to exceed the height requirements of the ordinance shall be required to submit a visual impact analysis prepared by a qualified professional as part of the site plan review process. This analysis must identify the potential visual impacts on existing businesses and homes, scenic roads, other scenic resources, and public recreation areas, within the viewshed of the proposed transmission corridor. This analysis must use the methodology as described in “Protecting Local Scenic Resources – Community Based Performance Standards.”

For the purposes of this analysis, the limits of the viewshed shall not exceed one mile from the transmission corridor, unless there is substantial evidence that the proposed transmission line or structure would be visible beyond that distance. The analysis must, at a minimum, quantify the following based on Table 1 below.

2. In its review of a proposed project, the Planning Board shall consider the following visual elements in determining the off-site impact of the project.

   a. Landscape compatibility, which is a function of the sub-elements of color, form, line and texture. Compatibility is determined by whether the proposed activity differs significantly from its existing surroundings and the context from which they are viewed such that it becomes an unreasonable adverse impact on visual quality.

   b. Scale contrast, which is determined by the size and scope of the proposed activity given its specific location within the viewshed.

   c. Spatial dominance, which is the degree to which an activity dominates the whole landscape composition or dominates the landform, water bodies, or sky backdrop within the viewshed.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Assessing Visual Impacts</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Visual Element</strong></td>
<td><strong>Sub-Element</strong></td>
</tr>
<tr>
<td><strong>Landscape Compatibility (rate each indicator)</strong></td>
<td>Color</td>
</tr>
<tr>
<td></td>
<td>Form</td>
</tr>
<tr>
<td></td>
<td>Line</td>
</tr>
<tr>
<td></td>
<td>Texture</td>
</tr>
<tr>
<td><strong>Scale Contrast (select only one indicator)</strong></td>
<td>Major scale introduction/intrusion</td>
</tr>
<tr>
<td></td>
<td>One of several major scales or major objects in confided setting</td>
</tr>
<tr>
<td></td>
<td>Significant object or scale</td>
</tr>
<tr>
<td></td>
<td>Small object or scale</td>
</tr>
<tr>
<td><strong>Spatial Dominance</strong></td>
<td>Object/activity dominates or is prominent in the whole landscape composition OR is prominently situated within the landscape OR dominates landform, water, or sky backdrop (0-12 points with 0 = no impact and 12 = severe)</td>
</tr>
</tbody>
</table>
3. Using the Visual Impact Matrix (Table 2), the Planning Board shall determine the level of mitigation effort required to impacted properties. If mitigation is required, based on Table 2, the applicant shall submit a mitigation strategy to the Planning Board. This strategy may include, but shall not be limited to, either singly or in combination, the following:

a. Redesign or relocation of the project to reduce the impact severity rating to E. This may include siting any portion of the project at a different location on the property of an existing proposal, or siting any portion of the project on another property,

b. Addition of screening elements (e.g. trees, shrubs or earthen berms), or

c. A monetary offset sufficient to compensate, in full or in part, for the loss in market value to affected properties if the height restriction is increased. Such loss in market value shall be determined by an appraisal completed by a Maine certified general appraiser that estimates the potential diminution of value if the structure height limit is exceeded.

d. Off-site measures that, in the opinion of the Planning Board, are reasonable mitigation for visual impacts that may result from the transmission line in the case of Scenic Roads and Public Recreational areas.

The applicant must demonstrate that the proposed mitigation strategy will reduce impacts to affected properties to the greatest extent practicable. Any such mitigation proposal is subject to review and approval of the Planning Board, which may require specific revisions to the strategy if it determines that the visual impact is still unacceptable. Such revisions may include up to full compensation for the loss in market value as described in subsection X.3.c, above. As used in Section X, "impacted properties" means those properties identified in Table 2 that a visual impact analysis demonstrates are subject to "severe", "strong", or "moderate" visual impacts.
Specific Performance Standards

Table 2
Potential Visual Impact Matrix

<table>
<thead>
<tr>
<th>Type of property</th>
<th>Impact Severity Rating (from Table 1)</th>
<th>Level of Mitigation Effort Required*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Severe 27-36</td>
<td>Strong 18-26</td>
</tr>
<tr>
<td>Public Recreational</td>
<td>A</td>
<td>B</td>
</tr>
<tr>
<td>Scenic Road</td>
<td>B</td>
<td>C</td>
</tr>
<tr>
<td>Private Home, Business, or Organization</td>
<td>C</td>
<td>D</td>
</tr>
<tr>
<td>Private Vacant Land</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td></td>
<td>E</td>
<td>E</td>
</tr>
</tbody>
</table>

*Where project adjustments or mitigation cannot reduce Impact Severity Rating to outcome “E”, a monetary offset shall be paid to impacted properties in accordance with X.3.c.

AA. Wildlife/Natural Areas Preservation

Any project affecting significant wildlife or fisheries habitat, as identified in the 1998 Comprehensive Plan or current Beginning with Habitat maps for Waldoboro, shall include mitigation measures aimed at minimizing the adverse impacts of development on these resources. Such mitigation shall include as a minimum:

1. Clustering. The clustering of the project to protect to the greatest extent the wildlife habitat pursuant to the standards of Article 5 Section R., Open Space Subdivisions.

2. Vegetation. Efforts to preserve the existing vegetation in such a manner that the only vegetation cut or removed shall be necessary for the actual construction involved. Specific vegetation to be retained and to be removed shall be indicated on the development plan;


BB. Wireless Telecommunications Facilities

1. Applicability. This Section applies to all construction and expansion of wireless telecommunications facilities, including communication facilities and towers, except as provided in subsection 2.

2. Exemptions. The following are exempt from the provisions of this Ordinance:

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b. Antennas as accessory uses. Antennas that are accessory uses, including parabolic type antennas less than 7’ in diameter and antennas permitted by FCC Over-the-Air Reception Devices “OTARD” preemption.

c. Maintenance or repair. Maintenance, repair or reconstruction of a wireless telecommunications facility and related equipment, provided that there is no change in the height or any other dimension of the facility.

d. Temporary wireless telecommunications facility. Temporary wireless telecommunications facility, in operation for a maximum period of 180 days.

f. Broadband Internet Infrastructure. Communications towers 120’ or shorter, and 24” or less in diameter, used primarily for delivering Broadband Internet Access to fixed locations in accordance with FCC rules shall be exempt from the location requirement in 4.a. below, and are permitted in all zones except the Historic Village District. The Planning Board may waive any of the submission requirements below if it determines that the project would not have a negative adverse impact on adjacent properties and uses.

3. Site plan review application. Wireless telecommunications facilities, including expansions of existing facilities, shall comply with the application requirements of Article 6, unless such requirements are waived by the Planning Board in accordance with Article 6, Section B.4 and shall also include the following additional information:

a. FCC License. A copy of the FCC license for the facility, or a signed statement from the owner or operator of the facility attesting that the facility will comply with FCC regulations.

b. Topographical map. A USGS 7.5 minute topographic map showing the current location of all structures and wireless telecommunications facilities more than 150 feet in height above ground level, except antennas located on roof tops, within a five (5) mile radius of the proposed facility. This requirement shall be deemed to have been met if the applicant submits current information (i.e. within thirty (30) days of the date the application is filed) from the FCC Tower Registration Database. Include documentation of longitude and latitude.

c. Site plan. A site plan prepared and certified by a professional engineer registered in Maine indicating the location, type and height of the proposed facility, antenna capacity, on-site and abutting off-site land uses, means of access, setbacks from property lines. The site plan must include certification by a professional engineer registered in Maine that the proposed facility complies with all American National Standards Institute (ANSI) and other applicable technical codes.

d. Elevation drawings. Elevation drawings of the proposed facility, and any other proposed structures, showing height above ground level.

e. Landscaping plan. A landscaping plan indicating the proposed placement of the facility on the site; location of existing structures, trees, and other significant site features; the type and location of plants proposed to screen the facility; the method of fencing, the color of the structure, and the proposed lighting method.

f. Photo simulations. Photo simulations of the proposed facility taken from perspectives determined by the Planning Board, or their designee, during the pre-application review. Each photo must be labeled with the line of sight, elevation, and with the
Specific Performance Standards

date taken imprinted on the photograph. The photos must show the color of the facility and method of screening.

g. Description of network. A written description of how the proposed facility fits into the applicant's telecommunications network. This submission requirement does not require disclosure of confidential business information.

h. No existing site. Evidence demonstrating that no existing building, site, or structure can accommodate the applicant's proposed facility, which may consist of any one (1) or more of the following:

1) None in coverage area. Evidence that no existing facilities are located within the targeted market coverage area as required to meet applicant's engineering requirements.

2) Existing facilities - insufficient height. Evidence that existing facilities do not have sufficient height or cannot be increased in height at a reasonable cost to meet the applicant's engineering requirements.

3) Existing facilities - insufficient strength. Evidence that existing facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment. Specifically:

   a) Equipment. Planned, necessary equipment would exceed the structural capacity of the existing facility, considering the existing and planned use of those facilities, and these existing facilities cannot be reinforced to accommodate the new equipment.

   b) Electromagnetic interference. The applicant's proposed antenna or equipment would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna or equipment on the existing facility would cause interference with the applicant's proposed antenna.

   c) Insufficient space. Existing or approved facilities do not have space on which planned equipment can be placed so it can function effectively.

4) Unreasonable fees. For facilities existing prior to January 11, 2000, the fees, costs, or contractual provisions required by the owner in order to share or adapt an existing facility are unreasonable. Costs exceeding the pro rata share of a new facility development are presumed to be unreasonable. This evidence shall also be satisfactory for a tower built after January 11, 2000 or amendment thereto.

i. Agreements. A signed statement stating that the owner of the wireless telecommunications facility and his or her successors and assigns agree to:

1) Timely response. Respond in a timely, comprehensive manner to a request for information from a potential collocation applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

2) Negotiation with third parties. Negotiate in good faith for shared use of the wireless telecommunications facility by third parties;
3) Shared use. Allow shared use of the wireless telecommunications facility if an applicant agrees in writing to pay reasonable charges for collocation;

4) Allow Local and County emergency operations communication devices to be installed and maintained free of charge.

5) Reasonable charge. Require no more than a reasonable charge for shared use, based on community rates and generally accepted accounting principles. This charge may include but is not limited to a pro rata share of the cost of site selection, planning project administration, land costs, site design, construction, financing, return on equity, depreciation, and all of the costs of adapting the tower or equipment to accommodate a shared user without causing electromagnetic interference. The amortization of the above costs by the facility owner shall be accomplished at a reasonable rate, over the useful life span of the facility.

j) Surety. A form of surety approved by the Planning Board to pay for the costs of removing the facility if it is abandoned.

4. Standards

a. Location. A wireless telecommunications facility is permitted only within 300 yards of Route 1.

b. Siting on municipal property. If an applicant proposes to locate a new wireless telecommunications facility on municipal property, or expand an existing facility on municipal property, the applicant must show the following:

   1) Municipal regulations. The proposed location complies with applicable municipal policies and ordinances.

   2) Interference. The proposed facility will not interfere with the intended purpose of the property.

   3) Liability insurance. The applicant has adequate liability insurance and a lease agreement with the municipality that includes reasonable compensation for the use of the property and other provisions to safeguard the public rights and interests in the property.

c. Design for collocation. A new or expanded wireless telecommunications facility and related equipment must be designed and constructed to accommodate future collocation of at least three additional wireless telecommunications facilities or providers. Broadband wireless infrastructure is exempt from collocation requirements under this section. Collocation shall not be considered an expansion.

d. Height. The maximum height of new or expanded wireless telecommunications facilities shall be 195 feet. The facility shall be designed to collapse in a manner that does not harm other property.

e. Setbacks. A new or expanded wireless telecommunications facility must comply with the setback requirements set forth in this Ordinance, or be set back 105% of its height from all property lines, whichever is greater. The setback may be satisfied by including the areas outside the property boundaries if secured by an easement. An
antenna is exempt from the setback requirement if it extends no more than five (5) feet horizontally from the edge of the structure to which it is attached, and it does not encroach upon an abutting property.

f. Landscaping. The base of a new or expanded wireless telecommunications facility must be screened with plants from view by abutting properties, to the maximum extent practicable. Existing plants and natural land forms on the site shall also be preserved to the maximum extent practicable.

g. Fencing. A new or expanded wireless telecommunications facility must be fenced with a secured perimeter fence of a height of eight (8) feet to discourage trespass on the facility and to discourage climbing on any structure by trespassers. Alternatively, the Planning Board may allow anti-climb plates provided they extend a minimum of 8' above finished grade.

h. Lighting. A new or expanded wireless telecommunications facility must be illuminated as necessary to comply with FAA or other applicable State, federal and local requirements or Site Plan Review conditions. Security lighting may be used as long as it is shielded to be down-directional to retain light within the boundaries of the site, to the maximum extent practicable.

i. Color and materials. A new or expanded wireless telecommunications facility must be constructed with materials and colors that match or blend with the surrounding natural or built environment, to the maximum extent practicable. Unless otherwise required, muted colors, earth tones, and subdued hues shall be used.

j. Structural standards. A new or expanded wireless telecommunications facility must comply with the current Electronic Industries Association/Telecommunications Industries Association (EIA/TIA) 222 Revision Standard entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."

k. Noise. Operation of a back-up power generator at any time during a power failure, and testing of a back-up generator between 7:00 a.m. and 10:00 p.m. are exempt from the noise standards in Article 4, Section I.

5. Standard conditions of approval. Conditions of approval shall be a part of any approval issued by the Planning Board. Reference to the conditions of approval shall be clearly noted on the final approved site plan, and shall include agreements, see Article 5 Section BB.

6. Abandonment. A wireless telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The Code Enforcement Officer shall notify the owner of an abandoned facility in writing and order the removal of the facility within ninety (90) days of receipt of a written notice. The owner of the facility shall have thirty (30) days from the receipt of the notice to demonstrate to the Code Enforcement Officer that the facility has not been abandoned.

If the Owner fails to show that the facility has not been abandoned, the owner shall have sixty (60) days to remove the facility. If the facility is not removed within this time period, the municipality may remove the facility at the owner's expense. The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition, including the removal of roads, and reestablishment of vegetation.

If a surety has been given to the municipality to ensure removal of the facility, the owner of the facility may apply to the Planning Board for release of the surety when the facility and
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related equipment are removed to the satisfaction of the Planning Board.

CC: Methadone Clinics

1) Location. Clinics must be located within Waldoboro’s Route 1 Commercial A District.

2) Requirements.
   a. The approval by the Planning Board shall be contingent upon receipt of the appropriate state certification.
   b. Parking for the clinic staff and patients must be provided on site. Parking must be sufficient to provide ample space during peak business activity. (See standards outlined in Article 4, Section J.)
   c. Inside seating, in waiting and treatment rooms, must be available for the scheduled patients at all times. Waiting or queuing of patients outside of the clinic building will not be tolerated. The size of the inside waiting area shall be calculated at a minimum of 15 square feet per person based on peak business activity.
   d. Evidence of on-site security. At a minimum, methadone clinics shall have door and window intrusion alarms with audible and police notification components.
   e. No more than one (1) Methadone Clinic/Opioid Treatment Facility shall be located in the Town of Waldoboro.

DD: Medical Marijuana Dispensary and Cultivation Facility

1) Location. Registered dispensaries and cultivation facilities must be located within Waldoboro’s Route 1 Commercial A District.

2) Requirements.
   a. The approval by the Planning Board shall be contingent upon receipt of the appropriate state certification.
   b. All activities of registered dispensaries and/or cultivation facilities, including, without limitation, cultivating, growing, processing, displaying, selling and storage shall be conducted indoors and shall not be visible from outside.
   c. Parking for staff and patients must be provided on site. Parking must be sufficient to provide ample space during peak business activity. (See standards outlined in Article 4, Section J.)
   d. Evidence of on-site security. At a minimum, registered dispensaries and registered cultivation facilities shall have door and window intrusion alarms with audible and police notification components.
   e. Video surveillance. Registered dispensaries and registered cultivation facilities shall have recorded video surveillance covering all plants and the entire exterior. For registered cultivation facilities, the recorded video surveillance shall operate 24 hours a day, seven days a week and for the registered dispensaries shall, at a minimum, operate at all times that the facility is not open to patients. Records of surveillance shall be kept for a minimum of 30 days.
f. No more than one (1) registered cultivation facility and one (1) registered dispensary shall be located in the Town of Waldoboro.

EE. Free-Standing Commercial Kiosks.

All free-standing commercial kiosks less than 100 square feet in area may be located in existing parking areas and on lots without having to meet the minimum lot-size requirements for a primary building or use.

All free-standing commercial kiosks having more than 100 square feet in area shall conform to all applicable dimensional requirements for a principal building or use.

Kiosks shall be designed to safely accommodate traffic and be incorporated into the traffic flow pattern of the area. Traffic entering and exiting the kiosk shall be directed through the use of signs, striping, raised islands, or similar features.

The area dedicated for the kiosk, including all queuing areas, shall not reduce the required parking spaces necessary for adjacent uses.

The kiosk shall not have a separate entrance or exit from the road. The existing entrances and exits to the area shall be used.

FF. Rear-Lot Access and Frontage

New rear lots proposed to be placed behind a legally conforming lot that has existing road frontage shall be deemed to comply with the minimum road frontage requirements if they meet all of the following:

The lot conforms to all dimensional requirements for the district in which it is located except for road frontage.

The lot has access which conforms to the applicable requirements of the Street Access, Driveways, Street/Road Construction Standards contained in this Ordinance.

The necessary right-of-way to access the rear lot does not reduce the road frontage of the existing road lot below the minimum established for the district in which it is located.

That portion of the new rear lot which abuts the rear lot line of the front lot shall extend a minimum length equal to the minimum road frontage required for the land use district in which it is located and extend back a distance equal to the required front setback.

The front lot line for the purposes of conforming to the front structure setback requirements for the rear lot shall be measured from the rear lot-line of the existing road frontage lot.

GG. Cottage Industry

All cottage industries shall comply with the following:

- Each cottage industry shall be considered a principal use and shall comply with all applicable dimensional requirements. A cottage industry which only uses existing structures on a property is exempt from meeting the lot size, road frontage and set-back requirements.
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- Cottage industries which grow or exceed these standards shall not be considered as a non-conforming use and shall be treated as a new use subject to the applicable requirements in this Ordinance.

- Any proposed exterior storage of goods shall be completely screened from the road and neighboring properties. Any exterior storage shall not exceed 2,000 square feet in area.

- Outside processing, assembling, any manufacturing activity or similar activity is prohibited.
ARTICLE 6. SITE PLAN AND SUBDIVISION REVIEW

A. Purpose

The purpose of this Article is to assure the comfort, convenience, safety, health and welfare of the people of the Town of Waldoboro, to protect the environment and to promote the development of an economically sound and stable community. In reviewing site plans and approving subdivisions, the Planning Board shall consider the requirements of this Article before granting approval, approval with conditions, or denial, shall make findings of fact that the provisions of this Article have been met and that the proposed subdivisions meet the guidelines of the State law, 30-A, M.R.S.A. § 4401-4407.

B. Applicability Provisions

1. Activities requiring site plan review.

The following land use activities in the Town of Waldoboro must receive site plan approval and/or subdivision approval pursuant to the provisions of this article:

a. Table of land uses. All land use activities set forth in Article 3, Section G. as requiring site plan approval from the Planning Board.

b. Subdivisions. All subdivisions as defined by 30-A M.R.S.A. § 4401 including the division of any existing building or the construction of any new structures or buildings containing three (3) or more units.

c. New Nonresidential Buildings or Structures. The construction or placement of any new building or structure for commercial, office, industrial, recreational or institutional uses, as specified in the Schedule of Uses.

d. Expansion of Existing Nonresidential Buildings or Structures. The expansion of an existing nonresidential building or structure, including accessory buildings, if the enlargement increases the total area for all floors within a five (5) year period by more than five hundred (500) square feet.

e. Construction of New Multifamily Housing or the Enlargement of Existing Multifamily Housing:

1. The construction of a residential building containing three (3) or more dwelling units.

2. The modification or expansion of an existing residential structure that increases the number of dwelling units in the structure by three (3) or more in any five (5) year period.

f. Changes in Use of Existing Buildings or Structures

1. The conversion of an existing building from residential to nonresidential use.

2. The conversion of an existing nonresidential use to another nonresidential use when the new use changes the basic nature of the existing use such that it increases the intensity of on- or off-site impacts of the use subject to the
standards and criteria of site plan review.

3. The conversion of an existing nonresidential building or structure in whole or in part, into three (3) or more dwelling units within a specified period (i.e. five (5) years).

g. Expansion of the Amount of Impervious or Paved Surfaces. The construction or expansion of paved areas or other impervious surfaces, including walkways, access drives, and parking lots involving an area of more than 1,500 square feet within a five (5) year period.

h. Commercial Uses of Land That Do Not Involve Buildings or Structures. The establishment of a new nonresidential use even if no buildings or structures are proposed, including uses such as gravel pits, cemeteries, golf courses, groundwater extraction, extractive industries, and other nonstructural nonresidential uses.

2. Activities not requiring site plan review.

The following activities do not require approval from the Planning Board under the provisions of this Article. Certain of these activities will, however, require the owner to obtain a building permit, plumbing permit or other state or local approvals:

a. All land use activities set forth in Article 3, Section G. as not requiring site plan approval from the Planning Board.

3. Prohibition.

No permit, plumbing permit or certificate of occupancy shall be issued by the Code Enforcement Officer for any use or development within the scope of Article 6 until a Site Plan of Development Application or Subdivision Application has been reviewed and approved by the Planning Board.

4. Waivers.

In cases where development or expansion will not significantly change the nature or intensity of the use or the exterior dimensions of any existing structure, or where a proposed use is deemed by the Planning Board to have no discernable impact on adjoining property or the environment or public infrastructure, the Planning Board may waive the review procedure and all or portions of the submission requirements in order that the project may be expedited if the information is not required to determine compliance with the standards of this Ordinance.

Waivers shall be issued in writing and shall state the reason. No changes shall be made in any project which has received subdivision or site plan approval without approval of that change by the Planning Board.

C. Site Plan and Subdivision Submission Requirements

Applications for subdivision or site plan review shall be submitted on application forms provided by the Town. The complete application form, evidence of payment of the required fees, and the required plans and related information shall be submitted to the Code Enforcement Officer no later than twenty-one (21) days prior to the meeting at which the item is to be heard. The Code Enforcement Officer shall forward the application package to the Planning Board ten (10) days prior to the meeting. The submission shall contain the following information and exhibits unless specifically waived by the Planning Board.
1. Application Submittal. The applicant shall submit twelve (12) copies of a fully completed and signed copy of the application form to the Code Enforcement Officer, including a completed department head sign-off sheet.

2. Evidence of Fee Payment. The applicant shall present evidence of payment of the application and applicable technical review fees.

3. Plan Submittals and Map Scale. The applicant shall submit three sets of all plans no larger than 24” by 36” at a scale of thirty (30) feet to the inch and twelve (12) copies of all site plans, maps and drawings no larger than 11” x 17”. All plans should include the date, magnetic north arrow, graphic scale, Planning Board approval block, and the name, registration number and seal (on final plans only) of the person who prepared the plan(s).
   a. Locus map. A locus map shall be included on the site plan which shows the general location of the site within the municipality.
   b. Location map. The applicant shall include a location map on the site plan or separate sheet, drawn at a scale of not over one hundred (100) feet to the inch, which shows all features within three hundred (300) feet of the project boundary. The location map shall include the tax map and lot number of the parcel or parcels on which the project is located.
   c. Boundary survey. Identify the bearings and length of all property lines of the property to be developed and the source of the information including surveyor identification and the location of all required building setbacks, yards, and buffers and the boundaries of all contiguous property under the total or partial control of the owner or applicant regardless of whether all or part is being developed at this time. The Planning Board may waive this requirement of a boundary survey when sufficient information is available to establish, on the ground, all property boundaries within three hundred (300) feet of the proposed development.

4. Existing Site Plan(s). The existing site plan(s) shall show the following information and existing conditions and any limitations for its use and development.
   a. Title block. The record owner’s name, address, project title and location of the subdivision or site plan and the applicant’s name and address if different.
   b. Land use district classification(s). Identify on the site plan the land use district(s) classification for the project.
   c. Existing contour lines. Contour lines at intervals of not more than five (5) feet unless otherwise prescribed by the Planning Board.
   d. Buildings. The location, dimensions, size, ground floor elevation and setbacks of existing buildings.
   e. Streets and driveways. The location, names and widths of existing streets, driveways, parking and loading areas, walkways and right-of-ways within or adjacent to the proposed development.
   f. Utilities. The location, dimensions and size of all existing utility locations for sewer and water mains, wells, on-site subsurface sewerage disposal systems, underground
Site Plan and Subdivision Review
tanks or installations, gas, power and telephone lines and poles or other utilities including size and elevation of buried or underground utilities on the property to be developed, and on abutting streets, or land that may serve the development and an assessment of their adequacy and condition to meet the needs of the proposed use. Appropriate elevations must be provided as necessary to determine the direction of flow.

g. Significant features. The location of drainage courses, culverts, catch basins, wetlands, stone walls, graveyards, fences, stands of trees, and other significant natural areas, wildlife habitats, scenic areas, habitat for rare and endangered plants and animals, unique natural communities and natural areas (consult Beginning with Habitat maps for Waldoboro), sand and gravel aquifers, and historic and/or archaeological resources, together with a description of such features.

h. Wetland delineation. A full delineation of all wetland boundaries by a professional wetlands delineator.

i. Drainage. The direction of existing surface water drainage across the site.

j. Signs. The location, front view, dimensions, and lighting of existing signs.

k. Easements. The location and dimension of any existing easements and copies of existing covenants or deed restrictions.

l. Fire protection. The location of the nearest fire hydrant, dry hydrant or other water supply for fire protection.

m. Name of consultant. The name, registration number, and (on final plans only) seal of the person who prepared the plan, if applicable.

5. Proposed Site Plan(s) or Subdivision Plan. The proposed site plan or subdivision plan and supporting materials must provide a picture of what changes will be made on the site and how they will be carried out. In addition to the existing site plan(s), the applicant shall provide typical site development plan(s) including the following information. The information about the development proposal should be of a preliminary nature, not detailed construction drawings.

a. Title block. Proposed subdivision or site plan name or identifying title.

b. Lots, lot lines and temporary markers. Number of lots, proposed lot lines and location of temporary markers adequately located to enable the Planning Board to locate lots readily and appraise basic lot layouts in the field.

c. Contour lines. All proposed contours and proposed finished grade elevations of the entire site and the system of drainage proposed to be constructed. Contour lines shall be at two (2) foot intervals unless otherwise prescribed by the Planning Board.

d. Road, driveways & parking plan. The location, names, sight distances, dimensions and design details of all existing and proposed driveways, roads, easements, parking and loading areas, and walkways. All proposed improvements shall fully comply with applicable design standards and requirements.

e. Rights-of-way and easements. All proposed rights-of-way, easements and other legal restrictions which may affect the premises in question.
f. Proposed building location. The location, dimensions, including heights and ground floor elevations, setback dimensions, and buffers of all proposed buildings or building expansions on the site and proposed use thereof shall be provided.

g. Signs. The proposed location, front view, dimensions, materials and size of all proposed signs, together with the material for securing the signs, and all permanent outdoor fixtures.

h. Soil erosion and sedimentation control plan. An erosion and sedimentation control plan shall be prepared in accordance with the soil erosion and sedimentation control plan standard in Article 4.

i. Storm water management plan. A storm water management plan shall be prepared by a registered professional engineer and be designed in accordance with the storm water management standard in Article 4.

j. Public use. Location of all parcels to be dedicated to public use such as parks or open space, the condition of such dedication, and the location of all natural features or site elements to be preserved.

k. Reserved.

l. Utility plan. A utility plan showing the design details and provision for water supply, wastewater disposal, the location and nature of electrical, telephone, cable TV, and any other utility services to be installed on the site.

m. Landscaping plan. A proposed plan for landscaping, buffering and screening should be provided. The applicant shall provide a planting schedule keyed to the site plan indicating the general varieties and sizes of trees, shrubs, and other vegetation to be planted on the site, as well as information pertaining to provisions that will be made to retain and protect existing trees, shrubs, and other vegetation.

n. Professional certification. The name, registration number and seal (on final plans only) of the architect, engineer, landscape architect, and/or similar professional who prepared the plan.

o. Approval block. Space shall be provided on the plan drawings for the signatures of the Waldoboro Planning Board and date together with the words, "Approved: Town of Waldoboro, Maine Planning Board."

6. Written Supporting Information. The applicant shall submit twelve (12) copies of all written supporting information. Evidence shall be submitted that document that all performance standards contained in this Ordinance and State law can be met and that all of the subdivision or site plan review criteria will be satisfied. The written material must be contained in a bound report and contain the following:

   a. Evidence of legal interest. A copy of the deed to the property, an option to purchase the property or other documentation to demonstrate right, title, or interest in the property.

   b. General description of proposed use. A general description of the proposed use or activity.
c. Soils. Evidence that the soils will support the project.

d. Subsurface disposal system report. An on-site soils investigation report by a soil scientist certified by the State of Maine Department of Human Services. This report shall contain the types of soil, location of test sites and proposed location and design of the most appropriate and suitable subsurface sewerage disposal systems of each lot in the project and be signed by the soil scientist.

e. Traffic impact analysis. When required, a traffic impact analysis shall be prepared in accordance with the standards of Article 4 Section U.

f. Evidence of technical capability. Documentation that the applicant has retained qualified contractors and consultants to supervise, construct, and inspect the proposed development.

g. Evidence of financial capability. Documentation that the applicant has adequate financial resources to construct the proposed improvements. Evidence could include a letter from a financing institution regarding a loan, letter of credit, or bank account or a certified accountant’s or annual report indicating adequate cash flow to cover anticipated expenses. The applicant should document a semi-detailed budget estimate for all costs associated with the capital investment including: engineering, legal, financial and capital expenses and documentation on financing package available to cover the project expenses.

h. Construction schedule. A schedule of construction, including anticipated beginning and completion dates.

i. Water and sewer demand. The estimated demand for water and sewage disposal together with the location and dimension of all provisions for water supply and wastewater disposal, and evidence of their adequacy for the proposed use, including soils test pit data if on-site sewage disposal is proposed.

j. Utility statement. A written statement from utilities providing services to the project as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows, and the capacity of the sewer system to accommodate additional wastewater if public water or sewerage will be utilized.

D. Review Procedures

1. Informal Pre-application Conference.

Prior to submitting a formal subdivision or site plan review application, the applicant or his/her representative may request a pre-application conference with the Planning Board. A pre-application conference is strongly advised. The pre-application conference shall be informal and informational in nature. There shall be no fee for a pre-application review, and such review shall not cause the plan to be a pending application or proceeding under 1 M.R.S.A. § 302. No decision on the substance of the plan shall be made at the pre-application conference.

a. Purpose. The purpose of the pre-application conference is:

   1) To give the applicant the opportunity to explain the nature of the project
before submission of an application.

2) Allow the Planning Board to understand the nature of the proposed use and the issues involved in the proposal.

3) Allow the applicant to understand required submissions and the development review process.

4) Identify issues that need to be addressed in future submissions.

5) Make the applicant aware of any opportunities for coordinating the development with community policies, programs or facilities.

b. Site inspection. In addition, the Board may schedule a site inspection if deemed necessary and resolve any requests for waivers and variations from the submission requirements.

c. Information required. There are no formal submission requirements for a pre-application conference. However, the applicant should be prepared to discuss the following with the Board:

1) The proposed site, including its location, size and general characteristics.

2) The nature of the proposed use and potential development.

3) Any issues or questions about existing municipal regulations and their applicability to the project.

4) Any requests for waivers from the submission requirements.

2. Review Procedure.

The procedures for site plan review and subdivision review are as follows:

a. Step One. Submission of completed application to the Code Enforcement Officer. The applicant shall submit twelve (12) copies or the requested number of copies of his/her application and supporting information required twenty-one (21) days prior to the meeting at which the item is to be heard.

b. Step Two. Code Enforcement Officer Review.

1) Dated receipt. The Code Enforcement Officer shall issue the applicant a dated receipt.

2) Fees submitted. The applicant shall provide the Code Enforcement Officer with the applicable fees.

3) Review for completeness. The Code Enforcement Officer shall initially review the application and determine whether or not it is complete.

4) Notice of incomplete application. If the application is found to be incomplete, the Code Enforcement Officer shall, within ten (10) work days, notify the applicant in writing of the information needed to complete the application. Upon the applicant's submission of such additional information, steps one
Site Plan and Subdivision Review

and two shall be repeated.

5) Application forwarded. The Code Enforcement Officer shall forward copies of the application and supporting documents to the members of the Planning Board ten (10) days prior to the meeting of the Planning Board and copies shall also be distributed to the road commissioner, conservation commission, fire chief, police chief and director of Emergency Management Services; if the development will be using the municipal water system, to the Waldoboro Water Department; if the development will be using the municipal sewerage facilities, to the superintendent of the Waldoboro Utility District; and if it is a residential development, to the superintendent of schools.

6) Notice to abutters. Abutting property owners shall be notified by mail, seven (7) days prior to the meeting, by the Town, of all pending project applications. This notice shall indicate the time, date and place of Planning Board consideration of the application.

7) Review Comment(s) Submittal. Written review comments from all the municipal officials who received notice.

c. Step Three. Planning Board review. At the meeting of the Planning Board at which the proposed development is scheduled to be reviewed, the Planning Board shall:


2) Applicant’s response. Hear any comments of the applicant regarding the Code Enforcement Officer’s report.

3) Request for waivers. Hear any requests from the applicant for waivers pursuant to Article 6, Sections B and D.

4) Determination of completeness. Determine whether or not the application is complete.

5) Notice of incompleteness. If the application is determined to be incomplete, the Board shall inform the Code Enforcement Officer of the information required to make the application complete. The Code Enforcement Officer shall, within ten (10) work days, inform the applicant, in writing, of the additional information required by the Planning Board. Upon the applicant’s submission of such additional material, steps one, two and three shall be repeated.

6) Decide on public hearing. If the application is determined to be complete, the Planning Board shall deem the application pending and shall determine whether or not to set the matter to public hearing. The Planning Board may decide to hold a public hearing to maximize public input and provide the applicant with more of an opportunity to prepare a response to any criticism of the proposal before it. One indicator of when to hold a public hearing is the amount of interest an application generates when it is submitted. If the Planning Board receives many telephone calls or a large group of people show up for the Planning Board meeting, then a public hearing is probably in order.
a) Hearing date. If a public hearing is set, such hearing shall take place within thirty (30) days of the Planning Board’s determination that the application is complete. This deadline may be extended by mutual agreement of the Planning Board and the applicant, either in writing or orally, on the record at a public meeting.

b) Public hearing rules. Public hearing held for the purpose of hearing testimony regarding proposals requiring approval under this Ordinance, and notice thereof, shall be governed by Article 6, Section E.

d. Step Four. Planning Board deliberation and decision.

1) Within sixty (60) days of the completed application being placed on the Planning Board agenda if no public hearing is held, the Planning Board shall reach a decision on a development application and shall inform the Code Enforcement Office of its decision and the reason therefor. This time period may be extended by written, mutual agreement of the Planning Board and the applicant. If a public hearing is held, a decision shall be made within thirty (30) days of the public hearing, or within such other time limit as may be mutually agreed to.

2) If no public hearing is held, the Planning Board may at its discretion act upon the application at the same meeting at which completeness is determined.

3) The Planning Board deliberations shall include review for compliance with Article 3 (Land Use Districts), Article 4 (General Performance Standards), Article 5 (Specific Performance Standards), Article 7 (Shoreland Zoning), Article 8 (Floodplain Management), Article 9 (Hazardous Materials & Waste), Article 10 (Non-conforming Uses), and Article 12 (Wellhead Protection).

e. Step Five. Code Enforcement Officer permit.

Upon notification of the decision of the Planning Board, the Code Enforcement Officer, as instructed, shall within ten (10) working days, issue with conditions prescribed by the Planning Board or deny a permit.

3. One (1) Year Approval Limitation.

Unless a specific extension of time is granted by the Planning Board, the approval of the applicant's preliminary plan shall expire one (1) year from the date of approval.

4. Final Review

a. Within one (1) year. The final plat shall be submitted within one (1) year after the date of approval of the preliminary plan.

If the proposed subdivision or site plan falls within the jurisdiction of and is subject to review by the State of Maine Board of Environmental Protection, then the approval of the Board of Environmental Protection shall be secured in writing before official submission of the final plat.

b. Plat to be attested. The approval of a final plat shall be attested on the original transparency and three (3) copies by the signatures of a legal majority of the
Filing. Two (2) signed copies of the final plat, as approved, shall be filed with the municipality, one (1) with the assessors and one (1) with the Planning Board. The applicant shall be required to record and file the signed original transparency of the final plat with the County Registry of Deeds within thirty (30) days of its approval by the Planning Board.

d. The final plat shall show the following:

1) Preliminary plan requirements. All the information required for the preliminary plan and amendments thereto excepting that information not deemed necessary by the Planning Board.

2) Surveyor. Date and seal of the registered land surveyor who prepared the final plat.

3) Streets. Existing and proposed names and lines of all streets, lengths of all straight lines, the deflection of angles, radii, length of curves, and central angles of all curves, and tangent distances and bearings.

4) Easements. Location, dimensions and purposes of all easements, areas reserved for or dedicated to public use and areas reserved by the applicant.

5) Lot numbers. Lot numbers and letters in accordance with the prevailing policy on existing tax maps.

6) Permanent markers. Location and description of permanent markers.

7) Performance guarantee. A performance guarantee to secure completion of all public improvements required by the Planning Board (see Article 6 Section G).

8) Land dedication. Written copies of any documents of land dedication, and written evidence that the Board of Selectmen is satisfied with the legal sufficiency of any documents conveying such land dedication.

9) Signature lines. Seven (7) lines for signatures of the Town of Waldoboro Planning Board and a line for date of approval.

10) Building plans. Building plans certified by a professional seal that all construction standards of Article 4, Section C. have been met.

11) Private roads. Where the subdivision streets are to remain private roads, the following words shall appear on the recorded plan:

   "All private roads in the site plan or subdivision not designed and built to Town specification shall remain private roads to be maintained by the developer or the lot owners."

12) A road maintenance agreement prepared by the town’s attorney and paid for by the developer shall be recorded with the deed of each property to be served by a common private road. The agreement shall provide for a
method to initiate and finance a private road and maintain that road in good
c Condition, and a method of apportioning maintenance costs to current and
future users.

e. No changes, erasures, modifications or revisions shall be made in any subdivision
plan or site plan after approval has been given by the Planning Board, unless the
revised plan is first submitted and the Planning Board approves any modifications.

f. Fees. All applications for final plan approval shall be accompanied by an application
fee payable by check to the Town of Waldoboro, Maine.

5. Project Commencement and Completion.

After final approval all projects must be commenced within one (1) year and completed
within two (2) years unless a special schedule has been approved or an extension has been
granted by the Planning Board.

6. Other Required Permits.

The granting of project approval does not relieve the applicant from the need to obtain any
other permits or approvals required prior to the commencement of any activity or use. Such
other required permits or approvals may include, but are not limited to, subdivision approval,
building, plumbing and electrical permits, licenses granted pursuant to 38, M.R.S.A. § 1022,
as amended, Maine Department of Environment Protection and United States Army Corps of
Engineers approvals, subsurface wastewater disposal permits, sewer connection permits,
Maine Department of Transportation approvals, and the like. The fact that the applicant may
have obtained or may have been granted such permits or approvals prior to site plan review
may be considered by the Planning Board as evidence as to the plan’s compliance with
applicable review standards but shall not be deemed conclusive evidence as to compliance.

E. Public Hearing Procedures

Subdivision and site plan review applications shall comply with the following notice and public
hearing procedures when required:

1. Newspaper Notice.

The Planning Board may, at its discretion, hold a public hearing regarding any subdivision or
site plan proposal. In the event that the Planning Board determines to hold a public hearing
on an application for subdivision or site plan approval, it shall hold such hearing within thirty
(30) days of receipt of a completed application, and shall cause notice of the date, time and
place of such hearing to be given to the person making the application and to be published
in a newspaper of general circulation in the Town of Waldoboro, at least twice, the date of
the first publication to be at least seven (7) days prior to the hearing.

2. Sequence of Presentation.

a. Presentation by applicant and his or her attorney and witnesses, without interruption;

b. Questions through the chairperson to the applicant by Planning Board members and
people who will be directly affected by the project (e.g. abutters) and requests for
more detailed information on the evidence by the applicant;

c. Presentation by abutters or others who will be directly affected by the project and
their attorneys and witnesses;

d. Questions by the applicant and Planning Board members through the chairperson to the people directly affected and the witnesses who made the presentations;

e. Rebuttal statements by any of the people who testified previously;

f. Comments or questions by other interested people in the audience.

g. Once everyone has had the opportunity to be heard to the extent allowed by the Planning Board’s procedures, the chairperson should close the hearing. If more time is needed, the Planning Board may vote to extend the hearing to a later date.

3. Denial or Approval.

The Planning Board shall, within thirty (30) days of a public hearing, or within such other time limit as may be otherwise mutually agreed to, issue an order denying or granting approval of the proposed subdivision or site plan or granting approval upon such terms and conditions as it may deem advisable to satisfy the performance standards and criteria of 30-A, M.R.S.A., § 4404.

In all instances the burden of proof shall be upon the persons proposing the plans or subdivisions. In issuing its decision, the Planning Board shall make findings of fact as required by 1, M.R.S.A. § 407.

F. Fees

1. Application Fee.

An application for site plan or subdivision review must be accompanied by an application fee made by check payable to the Town of Waldoboro, Maine in accordance with the Schedule of Fees adopted by the Board of Selectmen. This fee is intended to cover the cost of the Town’s administrative processing of the application, including notification, advertising, mailings, and similar costs. The fee shall not be refundable. The application fee shall be paid to the Town, and evidence of payment of the fee shall be included with the application.


In addition to the application fee, the applicant will pay all (100%) of the cost for any professional consultants or studies required by the Planning Board in order to make a decision on a site plan or subdivision review. When required, the independent consultant(s) shall report to the Planning Board as to the project’s compliance or noncompliance with the applicable provisions of this Article and recommend, if appropriate, those actions which will result in compliance. Such consultants shall be fully qualified to provide the required information, and may include: (1) an attorney, (2) a community planner, (3) a registered professional engineer, (4) a registered architect, (5) a registered landscape architect, (6) a registered geologist, (7) a licensed soil scientist, (8) a registered land surveyor, or (9) any other registered/licensed professional or independent expert witness deemed fully qualified and mutually acceptable to the Town and the applicant.

3. Establishment of Fees.

The Municipal Officers may, from time to time and after consultation with the Planning
Board, establish the appropriate application fees and technical review fees following posting of the proposed schedule of fees and public hearing.

G. Performance Guarantees

1. Types of Guarantees.

With submittal of the application for Final Plan approval, the subdivider or site plan developer shall provide one of the following performance guarantees for an amount adequate to cover 110% the total construction costs of all required improvements for roads, sidewalks, utilities, sewerage collection and treatment, water, storm water controls and solid waste disposal taking into account the time-span of the construction schedule and the inflation rate for construction costs:

   a. Certified check, savings certificate. Either a certified check payable to the Town or a savings account or certificate of deposit naming the Town as owner, for the establishment of an escrow account;

   b. Performance bond. A performance bond payable to the Town issued by a surety company;

   c. Letter of credit. An irrevocable letter of credit from a financial institution establishing funding for the construction of the subdivision or site plan, from which the Town may draw if construction is inadequate, or

   d. Conditional approval. An offer of conditional approval limiting the number of units built or lots sold until all required improvements have been constructed.

The conditions and amount of the performance guarantee shall be determined by the Planning Board with the advice of the Road Commissioner, Board of Selectmen, and/or Town Attorney.

2. Contents of Guarantee.

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

3. Escrow Account.

A cash contribution to the establishment of an escrow account shall be made by either a certified check made out to the municipality, direct deposit into a savings account, or the purchase of a certificate of deposit. For any account opened by the subdivider or site plan developer, the municipality shall be named as owner or co-owner, and the consent of the municipality shall be required for a withdrawal. Any interest earned on the escrow account shall be returned to the subdivider or site plan developer.

4. Performance Bond.

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

5. Letter of Credit.

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

6. Conditional Agreement.

The Planning Board, at its discretion, may provide for the subdivider or site plan developer to enter into a binding agreement with the municipality in lieu of the other financial performance guarantees. Such an agreement shall provide for approval of the Final Plan on the condition that up to six (6) lots may be sold or built upon until either:

a. Board certification. It is certified by the Board, or its agent, that all of the required improvements have been installed in accordance with this Ordinance and the regulations of the appropriate utilities; or

b. Performance guarantee. A performance guarantee, acceptable to the municipality, is submitted in an amount necessary to cover the completion of the required improvements at an amount adjusted for inflation and prorated for the portions of the required improvements already installed.

Notice of the agreement and any conditions shall be on the Final Plan which is recorded at the Registry of Deeds. Release from the agreement shall follow the procedures for release of the performance guarantees contained in Section 8 below.

7. Phasing of Development.

The Board may approve plans to develop a major subdivision in separate and distinct phases. This may be accomplished by limiting final approval to those lots abutting that section of the proposed subdivision street which is covered by a performance guarantee. When development is phased, road construction shall commence from an existing public way. Final approval of lots in subsequent phases shall be given only upon satisfactory completion of all requirements pertaining to previous phases.


Prior to the release of any part of the performance guarantee, the Planning Board shall determine to its satisfaction, in part upon the report of the Code Enforcement Officer and whatever other agencies and departments may be involved, that the proposed improvements meet or exceed the design and construction requirements for that portion of the improvements for which the release is requested.


If, upon inspection, the Code Enforcement Officer finds that any of the required improvements have not been constructed in accordance with the plans and specifications filed as part of the application, he or she shall so report in writing to the Board of Selectmen, the Planning Board, and the subdivider or builder. The Board of Selectmen shall take any steps necessary to preserve the Town's rights.
ARTICLE 7. SHORELAND ZONING

A. Purposes

The purposes of this Article 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 land from flooding and accelerated erosion; to protect archaeological and historical resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual, as well as actual, points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

B. Authority

This Article has been prepared in accordance with the provisions of 38 M.R.S.A § 435-449.

C. Applicability

This Article applies to all land areas within two hundred and fifty (250) feet, horizontal distance, of the normal high-water lines of Duckpuddle, Gross, Havener, Kalers, Little Medomak, Medomak, Moosemeadow, Sidensparker, and Tobias Ponds, Medomak River, or a saltwater body; within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a coastal or freshwater non-forested wetland; and within seventy five (75) feet, horizontal distance, of the normal high-water line of a stream as defined. This Article 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. Article 3, Section F.11.e.1) lists the wetlands identified by the state. On-site studies may show a need to revise this list.

D. Districts and Shoreland Zoning Map

Land Use Map and Shoreland Zoning Map of the Town of Waldoboro (see Article 3). The Land Use Map and Shoreland Zoning Map for the Town of Waldoboro are merely illustrative of the general location. The exact boundaries of the Shoreland Zone shall be determined by on-site inspection and measurement from the normal high-water line or upland edge of a wetland.

1. 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.

2. 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.
E. Table of Land Uses

All land use activities, as indicated in Table 1, Land Uses in the Shoreland Zone below, shall conform to all of the applicable land use standards in Section F. The district designation for a particular site shall be determined from the Official Land Use Map of the Town of Waldoboro.

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

<table>
<thead>
<tr>
<th>LAND USES</th>
<th>DISTRICTS</th>
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<tbody>
<tr>
<td><strong>KEY TO TABLE 1:</strong></td>
<td><strong>Abbreviations:</strong></td>
</tr>
<tr>
<td>Blank – Prohibited</td>
<td>RP - Resource Protection</td>
</tr>
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<td>PB - Requires approval by the Planning Board, permit to be issued</td>
<td>LR - Limited Residential</td>
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<td>by the Code Enforcement Officer</td>
<td>LC - Limited Commercial</td>
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<td>CEO - Requires permit issued by the Code Enforcement Officer</td>
<td>GD - General Development</td>
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<tr>
<td>LPI - Requires permit issued by the Local Plumbing Inspector</td>
<td>SP - Stream Protection</td>
</tr>
<tr>
<td>* Subject to specific land use standards.</td>
<td>Commercial Fisheries / Maritime Activities</td>
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**Land use #3 in the Table relates to the intertidal zone.**

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<th>DISTRICTS</th>
<th>SP</th>
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<th>LC</th>
<th>GD</th>
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7-2
**LAND USES**

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<td>D. Other essential services</td>
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<td>23. Service drops, as defined, to allowed uses</td>
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(1) In RP not permitted within 75 feet 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 permitted 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.

(6) See further restrictions in Article 7 Section F. 13.

(7) Except when area is zoned for resource protection due to floodplain criteria, in which case approval is required from the Planning Board.

(8) Only to provide access to permitted uses within the district, or where no reasonable alternative route or location is available outside the RP area, in which case approval is required from the Planning Board.

(9) Single-family residential structures may be allowed by special exception only according to the provisions of Article 7 Section G.8., Special exceptions. Two-family residential structures are prohibited

(10) Except for the commercial uses otherwise listed in this Table, such as campgrounds, that are allowed in the respective districts.

(11) Excluding bridges and other crossings not involving earthwork, in which case no permit is required.

(12) Permit not required, but owner must file a written “notice of intent to construct” with the Code Enforcement Officer.

(13) No permit required to cut wood for personal use in conformance with Article 7 Section K.16.

(14) Marinas are prohibited on both fresh and salt water.

(15) Soil disturbance is prohibited within 75 feet of the normal high water line of fresh or salt water bodies and the upland edge of wetlands and within 100 feet of great ponds and rivers that flow to great ponds except as allowed under the State codes for wells and septic systems.

**F. Land Use Standards**
Shoreland Zoning

All land use activities within the Shoreland Zone shall conform to the following provisions, if applicable.

1. Minimum lot standards
   a. Lots. All lots shall comply with Article 3, Section H.
   b. Exclusions. 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.
   c. Opposite sides of a road. 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.
   d. Lot width. 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.
   e. Multiple structures. If more than one (1) residential dwelling unit or more than one (1) principal commercial or industrial structure is constructed on a single parcel, all dimensional requirements shall be met for each additional dwelling unit or principal structure.
   f. Reduced lot size. The Planning Board may allow subdivided development on reduced lot sizes in return for open space where the Planning Board determines that the benefits of the cluster approach will prevent the loss of natural features without increasing the net density of the development. The overall dimensional requirements including frontage and lot area per dwelling unit must be met. When determining whether dimensional requirements are met, only land areas within the Shoreland Zone shall be considered.
   g. Common area. Each shoreland common area shall have a minimum of two hundred (200) feet of shore frontage plus an additional twenty-five (25) feet in shore frontage for each family, lot or residential dwelling unit above five (5) which has access or right of use to the shoreland common area.
   h. Governmental, institutional, commercial or industrial per principal structure. Within the Shoreland Zone adjacent to non-tidal areas the minimum shore frontage is 300 feet.

2. Principal and accessory structures. All structures shall comply with the setback requirements of Article 3, Section H. and the following:
   a. Setbacks. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds; rivers that flow to great ponds; salt water bodies; or the upland edge of a coastal wetland. The setback from a freshwater wetland shall be at least seventy-five (75) feet, horizontal distance. Exceptions: In the General Development I District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance. In the Commercial Fisheries/Maritime Activities District there shall be no minimum setback. In the Resource Protection District the setback requirement shall be 250 feet, horizontal distance, except for structures, roads,
parking spaces or other regulated objects specifically allowed in that district, in which case the setback requirements specified above shall apply. Abutting a salt water body or coastal wetland, landscaping (not to include structures) is permitted starting seventy-five (75) feet back from the normal high-water line of the water body or the upland edge of the wetland. A naturally-vegetated shoreland buffer strip must be preserved as described in Section 17. b.

Where uncertainty exists as to the exact location of the normal high-water line the Code Enforcement Officer may choose to make such a determination, or may have the determination made by a qualified professional. If the CEO’s decision is unacceptable to the applicant, another determination may be sought from a mutually acceptable professional. If that determination is rejected by either party, the case shall go to the Board of Appeals. The Board may employ expert assistance. All costs, by whomever incurred, shall be borne by the applicant.

In addition:

1) Exemptions. The water body or wetland setback provision does not apply to structures which require direct access as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.

2) Coastal Bluffs. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being “highly unstable” or “unstable” by the Maine Geological Survey pursuant to its “Classification of Coastal Bluffs” and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a “highly unstable” or “unstable” bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

3) Accessory Structure. 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.

4) Authorization to increase. The Planning Board is authorized to increase the required setback of a proposed structure, as a condition to permit approval, if necessary to accomplish the purposes of this Article. Instances where a greater setback may be appropriate include, but are not limited to, areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.
b. Height. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

c. Flood elevation. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least two (2) feet 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. (see also Floodplain Management, Article 8 Section C.6. and 7.)

d. Non-vegetated surfaces. The total 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 and Water-Dependent Commercial Maritime Activities District, where lot coverage shall not exceed seventy (70) percent.

e. Retaining walls. Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill that meet all of the following conditions:

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

2) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

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

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

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

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

7) A vegetated buffer area must be established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland. The buffer area must meet the following characteristics:
Shoreland Zoning

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

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

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

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

e) A footpath not to exceed the standards in Section F.17.b. 2) may traverse the buffer.

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

3. Piers, docks, wharves, bridges and other structures extending over or beyond the normal high-water line of a water body or within a wetland:

a. Siting. Docks or other facilities located over mudflats are permitted for commercially licensed marine-related use. Structures for private or recreational uses are prohibited over mudflats that are active or potential shellfish harvesting areas. Applicants must demonstrate that proposed structures comply with the provisions of the Maine Natural Resources Protection Act (N.R.P.A. Title 38, Section 480). Individual lot owners are encouraged to consolidate the use of docks wherever possible to minimize waterfront congestion.

New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the Natural Resources Protection Act.

b. Appropriate soils. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

c. Beach areas. The location shall not interfere with existing developed or natural beach areas.

d. Fisheries. The facility shall be located so as to minimize adverse effects on fisheries.

e. Size. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with existing conditions, use, and character of the area. A temporary pier, dock or wharf in non-tidal waters shall not be wider than six feet for non-commercial uses.
Shoreland Zoning

f. Structure prohibition on docks, wharves. No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.

g. Conversion prohibition on docks, wharves. No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.

h. Structure height on docks, wharves. Except in the General Development District and Water-Dependent Commercial Maritime Activities District, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock or other structure; 38 M.R.S.A. § 480-C.

4. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures, Article 5, Section G, and the following:

a. Minimum size. 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.

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

5. Individual Private Campsites. Individual, private campsites for use for no more than seven (7) months per year and not associated with campgrounds are permitted provided the following conditions are met:

a. One per lot. One campsite per lot existing on the effective date of this Article, or thirty thousand (30,000) square feet of lot area within the Shoreland Zone, whichever is less, may be permitted.

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

c. Foundations prohibited. Recreational vehicles shall not be located on any type of permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

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

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

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

6. Commercial and industrial uses. Commercial and industrial uses shall comply with Article 5 of this Ordinance. The following new commercial and industrial uses are prohibited within the Shoreland Zone adjacent to great ponds, and rivers and streams which flow to great ponds:

a. Auto washing facilities.

b. Auto or other vehicle service and/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 and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas.

k. Photographic processing.

l. Printing.

7. Parking areas. Parking areas shall comply with the parking standards in Article 4, Section J, and the following:

a. Setbacks. Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located, except that in the Water-dependent Commercial Maritime Activities District parking areas shall be set back at least twenty-five (25) feet from the normal high-water line or the upland edge of a wetland. The setback requirement for parking areas serving public boat launching facilities in districts other than the General Development and Water-dependent Commercial Maritime Activities Districts may be reduced to no less than fifty (50) feet from the normal high-water line or upland edge of a wetland if the Planning Board finds that no other reasonable alternative exists.
b. Size. Parking areas shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

c. Size determination. In determining the appropriate size of proposed parking facilities, the following shall apply:

1) 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.

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

8. Roads and driveways. Roads and driveways shall comply with the standards in Article 4, Section T.3 of this Ordinance and the following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

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

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

   This paragraph shall neither apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline, tributary stream, or wetland due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this Section except for that portion of the road or driveway necessary for direct access to the structure.

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

c. Resource protection district prohibition. New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
d. Slope. Road banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in subsection 18.

e. Standards. Road and driveway grades shall be in conformance with the standards in Article 4, Section T.3, of this Ordinance.

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

g. Drainage facilities. Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow in the road or ditches gains sufficient volume or head to erode the road or ditch. To accomplish this, the following shall apply:

1) Spacing. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road at intervals no greater than indicated in the following table:

<table>
<thead>
<tr>
<th>Road Grade (Percent)</th>
<th>Spacing (Feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-2</td>
<td>250</td>
</tr>
<tr>
<td>3-5</td>
<td>200-135</td>
</tr>
<tr>
<td>6-10</td>
<td>100-80</td>
</tr>
<tr>
<td>11-15</td>
<td>80-60</td>
</tr>
<tr>
<td>16-20</td>
<td>60-45</td>
</tr>
<tr>
<td>21+</td>
<td>40</td>
</tr>
</tbody>
</table>

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

3) Road grade 10% or more. On road sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed across the road at approximately a thirty (30) degree angle down slope from a line perpendicular to the center line of the road.

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

h. Maintenance. 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.

9. Signs. Signs shall comply with the sign standards of Article 4, Section N. and the following provisions governing the use of signs in the Resource Protection, Stream Protection, Limited Residential and Limited Commercial Districts:
Shoreland Zoning

a. 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. In the Limited Commercial District, however, such signs shall not exceed thirty-two (32) square feet in area. Signs relating to goods or services not sold or rendered on the premises shall be prohibited.

b. Name signs are allowed, provided they shall not exceed two (2) signs per premises, and shall not exceed two (2) square feet in the aggregate.

c. 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.

d. 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.

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

f. No sign shall extend higher than sixteen (16) feet above the ground.

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

10. Storm water runoff. Storm water runoff shall comply with Article 4, Section R, and the following:

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

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

11. Septic waste disposal

a. Installation. All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules (Rules). The Rules, among other requirements, include:

1) Setback. 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. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland. The minimum setback distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

2) Holding Tanks: A holding tank is not allowed for a first-time residential use in the shoreline zone.

3) Replacement systems. Replacement systems shall meet the standards for replacement systems as contained in the Rules. The Rules are available for review at the Town Office.
12. Wells. All wells shall be installed in accordance with all adopted State laws, codes and regulations.

13. Essential services
   a. Location. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
   b. Prohibited location. The installation of essential services, other than roadside distribution lines, is not permitted in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where permitted, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

14. Mineral exploration and extraction. Mineral exploration and extraction, including sand and gravel extraction, is prohibited in the Shoreland Zone.

15. Agriculture
   a. Manure guidelines. All spreading or disposal of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. § 4201-4209).
   b. Manure storage. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond, or a river flowing to a great pond, or within one hundred (100) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.
   c. Soil tillage in excess of 40,000 square feet. Agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area within the shoreland zone shall require a Conservation Plan to be filed with the Planning Board. Non-conformance with the provisions of said plan shall be considered to be a violation of this Article. Assistance in preparing a soil and water conservation plan may be available through the local Soil and Water Conservation District office.
   d. Tilling setback. 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 or other water bodies; nor within seventy-five (75) feet, horizontal distance, of tributary streams and wetlands. Operations in existence on the effective date of this Article (and not in compliance with this provision) may be maintained.
   e. Setbacks - livestock grazing. After the effective date of this Article, 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 or other water bodies, nor within seventy-five (75) feet, horizontal distance, of tributary streams and wetlands. Livestock grazing associated with ongoing farm activities and which is not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Conservation Plan.
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16. Timber harvesting

a. In a Resource Protection District abutting a great pond, timber harvesting shall be limited to the following:

1) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:

a) The ground is frozen;

b) There is no resultant soil disturbance;

c) The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;

d) There is no cutting of trees less than 6 inches in diameter; no more than 30% of the trees 6 inches or more in diameter, measured at 4 ½ feet above ground level, are cut in any 10-year period; and a well-distributed stand of trees and other natural vegetation remains; and

e) A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.

2) Beyond the 75 foot strip referred to in Section F.16.a.1 above, timber harvesting is permitted in accordance with paragraph 2 below except that in no case shall the average residual basal area of trees over 4 ½ inches in diameter at 4 1/2 feet above ground level be reduced to less than 30 square feet per acre.

b. Except in areas as described in Section F.16.a. above, timber harvesting shall conform with the following provisions:

1) Selective cutting of no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter measured at 4 1/2 feet above ground level on any lot in any ten (10) year period is permitted. In addition:

a) Within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.

b) At distances greater than one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than seventy-five (75) feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than ten thousand (10,000) square feet in the forest canopy. Where such openings exceed five
thousand (5,000) square feet they shall be at least one hundred (100) feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.

2) Timber harvesting operations exceeding the 40% limitation in Section F.16.b.1) above, may be allowed by the Planning Board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of this Ordinance. The Planning Board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the Planning Board's decision.

3) No accumulation of slash shall be left within fifty (50) feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four (4) feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.

4) Timber harvesting equipment shall not use stream channels as travel routes except when:
   a) Surface waters are frozen; and
   b) The activity will not result in any ground disturbance.

5) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

6) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

7) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least seventy-five (75) feet, horizontal distance, in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than twenty five (25) feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.

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

   a. Resource Protection District prohibition. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending
Shoreland Zoning

one hundred (100) feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

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

b. Other areas. Except in areas as described in Section P 17a, above, and except to allow for the development of permitted uses, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond or a river flowing to a great pond and from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

1) Abutting a salt water body or coastal wetland, landscaping (not to include structures) is permitted starting seventy-five (75) feet back from the normal high water line of the water body or the upland edge of a wetland.

2) 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.

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

<table>
<thead>
<tr>
<th>Diameter of Tree at 4-1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 to &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 to &lt;8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8 to &lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum score of 16 per 25-foot by 50-foot rectangular area.

As an example, adjacent to a great pond, if a 25-foot x 50-foot plot contains four (4) trees between 2 and 4 inches in diameter, two trees between 4 and 8 inches in diameter, three trees between 8 and 12 inches in diameter, and two trees over 12 inches in diameter, the rating score is:

\[(4 \times 1) + (2 \times 2) + (3 \times 4) + (2 \times 8) = 36 \text{ points}\]

Thus, the 25-foot by 50-foot plot contains trees worth 36 points. Trees totaling 12 points (36 - 24 = 12) may be removed from the plot provided that no cleared openings are created.
The following shall govern in applying this point system:

a) The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

b) Each successive plot must be adjacent to, but not overlap a previous plot;

c) Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

d) Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

e) Where conditions permit, no more than 50% of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

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

Notwithstanding the above provisions, no more than 40% of the total volume of trees four (4) inches or more in diameter, or 12.5 inches in circumference, measured at 4½ feet above ground level may be removed in any ten (10) year period.

Vegetation less that four (4) inches in diameter at four and one half (4 1/2) feet above ground level may be pruned and thinned provided that sufficient numbers of trees and other vegetation are retained to ensure adequate regeneration of the overstory and to retard erosion.

4) 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 paragraphs b. and b.2 above.

5) Pruning of tree branches on the bottom one-third (1/3) of the tree is allowed.

6) 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 17.b. does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.
c. Forty percent (40%) limitation. At distances greater than one hundred (100) feet, horizontal distance, from a great pond or a river flowing to a great pond and from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in 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, or 12.5 inches in circumference, measured at 4½ 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 development, including, but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceed in the aggregate, twenty five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously developed. This provision shall not apply to the General Development or Water-Dependent Commercial Maritime Activities Districts.

d. Lawns and fields. Lawns and fields within one hundred (100) feet of any water body or wetland shall not receive fertilizers and pesticides.

e. Reverted fields. Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

18. Erosion and sedimentation control. Erosion and sedimentation control shall comply with the standards in Article 4, Section P, and the following:

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

1) Mulching, revegetation. Mulching and revegetation of disturbed soil.

2) Runoff controls. Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

3) Stabilization structures. Permanent stabilization structures such as retaining walls or riprap.

b. Topography and soils. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

c. Erosion controls. Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

d. Exposed ground area. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent
stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

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

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

3) Siltation measures. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

e. Protection of drainage ways. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater, and shall be stabilized with vegetation or lined with riprap.

19. 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 groundwater 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.

20. Water Quality. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

21. 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, shall comply with the provisions of Article 5, Section D.

G. Shoreland Zoning Administration

1. General. The provisions of this section shall apply to the administration of Article 7, Shoreland Zoning.

2. Permits Required. After the effective date of this Ordinance no person shall, without first obtaining a permit, engage in any activity or use of land or structure requiring a permit in the district in which such activity or use would occur; or expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use; nor shall any principal or accessory structure be built, constructed, set, installed, established, expanded, substantially altered, improved or relocated without a permit. Repairs and maintenance do not require a permit. A shoreland zoning activity permit other than a building permit shall be valid for the
Shoreland Zoning

period of one year from date of issuance. The Planning Board may extend the duration of such a permit at their discretion, not to exceed five (5) years.

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

a. Size. Not more than one (1) standard culvert size wider in diameter than the culvert being replaced;

b. Length. Not more than twenty-five percent (25%) longer than the culvert being replaced and not longer than seventy-five (75) feet; and

c. Erosion control. Provided that adequate erosion control measures are taken to prevent sedimentation of the water, and that the crossing does not block fish passage in the watercourse.

Archaeological excavation. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer’s level 1 or level 2 approved list, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures.

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

3. Application Fees. All applications shall be accompanied by an application fee made payable by check to the Town of Waldoboro.

4. Procedure for Administering Shoreland Zoning Permits. Projects requiring a Code Enforcement Officer permit shall be subject to the provisions of Article 2 Section C.5. Projects requiring Planning Board approval shall be subject to the following provisions:

a. Application. Every applicant for approval shall submit to the Planning Board a written application, including a scaled site plan, on a form provided by the Code Enforcement Officer.

b. Signed. All applications shall be signed by the owner or individual who can show evidence of right, title or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

c. Dated. All applications shall be dated, and the Planning Board shall note upon each application the date and time of its receipt.

d. Septic system permit. If the property is not served by a public sewer, the applicant shall submit a valid septic system permit or a completed application for a septic system permit, including the site evaluation approved by the plumbing inspector, whenever the nature of the proposed structure would require the installation of a subsurface disposal system.

e. Procedure for administering permits. Within thirty-five (35) days of the date of receiving a written application, the Planning Board shall notify the applicant in writing either that the application is a complete application, or, if the application is
incomplete, that specific additional material is needed to make the application complete. The Planning Board shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application, or within thirty-five (35) days of the public hearing, if one is held.

f. Burden of proof. 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.

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

a. Safe conditions. Will maintain safe and healthful conditions;

b. Water pollution. Will not result in water pollution, erosion, or sedimentation to surface waters;

c. Wastewater. Will adequately provide for the disposal of all wastewater;

d. Wildlife. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird or other wildlife habitat;

e. Shore cover. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters;

f. Archaeological and historic sites. Applicant shall check with the Maine Historic Preservation Commission to verify whether the site contains any identified prehistoric or archaeological site;

g. Fishing. Will not adversely affect existing commercial fishing or maritime activities in a Water-dependent Commercial Maritime Activities District;

h. Floodplains. Will avoid problems associated with floodplain development and use; and

i. Land use standards. Is in conformance with the provisions of Article 7 Section F.

6. Denial or approval. 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 this Ordinance or any regulation or any State law which the municipality is responsible for enforcing.

7. Conditions. Permits granted under this section may be made subject to reasonable conditions to ensure conformity with the purpose and provisions of this Article.

8. Special Exceptions. In addition to the criteria specified in Section G.5. Review Standards, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District provided that the applicant demonstrates that all of the following conditions are met:

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

b. Undeveloped lot. The lot on which the structure is proposed is undeveloped and was established and recorded in the Lincoln County Registry of Deeds before the adoption of the Resource Protection District.

c. Location of improvements. The proposed locations of all buildings, sewage disposal systems and other improvements are:

1) Slopes. Located on natural ground slopes of less than twenty percent (20%); and

2) Floodplain. Located outside the floodway of the 100-year floodplain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency’s Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least two (2) feet above the 100-year floodplain elevation; and the development is otherwise in compliance with this Ordinance.

If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half the width of the 100-year floodplain.

d. Square footage. The ground floor area of all principal and accessory structures is limited to a maximum of 1,500 square feet. This limitation shall not be altered by variance.

e. Setback. All structures, except functionally water-dependent structures, are set back from the normal high-water line or upland edge of a wetland to the greatest practical extent, but not less than one hundred feet (100), horizontal distance. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site’s elevation in regard to the floodplain, and its proximity to moderate and high-value wetlands.

9. Proof of Compliance. After completion of the permitted construction, or land use change, the Code Enforcement Officer of the Town shall inspect the premises and if the same conforms to the original permit, issue to the permit holder a certificate of compliance, upon receipt of which said holder may enter upon the intended use of the premises.

10. Installation of Public Utility Service. No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in the Shoreland Zone unless written authorization attesting to the validity and currency of all local permits required under this Article or any previous Article, has been issued by the Code Enforcement Officer or other written arrangements have been made between the municipal officials and the utility.
ARTICLE 8. FLOODPLAIN MANAGEMENT

A. Purpose and Establishment

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

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

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

The Town of Waldoboro has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to 30-A M.R.S.A., § 3001-3007, 4352 and 4401-4407. This Ordinance repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended).

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

The areas of special flood hazard, Zones A and A1-3O, have been identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study - Town of Waldoboro, Maine, Lincoln County," dated October 3, 1984 with accompanying "Flood Insurance Rate Map" dated April 3, 1985 and "Flood Boundary and Floodway Map" dated April 3, 1985, which are hereby adopted by reference and declared to be a part of this Ordinance.

B. Permit Required

Before any construction or other development (as defined in Article 16), including the placement of manufactured homes, begins within any areas of special flood hazard established in Section A, a Flood Hazard Development Permit shall be obtained from the Code Enforcement Officer in accordance with the application requirements of Section D. This permit shall be in addition to any other permits which may be required pursuant to the codes and ordinances of the Town of Waldoboro, Maine.

C. Development Standards

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

1. All development. All development shall:
Floodplain Management

a. Design. Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

b. Materials. Use construction materials that are resistant to flood damage;

c. Flood damage. Use construction methods and practices that will minimize flood damage; and,

d. Services. Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.

2. Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

3. Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.

4. On site waste disposal systems. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.

5. Watercourse carrying capacity. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.

6. Residential. New construction or substantial improvement of any residential structure located within:

   a. Zones A1-30. Zones A1-30 shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation.

   b. Zone A. Zone A shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation utilizing information obtained pursuant to Article 8 Section D.2.h.1.b.; Article 8 Section D.4.b.; or Article 8 Section D.6.d. (see also Article 7 Shoreland Zoning Section F.2.c. Flood Elevation).

7. Non-residential. New construction or substantial improvement of any non-residential structure located within:

   a. Zones A1-30. Zones A1-30 shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation, or together with attendant utility and sanitary facilities shall:

      1) Flood proofed. Be flood proofed to at least two (2) feet above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;

      2) Structural components. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,
3) Certified. Be certified by a registered professional engineer or architect that the flood proofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Section D.2.k. and shall include a record of the elevation above mean sea level to which the structure is flood proofed.

b. Elevation. Zone A shall have the lowest floor (including basement) elevated to at least two (2) feet above the base flood elevation utilizing information obtained pursuant to Section D.2.h 1) b); Section D.4.b; or Section D.6.d. or

1) Flood proofing. Together with attendant utility and sanitary facilities meet the flood proofing standards of Section C.7.a., above.

8. Manufactured homes. New or substantially improved manufactured homes located within:


1) Elevation. Be elevated such that the lowest floor (including basement) of the manufactured home is at least two (2) feet above the base flood elevation;

2) Permanent foundation. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and,

3) Anchored. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:

a) Over-the-top ties. Over-the-top ties anchored to the ground at the four (4) corners of the manufactured home, plus two (2) additional ties per side at intermediate points (manufactured homes less than fifty (50) feet long require one (1) additional tie per side); or by

b) Frame ties. Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (manufactured homes less than fifty (50) feet long require four (4) additional ties per side).

c) Strength. All components of the anchoring system described in Section C.8.a.3.a. and b. above shall be capable of carrying a force of 4800 pounds.

b. Zone A shall:

1) Elevation. Be elevated on a permanent foundation, as described in Section C.8.a.2) above, such that the lowest floor (including basement) of the manufactured home is at least two (2) feet above the base flood elevation utilizing information obtained pursuant to Article 8 Section D.2.h.1.b.; Article 8 Section D.4.b.; or Article 8 Section D.6.d.; and
Floodplain Management

2) Anchored. Meet the anchoring requirements of Article 8 Section C.8.a.3. above.

9. Recreational vehicles. Recreational vehicles located within:
   a. Zones A1-30 shall either:
      1) Time limit. Be on the site for fewer than 180 consecutive days,
      2) Licensed. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or,
      3) Elevation and anchoring. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Article 8 Section C.8.a. above.

10. Accessory structures. Accessory structures, as defined in Article 16, located within Zones A1-30 and A, shall be exempt from the elevation criteria required in Article 8 Section C.6 and 7 above, if all other requirements of Section C and all the following requirements are met. Accessory structures shall:
   a. Size. Be 500 square feet or less and have a value less than $3000;
   b. Interiors. Have unfinished interiors and not be used for human habitation;
   c. Hydraulic openings. Have hydraulic openings, as specified in Section C.12.b below, in at least two (2) different walls of the accessory structure;
   d. Floodway. Be located outside the floodway;
   e. Flow resistance. When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and,
   f. Electrical. Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the Special Flood Hazard Area.

11. Floodways
   a. Zones A1-30 floodway encroachments. In Zones A1-30 riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's Flood Boundary and Floodway Map, unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
   b. Non-floodway encroachments. In Zones A1-30 and A riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the
floodway as determined in Article 8 Section C.11.c. below unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:

1) Water elevation. Will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community; and,


c. Non-designated floodway. In Zones A1-30 and riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

12. Enclosed areas below the lowest floor. New construction or substantial improvement of any structure in Zones A1-30 and A that meets the development standards of Article 8 Section C, including the elevation requirements of Article 8 Section C.6., 7. and 8. above and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements provided all the following criteria are met or exceeded:

a. Not basements. Enclosed areas are not "basements" as defined in Article 16;

b. Design. Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:

1) Engineered, certified. Be engineered and certified by a registered professional engineer or architect; or,

2) Criteria. Meet or exceed the following minimum criteria:

a) Two (2) openings. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of the enclosed area;

b) Opening location. The bottom of all openings shall be below the base flood elevation and no higher than two (2) feet above the lowest grade; and,

c) Coverings. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;

c. Human habitation. The enclosed area shall not be used for human habitation; and,
Floodplain Management

d. Limited use. The enclosed areas are usable solely for building access, parking of vehicles, or storage.

13. Bridges. New construction or substantial improvement of any bridge in Zones A1-30 and A shall be designed such that:

a. Elevation. When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least two (2) feet above the base flood elevation; and

b. Certification. A registered professional engineer shall certify that:

1) Elevation requirements. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Article 8 Section C.11 above; and

2) Strength. The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.

14. Containment walls. New construction or substantial improvement of any containment wall located within:

a. Zones A1-30 and A shall:

1) Elevation. Have the containment wall elevated to at least two (2) feet above the base flood elevation;

2) Strength. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and,

3) Certified. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a Flood Hazard Development Permit, as required by Article 8 Section D.2.k.

15. Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in Zones A1-30 and A, in and over water and seaward of the mean high tide if the following requirements are met:

a. Regulations. Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and

b. Professional design or review. For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

D. Floodplain Management Administration

1. Permit Required. Before any construction or other development (as defined in Article 16), including the placement of manufactured homes, begins within any areas of special flood hazard established in Article 8 Section A, a Flood Hazard Development Permit shall be
obtained from the Code Enforcement Officer. This permit shall be in addition to any other permits which may be required pursuant to this Ordinance.

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

   a. Applicant, owner, contractor. The name, address and phone number of the applicant, owner, and contractor;

   b. Map. An address and a map indicating the location of the construction site;

   c. Site plan. A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;

   d. Intended use. A statement of the intended use of the structure and/or development;

   e. Cost. A statement of the cost of the development including all materials and labor;

   f. Sewage system. A statement as to the type of sewage system proposed;

   g. Dimensions. Specification of dimensions of the proposed structure and/or development;

   [Items h - k.2) apply only to new construction and substantial improvements.]

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

      1) Base flood. Base flood at the proposed site of all new or substantially improved structures, which is determined:

         a) Zones A1-30. In Zones A1-30, from data contained in the “Flood Insurance Study - Town of Waldoboro, Maine,” as described in Article 8 Section A; or,

         b) Zone A. In Zone A:

            i) Technical sources. From any base flood elevation data from federal, state, or other technical sources (such as FEMA’s Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Article 8 Section C.11., and Article 8 Section D.6.d.;

            ii) Contour extrapolation. From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS Quadrangle Map or other topographic map prepared by a professional land surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
iii) Site elevation. To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

iv) Grades. Highest and lowest grades at the site adjacent to the walls of the proposed building;

v) Lowest floor. Lowest floor, including basement; and whether or not such structures contain a basement; and,

vi) Flood proofing. Level, in the case of non-residential structures only, to which the structure will be flood proofed;

i. Reference point. A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Article 8 Section C.6.;

j. Elevation certification. A written certification by a professional land surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;

k. Other certifications. The following certifications as required in Article 8 Section C.7.a.3. by a registered professional engineer or architect:

1) Flood proofing. A flood proofing certificate (FEMA Form 81-65, 08/99, as amended), to verify that the flood proofing methods for any non-residential structures will meet the flood proofing criteria of Article 8 Section D.2.h.1) b) vi); Article 8 Section C.7.; and other applicable standards in Article 8 Section C.;

2) Hydraulic openings. A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Article 8 Section C.12.b.1.;

3) Bridges. A certified statement that bridges will meet the standards of Article 8 Section C.13.;

4) Containment walls. A certified statement that containment walls will meet the standards of Article 8 Section C.14.

l. Water course. A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and,

m. Construction plans. A statement of construction plans describing in detail how each applicable development standard in Article 8 Section C. will be met.

3. Application Fee and Expert's Fee. A non-refundable application fee made payable by check to the Town of Waldoboro shall be paid and a copy of a receipt for the same shall accompany the application.

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

4. Review Standards for Flood Hazard Development Permit Applications. The Code Enforcement Officer shall:

a. Review applications. Review all applications for the Flood Hazard Development Permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article 8 Section C. have been or will be met;

b. Utilize information. Utilize, in the review of all Flood Hazard Development Permit applications:

1) Base flood data. The base flood data contained in the "Flood Insurance Study - Town of Waldoboro, Maine," as described in Article 8 Section A.;

2) Other technical sources. In special flood hazard areas where base flood elevation data are not provided, the Code Enforcement Officer shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Article 8 Section D.2.h.1. b.; Section C.11.; and Section D.6.d. in order to administer Article 8 Section C.; and,

3) Submit data. When the community establishes a base flood elevation in a Zone A by methods outlined in Article 8 Section D.2.h.1. b., the community shall submit that data to the Maine Floodplain Management Program in the State Planning Office.

c. Interpretations. Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Article 8 Section A.;

d. Determine necessary permits. In the review of Flood Hazard Development Permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

e. Notifications. Notify adjacent municipalities, the Department of Environmental Protection, and the Maine Floodplain Management Program in the State Planning Office prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;

f. Approve permits. If the application satisfies the requirements of this Article, approve the issuance of one (1) of the following Flood Hazard Development Permits based on the type of development:

1) Elevated structures. A two (2) part Flood Hazard Development Permit for elevated structures. Part I shall authorize the applicant to build a structure to
and including the first horizontal floor only above the base flood level. At that
time the applicant shall provide the Code Enforcement Officer with a second
elevation certificate completed by a professional land surveyor, registered
professional engineer or architect based on the Part I permit construction,
“as built”, for verifying compliance with the elevation requirements of Article 8
Sections C.6, C.7. or C.8. Following review of the elevation certificate data,
which shall take place within seventy-two (72) hours of receipt of the
application, the Code Enforcement Officer shall issue Part II of the Flood
Hazard Development Permit. Part II shall authorize the applicant to
complete the construction project; or,

2) Flood proofing of non-residential structures. A Flood Hazard Development
Permit for flood proofing of non-residential structures that are new
construction or substantially improved non-residential structures that are not
being elevated but that meet the flood proofing standards of Article 8 Section
C.7.a.1., 2. and 3. The application for this permit shall include a flood
proofing certificate signed by a registered professional engineer or architect;
or,

3) Minor developments. A Flood Hazard Development Permit for minor
development for all development that is not new construction or a substantial
improvement, such as repairs, maintenance, renovations, or additions,
whose value is less than fifty percent (50%) of the market value of the
structure. Minor development also includes, but is not limited to: accessory
structures as provided for in Article 8 Section C.10., mining, dredging, filling,
grading, paving, excavation, drilling operations, storage of equipment or
materials, deposition or extraction of materials, public or private sewage
disposal systems or water supply facilities that do not involve structures; and
non-structural projects such as bridges, dams, towers, fencing, pipelines,
wharves and piers.

g. Records. Maintain, as a permanent record, copies of all Flood Hazard Development
Permit applications, corresponding permits issued, and data relevant thereto,
including reports of the Board of Appeals on variances granted under the provisions
of Article 11 of this Ordinance, and copies of elevation certificates, flood proofing
certificates, certificates of compliance and certifications of design standards required
under the provisions of Article 8 Sections D.2., and D.5. below, and Section C.

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

a. Elevation certificate. For new construction or substantial improvement of any
elevated structure the applicant shall submit to the Code Enforcement Officer, an
elevation certificate completed by a professional land surveyor, registered
professional engineer, or architect, for compliance with Article 8 Sections C.6., C.7.,
or C.8.

b. Notification. The applicant shall submit written notification to the Code Enforcement
Officer that the development is complete and complies with the provisions of this
Ordinance.
c. Code Enforcement Officer to act. Within ten (10) working days, the Code Enforcement Officer shall:

1) Review. Review the elevation certificate and the applicant’s written notification; and,

2) Issue certificate. Upon determination that the development conforms to the provisions of this Ordinance, shall issue a certificate of compliance.

6. Review of Subdivision and Development Proposals. The Planning Board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or these Ordinances or regulations and all projects on five (5) or more disturbed acres, or in the case of manufactured home parks divided into two (2) or more lots, assure that:

a. Minimize flood damage. All such proposals are consistent with the need to minimize flood damage.

b. Utilities. All public utilities and facilities, such as sewer, gas, electrical and water systems, are located and constructed to minimize or eliminate flood damages.

c. Drainage. Adequate drainage is provided so as to reduce exposure to flood hazards.

d. Flood data. All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.

e. Special flood hazard area. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with Article 8 Section C. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the Planning Board or local reviewing authority as part of the approval process.
ARTICLE 9 HAZARDOUS MATERIALS AND WASTE

A. Purpose

The regulations set forth in this Ordinance are adopted to:

1. Water protection. Provide for the protection of the groundwater and surface water quality through the control of hazardous materials and waste handling, storage or disposal;

2. Air quality. Provide for the air quality through proper control of air emissions;

3. Health and safety. Protect the health and safety and welfare of the citizens of the Town of Waldoboro.

B. Administration

The Planning Board of the Town of Waldoboro shall administer this Ordinance in accordance with the requirement of Section E of this Article.

C. Applicability

1. New construction. This ordinance shall apply to all non-residential development proposals for new construction of hazardous waste and material storage, handling, processing and/or disposal facilities and shall apply to any expansion of existing facilities. Industrial users and producers of hazardous materials or waste must at all times adhere to all federal and State storage and reporting requirements.

2. Existing facilities. Existing facilities, including commercial or industrial operations which store, handle, process or dispose of hazardous materials and/or waste shall comply with renewal permit criteria in Section E.

3. Exemptions

   a. Agriculture. The storage and handling of products used for agricultural purposes on working farms shall be exempt when the amount does not exceed 200 kg. in any one (1) calendar year. Those agricultural operations which may have in excess of this amount (200 kg) will file a Management Plan stating the amount, location and what provisions have been made in the event of a spill.

   b. Household materials and waste. Products which are used for normal, domestic housekeeping.

   c. Propane gas tanks under 2500 pounds.

D. Requirements and Performance Standards

1. Requirements

   a. Monitoring wells. Monitoring wells may be required to adequately sample ground water for contamination. The location, construction standards and monitoring program will be determined by a registered geologist. Quarterly reports shall be sent to the Town.
Hazardous Materials and Waste

b. Insurance. Applicant must have acquired insurance of two million dollars ($2,000,000.00) per occurrence and an annual aggregate of four million dollars ($4,000,000.00) exclusive of legal defense costs, for claims arising out of injury to persons or property from the operations of the hazardous waste facility. The deductible written into the insurance policy must not exceed five (5) percent of the incident limit of liability of the policy. Such insurance shall be in effect for a period of forty (40) years after the site is no longer in operation.

c. Construction surety bond. Applicant must provide a surety bond to the Town of Waldoboro in an amount sufficient to cover the construction or expansion costs of the hazardous waste facility as proposed to the Planning Board. This surety bond shall be released contingent upon approval of final construction by the Planning Board.

d. Operation surety bond. Applicant must have obtained a surety bond in the amount of $100,000.00, guaranteeing the operation of the site in accordance with these rules and regulations, or the applicant must post a sum equal to or greater than $100,000.00 with the Town of Waldoboro, any or all of which may be used by the Town of Waldoboro to correct failures to comply with this Ordinance.

e. Emergency training. The applicant shall provide such special equipment (on site) and training to reasonably prepare the Town's fire department to respond to emergencies at the site.

2. Performance standards.

The following standards are to be used by the Planning Board in judging applications and shall serve as minimum requirements for approval of the plan. The plan shall be approved, unless in the judgment of the Planning Board, the applicant is not able to reasonably meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence necessary to complete the application.

a. Buffering of development site. The lot shall be set back and landscaped in order to screen the appearance of outstanding features of the development, i.e. - exposed storage areas, truck loading and unloading areas, to provide an audio/visual buffer to minimize their adverse impact on surrounding properties.

b. External lighting. All external lighting shall be designed to minimize adverse impact on neighboring properties.

c. Vehicular access. The proposed site layout shall provide for safe access and egress from public and private roads by providing adequate location, numbers and control of access points including sight distances, turning lanes and traffic signalization when required by existing and projected traffic flow on the municipal road systems.

d. Parking and circulation. The layout and design of all means of vehicular and pedestrian circulation, including walkways, interior drives, and parking areas, shall provide for safe general interior circulation, separation of pedestrian and vehicular traffic, service traffic, loading areas, and arrangements and use of parking areas.
e. Emergency vehicle access. Provisions shall be made for providing and maintaining convenient and safe emergency vehicle access to the site and all facilities at all times.

f. Surface water drainage and soil erosion. Adequate provision shall be made for surface drainage so that removal of surface waters will not adversely affect neighboring properties, downstream water quality or public storm drainage systems. On-site absorption of runoff waters shall be utilized to minimize discharges from the site. Also, unreasonable soil erosion or reduction in capacity of the land to hold water so that a dangerous or unhealthy condition may result, shall be prevented.

g. Water pollution. In making this determination, the Board shall at least consider:
   1) Land elevation. The elevation of land and its relation to flood plains, the nature of soils and subsoils and their ability to adequately support the development;
   2) License applicability. The applicability of any Department of Environmental Protection (D.E.P.) approved licenses;
   3) Slope. The slope of the land;
   4) Ground water. The ground water resources including aquifer recharge areas; and
   5) Regulations. The applicable federal, state and local laws, ordinance codes and regulations.

h. Air pollution. In making this determination, the Board shall consult federal and state authorities to determine that applicable air quality laws and regulations can be met.

i. Safety/fire hazards. Have sufficient facilities and equipment available for the needs of the development, including fire fighting and spill prevention and control.

j. Sewage disposal. Will provide for adequate sewage waste disposal.

k. Municipal services. The development will not have an unreasonable adverse impact on the municipal services including municipal road systems, fire department, police department, solid waste program, sewage treatment plant, open spaces, recreational programs and facilities and other municipal services and facilities.

E. Hazardous Materials Administration

1. General

   a. Planning Board. The Planning Board of the Town of Waldoboro shall administer this Ordinance.

   b. Permit. No person shall construct, develop, establish, operate, own or maintain an industrial or commercial site which will handle, store or dispose of hazardous materials and/or waste without having first obtained a permit approved by the Planning Board issued in accordance with the requirements of this Article. Each permit shall be issued only for the site designated in the plans accompanying the
Hazardous Materials and Waste

application and shall not be transferable or assignable except with the written approval of the Planning Board.


a. Procedure. Application procedure for storage of hazardous materials and waste on the premises shall contain the following information:

1) List of materials. List of hazardous materials stored on the premises.

2) Management plan. Management plan which will include action to be taken in case of spill and/or fire.

b. Application. The hazardous materials application shall include as a minimum the requirements of Article 6 Section C., Site Plan Submission Requirements.

c. Application Procedures. Applications shall be subject to the provisions of Article 6 Section D., Review Procedures.


a. Waiver. The Planning Board may modify or waive any of the above application requirements as provided in Article 6 Section B.4.

b. Permit expiration. A permit granted under this Ordinance shall expire unless a substantial start is commenced within 180 days from the date the permit is granted and completed within two (2) years. Renewal of a permit shall be treated as a new application and shall be subject to all provisions of this Ordinance.
ARTICLE 10. NON-CONFORMING USES

A. Purpose

It is the intent of this Ordinance to promote land use conformities, except that non-conforming conditions that existed before the effective date of this Ordinance shall generally be allowed to continue, subject to the requirements set forth herein. Except as otherwise provided in this Ordinance, a non-conforming condition shall not be permitted to become more non-conforming. In a situation of abutting non-conforming properties, one may become more non-conforming provided the second lot non-conformity is lessened.

B. General Provisions

1. Continuance: The lawful use of any building, structure or land that is made non-conforming by reason of the enactment of this Ordinance, or which shall be made non-conforming by reason of a subsequent amendment, may be continued, subject to the provisions of this Ordinance.

2. Transfer of Ownership: Ownership of lots, structures and uses that remain lawful but become non-conforming by the adoption or amendment of this Ordinance 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.

3. Repair and maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, State, or local building and safety codes may require.

C. Non-conforming Structures

1. Non-conforming Structure Defined: A non-conforming structure is any structure that does not meet one or more of the dimensional requirements of this Ordinance.

2. Continuance: A non-conforming structure that is lawful at the effective date of the adoption or subsequent amendment of this Ordinance may continue to be occupied subject to the provisions of this section. A structure that is made non-conforming by an action of eminent domain of a public entity may continue to be occupied subject to the provisions of this section.

3. Expansion

   a. Non-shoreland area: A non-conforming structure may be repaired, maintained, improved or replaced, but shall not be expanded, enlarged or increased unless such expansion does not make the structure more non-conforming regarding the dimensional requirements of this Ordinance, or unless a variance from such requirements is granted by the Board of Appeals according to the criteria established in Article 11.
Non-Conforming Uses

b. Floodplain area. New construction to, or substantial improvement of, any structure located within Zone A and A1-30 of Article 8 and Map shall have the lowest floor (including the basement) elevated to two (2) feet above the base flood elevation as certified by a registered Maine surveyor or registered professional engineer or architect.

c. Shoreland area - fresh water. If any portion of a structure is less than the required setback from the normal high-water line of a fresh water body or upland edge of a freshwater wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by thirty percent (30%) or more, during the lifetime of the structure.

d. Shoreland areas - salt water. 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 1) and 2) below.

1) Non-conforming setbacks. Legally existing non-conforming principal and accessory structures that do not meet the water body or wetland setback requirements may be expanded or altered as follows, as long as all other applicable standards contained in this Ordinance are met.

a) Within twenty-five (25) feet of the water. Expansion of any portion of a structure within twenty-five (25) feet of the normal high-water line of a salt water body is prohibited, even if the expansion will not increase non-conformity with the water body setback requirement.

b) Accessory structure. Expansion of an accessory structure that is located closer to the normal high-water line of a salt water body than the principal structure is prohibited, even if the expansion will not increase non-conformity with the water body setback requirement.

c) Within one hundred (100) feet of salt water. For structures located less than one hundred (100) feet from the normal high-water line of a salt water body, the maximum combined total floor area for all structures is 1,000 square feet, and the maximum height of any structure is twenty (20) feet or the height of the existing structure, whichever is greater.

For the purposes of this subsection, a basement is not counted toward floor area.

2) Special expansion allowance. Existing principal and accessory structures that exceed the floor area or height limits established in d. 1. c. above may not be expanded, except that the limits may be exceeded by not more than 500 square feet provided that all of the following requirements are met:

a) Fifty (50) foot setback. The principal structure is set back at least fifty (50) feet from the normal high-water line of a salt water body.

b) Trees and vegetation. A well-distributed stand of trees and other vegetation extends at least fifty (50) feet in depth as measured from the normal high-water line for the entire width of the property. A "well-distributed stand of trees and other vegetation" shall be defined
Non-Conforming Uses

as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1250 square feet) area as determined by the following rating system.

<table>
<thead>
<tr>
<th>Diameter of Tree at 4 1/2 feet Above Ground Level (inches)</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 - &lt; 4 in.</td>
<td>1</td>
</tr>
<tr>
<td>4 - &lt; 8 in.</td>
<td>2</td>
</tr>
<tr>
<td>8 - &lt; 12 in.</td>
<td>4</td>
</tr>
<tr>
<td>12 in. or greater</td>
<td>8</td>
</tr>
</tbody>
</table>

If a well-distributed stand of trees and other vegetation meeting the requirements of this subparagraph is not present, the 500 square foot special expansion allowance may be permitted only in conjunction with a written plan, including a scaled site drawing, submitted by the property owner, and approved by the Planning Board or its designee, to re-establish a buffer of trees, shrubs and other ground cover within fifty (50) feet of the normal high-water line.

Except for the allowable footpath, there exists complete natural ground cover, consisting of forest duff, shrubs and other woody and herbaceous vegetation within 50 feet, horizontal distance, of the normal high-water line. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch and plantings of native shrubs and other woody and herbaceous vegetation in quantities sufficient to retard erosion and provide for effective infiltration of stormwater.

c) Mitigation plan. A written plan by a qualified professional (foresters, arborists, landscape architects, and landscape contractors), including a scaled site drawing, is approved by the Planning Board and is developed, implemented and maintained to address the following mitigation measures for the property within the shoreland zone.

i) Un-stabilized areas. Un-stabilized areas resulting in soil erosion must be mulched, seeded or otherwise stabilized and maintained to prevent further erosion and sedimentation to salt water bodies.

ii) Storm water flow. Roofs and associated drainage systems, driveways, parking areas, and other non-vegetated surfaces must be designed or modified, as necessary, to prevent concentrated flow of storm water runoff from reaching a salt water body. Where possible, runoff must be directed through a vegetated area or infiltrated into the soil through the use of a dry well, stone apron, or similar device.

3) Planting requirements. Any planting or re-vegetation required as a condition to the Special Expansion Allowance must be in accordance with a written plan drafted by a qualified professional (foresters, arborists, landscape architects, and landscape contractors), be implemented at the time of construction, and be designed to meet the rating scores contained in subparagraph 2) b), above and the ground cover requirements of paragraph 2) b, above, when the vegetation matures within the fifty (50) foot strip. At a
minimum, the plan must provide for the establishment of a well-distributed planting of saplings spaced so that there is at least one (1) sapling per eighty (80) square feet of newly established buffer. Planted saplings may be no less than three (3) feet tall for coniferous species and no less than six (6) feet tall for deciduous species. The planting plan must include a mix of at least three (3) native tree species found growing in adjacent areas, with no one species making up more than fifty percent (50%) of the number of saplings planted unless otherwise approved by the Planning Board or its designee, based on adjacent stand comparison. All aspects of the implemented plan must be maintained by the applicant and future owners.

4) Filing and reporting requirements. Written plans pursuant to this section must be filed with the Lincoln County Registry of Deeds. A copy of all permits issued pursuant to this section must be forwarded by the Town of Waldoboro to the Commissioner of the Department of Environmental Protection within fourteen (14) days of the issuance of the permit.

e. Foundation (fresh and salt water). Construction or enlargement of a foundation beneath the existing structure is not considered an expansion of the structure provided: that the structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board or its designee, basing its decision on the criteria specified in Article 10 Section C. 4. Relocation, below; that the completed foundation does not extend beyond the exterior dimensions of the structure; and that the foundation does not cause the structure to be elevated by more than three (3) additional feet, as measured from the uphill side of the structure, it shall not be considered to be an expansion of the structure.

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

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

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

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 re-established 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.

5. Reconstruction or replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than fifty percent (50%) of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided in shoreland areas that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

In shoreland areas, any non-conforming structure which is damaged or destroyed by fifty percent (50%) or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Code Enforcement Officer.

In shoreland areas, in determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 2 above, the physical condition and type of foundation present, if any.

6. Change of use of a non-conforming structure (shoreland areas only). The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving a written application determines that the new use will have no greater adverse impact on the water body or wetland or on the subject or adjacent properties and resources than the existing use.

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

7. Non-conforming Single-Wide Manufactured Homes: See Article 5 Section X. of this Ordinance.

D. Non-conforming Uses

1. Non-conforming Use Defined: A non-conforming use is any use of land, buildings, or structures lawfully existing at the effective date of adoption or amendment of this Ordinance, which does not conform to the requirements of the district or districts in which it is located.
Non-Conforming Uses

2. Continuance: The lawful use of any building, structure, or land, which is made non-conforming by reason of the enactment of this Ordinance or subsequent amendment to this Ordinance, may be continued although such use does not conform to the provisions of this Ordinance.

3. Discontinuance: A non-conforming use of a building, structure or land shall be considered discontinued if, in the case of a building or structure, it remains vacant for a period of twelve (12) months, and in the case of an activity, if it ceases for a period of twelve (12) months. During the following twelve (12) month period, the building or structure may be reoccupied and the use re-established with approval by the Planning Board pursuant to Site Plan Review. Subsequent use shall conform to the regulations specified in this Ordinance for the district or districts in which the building, structure or land is located. If a non-conforming use is superseded by a permitted use, the non-conforming use shall not thereafter be resumed. Resumption of a residential use that has been discontinued for over one (1) year will be allowed, provided that the structure has been used or maintained for residential purposes during the preceding five (5) years.

4. Change of Use: An existing non-conforming use of a building, structure or land may be changed to another non-conforming use only when the new use has no greater impact on the subject and adjacent properties and resources, including water-dependent uses in the Commercial Fisheries/Maritime Activities District, than the former use, as determined by the Planning Board. In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, commercial fishing and maritime activities, and other functionally water-dependent uses.

5. Expansion of a Non-conforming, Non-residential Use: The Planning Board may issue approval for an expansion of a non-conforming, non-residential use up to a maximum of fifteen (15) percent of the original floor area of the existing structure, or in the case of an outdoor use, fifteen (15) percent of the original land area used for the activity, according to the criteria for site plan review contained in Article 6 of this ordinance, provided that the expansion meets the dimensional requirements and other provisions of this Ordinance. The expansion of a non-conforming use shall not be for the purpose of changing that use to another non-conforming use, except as provided in paragraph 4 above.

6. Expansions of Non-conforming, Residential Uses: Any non-conforming residential use of a building outside of the shoreland zone may be expanded upon approval from the Planning Board under the criteria for site plan review contained in Article 6 of this Ordinance, provided that said expansion is in compliance with the dimensional requirements and other provisions of this Ordinance.

7. Shoreland Zone: Expansions of non-conforming uses within the shoreland zone are prohibited except that non-conforming residential uses may, after obtaining approval from the Planning Board, be expanded within existing residential structures or within expansions of such structures as approved by the Planning Board.

E. Non-conforming Lots of Record

1. Non-conforming lots. A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot size and frontage can
be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

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

If two (2) 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 (2) 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, and if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one (1) 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.
ARTICLE 11. APPEALS

A. Board of Appeals

1. Establishment. Pursuant to 30-A, M.R.S.A. § 2691 and 30-A M.R.S.A. § 4353, the Town hereby establishes the Board of Appeals for the Town of Waldoboro.

2. Appointment
   a. Appointment. Board of Appeals members shall be appointed by the Board of Selectmen and sworn by the Town Clerk or other person authorized to administer oaths.
   b. Number of members. The Board of Appeals shall consist of five (5) members serving staggered terms such that one (1) member is appointed per year.
   c. Term. The term of each member shall be five (5) years.
   d. Vacancy. When there is a permanent vacancy, the Board of Selectmen shall within thirty (30) days of its occurrence appoint a person to serve for the unexpired term. A vacancy shall occur upon the resignation or death of any member, or when a member ceases to be a voting resident of the town, or when a member fails to attend four (4) consecutive regular meetings, or fails to attend at least seventy-five percent (75%) of all meetings during the preceding twelve (12) month period. When a vacancy occurs, the chairman of the Board of Appeals shall immediately so advise the Board of Selectmen in writing. The Board of Appeals may recommend to the Board of Selectmen that the attendance provisions be waived for cause, in which case no vacancy will then exist until the Board of Selectmen disapprove the recommendation. The Board of Selectmen may remove members of the Board of Appeals by vote, for cause, after notice and hearing.
   e. Selectman. A Selectman or a Selectman's spouse may not be a member.

   a. Officers. The Board of Appeals shall elect a chairperson from among its members and create and fill such other offices as it may determine. The term of all offices shall be one (1) year with eligibility for re-election.
   b. Disqualifications. Any question of whether a member shall be disqualified from voting on a particular matter shall be decided by a majority vote of the members present and voting except the member who is being challenged.
   c. Meetings. The chairperson shall call meetings of the Board of Appeals as needed.
   d. Quorum. No meeting of the Board of Appeals shall be held without a quorum of three (3) members.
   e. Majority Vote. The Board of Appeals shall act by majority vote calculated on the basis of those present and voting.
Appeals

f. Reconsideration. The Board may reconsider any decision. The Board must decide to reconsider any decision, notify all interested parties and make any change in its original decision within forty-five (45) days of its prior decision. The Board may conduct additional hearings and receive additional evidence and testimony.

Reconsideration should be for one of the following reasons:

1) The record contains significant factual errors due to fraud or mistake regarding facts upon which the decision was based; or

2) The Board misinterpreted the ordinance, followed improper procedures, or acted beyond its jurisdiction.

g. Rules and Records. The Board of Appeals shall adopt rules for transaction of business and the secretary shall keep a record of its resolutions, transactions, correspondence, findings and determinations. All records shall be deemed public and may be inspected at reasonable times.

4. Duties and Powers

a. To interpret provisions of this Ordinance called into question. 30-A, M.R.S.A., § 4353 states that the Board of Appeals may interpret provisions of a Zoning Ordinance which are called into question. In practical terms, this means that an individual may appeal the denial of a permit which was based on an interpretation of a key provision of this Ordinance. In order to meet their responsibility, all Board members should be familiar with this Ordinance.

It should be emphasized that the Board of Appeals is a quasi-judicial body that establishes precedents which it should later follow. Therefore, when interpreting the Ordinance the Board of Appeals should try very hard to look at what this Ordinance does say rather than what the Board of Appeals wants it to say.

1) General rules of interpretation. Using common sense is an important part of the interpretive process. Where there is no evidence of a contrary meaning, ordinance language should be given its ordinary meaning.

Sometimes the full meaning of a word in this Ordinance is not clear-cut, leaving it open to more than one interpretation. In such cases, doubts about the meaning of a word can often be resolved by paying close attention to words that have been tacked on to this Ordinance for clarification in a later enactment.

Problems of interpretation caused by ambiguous key words and phrases in this Ordinance may sometimes be cleared up by asking the advice of a lawyer or by relying on definitions given by “qualified experts” often found in technical assistance publications.

2) Conflicts in this Ordinance. In a situation where the Ordinance contains conflicting provisions, the Board of Appeals shall resolve the conflict in accordance with Article 1, Section E. and report the internal conflict to the Planning Board for correction.

3) Legislative intent. Statement of purpose, often included in a law or this Ordinance, may give a better understanding of what was intended when the
To hear administrative appeals. The Board of Appeals has the authority to hear appeals in the administration of this Ordinance in order to determine if the Code Enforcement Officer or the Planning Board erred in granting or denying a permit. An applicant who is denied a permit may appeal. If the Board of Appeals finds that the Code Enforcement Officer or Planning Board acted in error, it should order the error to be corrected. The Board of Appeals has no authority to take the action of the Code Enforcement Officer or Planning Board for them, or force them to comply. If the Code Enforcement Officer ignores an order of the Board of Appeals, the appellant can then take court action to force compliance. See Article 11 Section B.2, Variance Appeals, below.

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

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

When the Board of Appeals hears a decision of the Planning Board, it shall hold an appellate hearing, and may reverse the decision of the Planning Board only upon finding that the decision was contrary to specific provisions of the Ordinance or contrary to the facts presented to the Planning Board. The Board of Appeals may only review the record of the proceedings before the Planning Board. The Board of Appeals shall not receive or consider any evidence which was not presented to the Planning Board, but the Board of Appeals may receive and consider written or oral arguments. If the Board of Appeals determines that the record of the Planning Board proceedings is inadequate, the Board of Appeals may remand the matter to the Planning Board for additional fact finding.

d. To grant variances. A variance is a setting aside of one or more requirements of this Ordinance, and is equivalent to permission not to comply with one or more of the provisions.

Before granting a variance, the Board of Appeals should be very careful to determine that this Ordinance gives them the authority to grant the requested variance and that all variance-granting requirements of Article 11 Section C. are met.

When granting a variance, the Board of Appeals may attach conditions provided this
Ordinance does not expressly forbid it and provided the conditions are in order to promote substantial compliance with this Ordinance. For example, the Board of Appeals may grant a variance subject to the condition that the applicant landscape sufficiently to protect abutting property owners, or, in order to facilitate traffic flow and avoid congestion, the Board of Appeals may attach conditions which determine the location of driveways, parking areas or garages.

In all cases involving dimensional requirements, the variance, if granted, should be the minimum distance necessary to relieve hardship. For example, if an applicant requests a thirty (30) foot variance from a seventy-five (75) foot setback requirement which causes undue hardship, and a fifteen (15) foot variance would relieve hardship, the Board of Appeals should grant a fifteen (15) foot variance.

B. Appeals

1. 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 the Ordinance. The jurisdiction shall be limited to hearing requests for interpreting the meaning of terms which are called into question, and to hearing a request to determine if the Code Enforcement Officer or Planning Board acted in accordance with the procedures of this Ordinance. The Board of Appeals shall not have the authority to substitute its judgment for that of the Code Enforcement Officer or Planning Board with respect to any of the standards of this Ordinance.

C. Variances

Prohibited Uses. Variances shall not be granted for establishment of any uses prohibited by this Ordinance.

Meet all Standards. The Board of Appeals shall not grant a variance unless it finds that the proposed structure or use would meet all of the standards of this Ordinance except for the specific provision which has created the non-conformity and from which relief is sought.

1. Except as provided in C.2, C.3, and C.4 below, the Board may grant a variance only when strict application of the ordinance to the petitioner and the petitioner’s property would cause undue hardship. The term “undue hardship” as used in this subsection means:

   a. Reasonable Return. The land in question can not yield a reasonable return unless a variance is granted;

   b. Unique Circumstances. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

   c. Essential Character. The granting of a variance will not alter the essential character of the locality; and

   d. Action of the Applicant. The hardship is not the result of action taken by the applicant or a prior owner.

2. Variance from Dimensional Standards.
A variance from the dimensional standards of this Ordinance may be approved when strict application of this Ordinance to the petitioner and the petitioner’s property would cause a “practical difficulty” and when the following conditions exist:

a. Unique Circumstances. That the need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

b. Undesirable Change. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

c. Action Taken by the Petitioner. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

d. Other Feasible Alternative. No other feasible alternative to a variance is available to the petitioner;

e. Natural Environment. The granting of a variance will not unreasonably adversely affect the natural environment.

f. Not Within Shoreland Zone. The property is not located in whole or in part within shoreland areas as described in 38-A, M.S.R.A., § 435.

As used in this subsection, “practical difficulty” means that the strict application of this Ordinance to the property precludes the ability of the petitioner to pursue a use permitted in the district in which the property is located and results in significant economic injury to the petitioner.

As used in this subsection, “dimensional requirements” include, but are not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

3. Variance from Setback Standards for single-family dwellings

A variance from the setback requirements only, may be granted for a single-family dwelling when strict application of this Ordinance to the petitioner and the petitioner’s property would cause undue hardship. The term “undue hardship” as used in this subsection means:

a. Unique Circumstances. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

b. Essential Character. The granting of a variance will not alter the essential character of the locality;

c. Action Taken by Applicant. The hardship is not the result of action taken by the applicant or a prior owner;

d. Abutting Property. The granting of the variance will not substantially reduce the value or impair the use of abutting property; and

e. Need. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.
A variance under this subsection is limited to setback requirements for a single-family dwelling that is the primary year-round residence of the applicant. The variance may not exceed twenty percent (20%) of a setback requirement and may not be granted if the variance would cause the area of the dwelling to exceed the maximum permissible lot coverage, except that variances of greater than twenty percent (20%) may be approved if the petitioner has obtained the written consent of any directly affected abutting landowner, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to 38 MRSA §435 - 449.


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

a. Variances shall not be granted within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances shall be granted only upon:

1) A showing of good and sufficient cause;

2) A determination that should a flood comparable to the base flood occur, the granting of a variance will not result in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws or ordinances;

3) A showing that the issuance of the variance will not conflict with other state, federal or local laws or ordinances; and

4) A determination that failure to grant the variance would result in "undue hardship," which in this sub-section means:

   a) That the land in question cannot yield a reasonable return unless a variance is granted;

   b) That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

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

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

Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary.

Variances may be issued for new construction, substantial improvements, or other development for the conduct of a functionally dependent use provided that:

a. Other criteria of Article 8. Section C. 11. And this Section are met; and
b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Variances may be issued for the repair, reconstruction, rehabilitation, or restoration of Historic Structures upon the determination that:

a. The development meets the criteria of this Section A. through D. above; and,

b. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure’s continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

Any applicant who meets the criteria of this Section A. through E. shall be notified by the Board of Appeals in writing over the signature of the Chairman of the Board of Appeals that:

a. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25 per $100 of insurance coverage;

b. Such construction below the base flood level increases risks to life and property; and

c. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant’s decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

5. Disability Variances

The Board of Appeals may grant a disability variance to an owner of a dwelling for the purpose of making that dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. The Board of Appeals shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability. The Board of Appeals may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in or regularly uses the dwelling. For the purposes of this subsection, a disability has the same meaning as a physical or mental handicap under 5 M.R.S.A., § 4553 and the term “structure necessary for access to or egress from the dwelling” is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

D. **Appeals Procedure**

1. **Making an Appeal**

   a. **Timely appeal.** Any party aggrieved by a decision of the Code Enforcement Officer or Planning Board shall file an appeal request within thirty (30) days of the decision.

   b. **Notice.** Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes:

      1) **Relief requested.** A concise written statement indicating what relief is
requested and why it should be granted, and what Article of this Land Use Ordinance is involved.

2) Sketch. A sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

3) Signature. The application must be signed by the applicant.

4) Fee. All variances and administrative appeals by an aggrieved party shall be accompanied by a fee payable to the Town of Waldoboro as established by the Waldoboro Board of Selectmen.

c. Additional information. Additional information deemed necessary by the Board of Appeals to make a fair and equitable decision shall be supplied by the applicant upon request.

d. Record. Upon being notified of an appeal, the Code Enforcement Officer or Planning Board, as appropriate, shall transmit to the Board of Appeals all of the papers constituting the record of the decision appealed.

e. Notification of town officials. The Code Enforcement Officer shall notify the Board of Appeals and the Planning Board of the request. The Code Enforcement Officer shall advertise the appeals request in the local newspaper at least seven (7) days before a hearing is scheduled, and such hearing shall be held within thirty (30) days of its request.

f. Notification of abutters. The Code Enforcement Officer shall notify the owners of property abutting the appellant’s property and directly across the public rights-of-way from the property for which an appeal is requested, of the nature of the request and of the date, time and place of the public hearing thereon. Failure of any property owner to receive a notice of a public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.

g. Code Enforcement Officer involvement. The Code Enforcement Officer shall attend all hearings and may present to the Board all plans, photographs or other materials he deems appropriate for an understanding of the appeal.

h. Planning Board. The Board of Appeals, where it deems appropriate, may request the Planning Board to review an appeal request and file an advisory opinion with the Board of Appeals. Any such advisory opinion shall be requested in a timely fashion in order that it may be read into the record at the Board of Appeals hearing.

i. Public hearing. The Board of Appeals shall hold a public hearing on an administrative appeal or a request for a variance within thirty-five (35) days of its receipt of a complete written application, unless this time period is extended by the parties.

2. Decision by Board of Appeals

a. Quorum. A majority of the board shall constitute a quorum for the purpose of deciding an appeal.

b. Majority vote. The concurring vote of a majority of the members of the Board of
Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to effect any variation in the application of this Ordinance from its stated terms. The Board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

c. Burden of proof. The person filing the appeal shall have the burden of proof. For de novo administrative appeals, the Board of Appeals may receive any oral or documentary evidence but shall provide as a matter of policy for the exclusion of irrelevant, immaterial or unduly repetitious evidence. Every party has the right to represent the party’s case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct any cross examination that is required for a full and true disclosure of the facts.

d. Written decision. The Board of Appeals shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

e. Findings and conclusions. The Board of Appeals shall state the reasons and basis for its decision, including a statement of the facts found and conclusions reached by the Board. The Board shall cause written notice of its decision to be mailed or hand-delivered to the applicant and to the Department of Environmental Protection within seven (7) days of the Board’s decision. Copies of written decisions of the Board of Appeals shall be given to the Planning Board, Code Enforcement Officer, and the municipal officers.

f. Variance recorded. If the Board of Appeals grants a variance under this section, a certificate indicating the name of the current property owner, identifying the property by reference to the last recorded deed in its chain of title and indicating the fact that a variance, including any conditions on the variance, has been granted and the date of the granting, shall be prepared in recordable form. This certificate must be recorded in the local Registry of Deeds within ninety (90) days of the date of the final written approval of the variance or the variance is void. The variance is not valid until recorded as provided in this subsection. For the purpose of this subsection, the date of the final written approval shall be the date stated on the written approval. The certificate of variance shall be mailed to owners of abutting property and the owner requesting the variance. The applicant shall be required to pay within ten (10) days all fees required to record the certificate of variance.

3. Appeal to Superior Court. Any aggrieved party who participated as a party during the proceedings before the Board of Appeals may take an appeal to Superior Court in accordance with 30-A M.R.S.A. § 2691(3)(F), within forty-five (45) days from the date of the vote on the original decision of the Board of Appeals. This time period may be extended by the court upon motion for good cause shown.

4. Reconsideration. In accordance with 30-A M.R.S.A. § 2691(3)(F), the Board of Appeals may reconsider any decision within forty-five (45) days of its prior decision. A request to the Board to reconsider a decision must be filed within ten (10) days of the decision that is being reconsidered. A vote to reconsider and the action taken on that reconsideration must occur and be completed within forty-five (45) days of the date of the vote on the original decision. Reconsideration of a decision shall require a positive vote of the majority of the Board members originally voting on the decision, and proper notification to the landowner, petitioner, Planning Board, Code Enforcement Officer, and other parties of interest, including
abutters and those who testified at the original hearing(s). For de novo administrative appeals, the Board may conduct additional hearings and receive additional evidence and testimony.

Appeal of a reconsidered decision to Superior Court must be made within fifteen (15) days after the decision on reconsideration.

5. Repetitive Appeals. The Board of Appeals may not entertain a second application for a variance concerning the same property after the previous application has been denied, unless conditions have substantially changed.
ARTICLE 12. WELLHEAD OVERLAY PROTECTION

A. Purpose

1. The purpose of this Ordinance is to protect the public water supply in Waldoboro from land uses that pose a threat to the quality and/or quantity of ground water being extracted from the wells that serve the public water system.

2. This ordinance applies to all land uses located or proposed within the area delineated as Wellhead Overlay Protection Districts on the Land Use Map of the Town of Waldoboro.

B. Permits Required

1. No person shall engage in any land use activity or build or expand any structure which requires a permit without first obtaining a permit for such structure or activity, or expansion thereof.

2. Land use activities and structures existing within a Wellhead Overlay Protection District as of the date of adoption of this ordinance shall be allowed to continue, without a permit, provided that such land use or structure does not cause or contribute to pollution or contamination of a groundwater source or aquifer in that Wellhead Overlay Protection District.

C. Administration

1. The Code Enforcement Officer (CEO) shall administer and enforce this ordinance. The CEO shall refer all permit applications requiring Planning Board review to the Planning Board.

2. The Planning Board shall hear and act on applications in accordance with Article 12 Section F.

3. The Waldoboro Water Department (Water Department) shall assist the town with administration and enforcement of this Ordinance. The CEO shall notify the Water Department of all pending applications, and the time, date, and place of any official local consideration of the application and provide the Water Department an opportunity to review and comment on the proposal. The Water Department or its designee may present evidence and comment before or during public hearings or meetings concerning developments or activities in the Wellhead Overlay Protection Districts. A copy of correspondence, such as a complete application, approvals and plans, shall be sent to the Water Department.

D. Non-conformance

1. It is the intent of this Ordinance that land use activities conform to the standards of this Ordinance. However, allowed land use activities or uses that existed before the effective date of this Ordinance shall be allowed to continue.

2. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a non-
Wellhead Overlay Protection

conforming use or structure as federal, State, or local building and safety codes may require.

3. Non-conforming Structures
   a. Expansion. A non-conforming structure may not be expanded unless the expansion conforms to all the regulations of the Wellhead Overlay Protection District in which it is located.
   b. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which it is located provided that the site of relocation conforms to all setback requirements to the greatest practicable extent as determined by the Planning Board, and provided that 1) the applicant demonstrates that the present subsurface wastewater disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system will be installed in compliance with the law and said Rules. In no case may a structure be relocated in a manner that causes the structure to be more non-conforming. In determining whether the relocation meets the setback to the greatest practicable extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems.
   c. Reconstruction, Replacement. Any non-conforming structure that is removed, damaged or destroyed may be reconstructed or replaced provided that a permit is obtained within one year of the date of damage, destruction or removal, and provided that such reconstruction or replacement is in compliance with the standards established in Article 10 of this Ordinance.

4. Non-conforming Use
   a. Expansions. Expansion of any non-conforming use is prohibited.
   b. Discontinuance. A non-conforming use that is discontinued for a period exceeding one (1) year, or that is changed to a conforming use, shall not be allowed to recur.

E. Permit Application
   1. An applicant for a permit that requires Planning Board approval shall submit an application in writing to the Planning Board in conformance with the submission requirements of Article 12 Section M. All applications shall be dated and signed by the owner(s) or lessee(s) of the property or another person with a letter of authorization from the owner(s) or lessee(s). Such signature(s) shall certify that the information in the application is complete and correct.

F. Planning Board Review
   1. The Planning Board review procedures shall conform to the requirements of Article 6 Section D.2.
   2. The Planning Board may, as a condition of its approval, require the applicant to (1) grant the municipality or the Water Department permission to install and maintain groundwater monitoring wells on the applicant’s property; or (2) install monitoring wells and implement a
groundwater testing and monitoring program approved by the Planning Board, at the applicant’s expense.

3. The application shall be accompanied by an application fee as specified by the Board of Selectmen after public hearing and notice.

4. The Planning Board may require an attorney or consultant to review one or more aspects of an application for compliance or noncompliance with this Ordinance and to advise the Planning Board. The attorney or consultant shall first estimate the cost of such review and the applicant shall deposit with the Town the full estimated cost, which the Town shall place in an escrow account. The Town shall pay the attorney or consultant from the escrow account and reimburse the applicant if funds remain after payment.

5. The Planning Board may require the applicant to undertake any study that it deems reasonable and necessary to determine whether a proposed activity meets the requirements of this Ordinance. The costs of such studies shall be borne by the applicant.

G. Performance Guarantees

1. The Planning Board may require the applicant to provide performance guarantees for an amount adequate to cover the total construction costs of all required improvements. Performance guarantees may be made by certified check, payable to the Town, or a savings account naming the Town as owner, for the establishment of an escrow account; by an irrevocable letter of credit from a financial institution establishing funding for the construction of the project, from which letter the Town may draw if construction is inadequate; or by a performance bond, payable to the Town, issued by a surety company and acceptable to the Town. The form, time periods, conditions, and amount of performance guarantees shall be determined by the Planning Board.

H. Expiration of Permit

1. Following the issuance of a permit, if construction or use does not commence within one (1) year of the date of the permit, the permit shall lapse and become void. However, the permit may be renewed within six (6) months of the date of expiration, upon application to the CEO and the applicant demonstrates that there are no substantial changes in the proposed structure or use and there are no applicable amendments to the Ordinance.

I. Enforcement and Appeals

1. This Ordinance shall be enforced pursuant to the provisions of Article 2 Section D.

2. Any party aggrieved by a decision or order of the CEO or Planning Board under this Ordinance may appeal pursuant to the provisions of Article 11. For the purposes of this Article, the term “party” shall be limited to:

   a. A permit applicant whose application is denied or granted with conditions.

   b. A permit holder whose permit is suspended or revoked by the CEO or Planning Board.

   c. A person owning property within a Wellhead Overlay Protection District who is adversely affected by a decision or order of the Code Enforcement Officer or Planning Board with respect to any property located in the same Wellhead Overlay Protection District.
Wellhead Overlay Protection

d. A person whose use of groundwater as a domestic water supply is adversely affected by a decision or order of the Code Enforcement Officer or Planning Board under this Ordinance.

e. The Town of Waldoboro, through its municipal officers.

f. The Water Department.

J. Establishment of Districts

1. The Wellhead Overlay Protection District consists of two zones as shown on the Waldoboro Land Use Map. They are defined as follows:

   a. Zone 1 Immediate Recharge Area – A 1,000-foot wide zone along the major fracture zone providing water to the Water Department’s bedrock production well.

   b. Zone 2 Primary Recharge Area – A 2,500-foot radius circle centered on the Water Department’s bedrock production well.

K. Land Use Table

All land uses in the underlying districts which involve or include any of the below listed use activities are subject to the provisions of this Article.

<table>
<thead>
<tr>
<th>USE</th>
<th>ZONE 1</th>
<th>ZONE 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Non-agricultural use, storage and handling of bulk chemicals such as, but not limited to, the following uses and activities: dry cleaner, automobile repair/body shop, storage of petroleum products &gt;500 gallons, fertilizer dealer, boatyard / boat builder, developing of photographic film</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>B. Agricultural use, storage and handling of bulk materials including, but not limited to, pesticides, herbicides, petroleum-based fertilizer, manure, and sewage sludge</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>C. Storage, handling and processing of solid waste</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Transfer station/landfill</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>2. Wood waste/agricultural cull piles</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>D. Vehicular storage, use</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Commercial overnight storage or parking; maintenance and refueling of vehicles and equipment</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>2. Retail or wholesale vehicle sales</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>3. Storage of fuels in gravel pits or mining area</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>4. Washing of commercial vehicles</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>E. Outside storage of bulk leachable material including, but not limited to, concrete, asphalt, coal and salt</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>F. Mining</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Sand and Gravel Mining</td>
<td>N</td>
<td>PB</td>
</tr>
<tr>
<td>2. Rock</td>
<td>N</td>
<td>PB</td>
</tr>
<tr>
<td>3. Metallic ore</td>
<td>N</td>
<td>N</td>
</tr>
<tr>
<td>G. Subsurface waste disposal</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. New subsurface wastewater disposal systems &gt; 1,000 gallons per day</td>
<td>N</td>
<td>PB</td>
</tr>
<tr>
<td>2. Replacement or expansion of subsurface wastewater disposal systems</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>3. Discharge of commercial or industrial wastewater or wash water to a septic system (including car wash, Laundromat, etc.)</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>H. Storm water management</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. New impervious area</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>2. Detention</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>3. Retention</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>4. Infiltration</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>I. Commercial water production wells (except Waldoboro Water Co.)</td>
<td>N</td>
<td>PB</td>
</tr>
<tr>
<td>J. Utility corridors</td>
<td>PB</td>
<td>PB</td>
</tr>
<tr>
<td>K. Essential operations of the Water Department or other official safety or utility entity</td>
<td>PB</td>
<td>PB</td>
</tr>
</tbody>
</table>

Y= permitted
N= not permitted
PB= permitted subject to Planning Board review and use of Best Management Practices
1Short-term overnight parking may be allowed in connection with other activities receiving a CEO permit, e.g., short-term overnight parking of construction vehicles on new permitted construction projects.
2Includes any discharge which could enter the ground.
NOTE: All land uses and activities may be subject to requirements of other Town ordinances and State rules and regulations.

L. Lot Dimensional Requirements

1. Minimum Lot Size per Dwelling Unit
   a. The minimum lot size shall be that required in the underlying land use district as indicated in Article 3 Section H., Schedule of Dimensional Requirements.

2. Maximum Percent Impervious Surface
   a. For portions of lots within the Wellhead Overlay Protection District, the maximum percentage of the lot that can be covered by impermeable surfaces including parking areas, shall be limited as follows:

<table>
<thead>
<tr>
<th>Maximum impervious area</th>
<th>Zone 1</th>
<th>Zone 2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>30%</td>
<td>50%</td>
</tr>
</tbody>
</table>

   b. Notwithstanding other provisions of the Ordinance, lot coverage that exists as of the date of adoption of this Ordinance that equals or exceeds the applicable percentage limitation may be continued and may be expanded with Planning Board approval. Expansions of lot coverage shall be limited to no more than ten percent (10%) of the portion of the lot located in the Wellhead Overlay Protection District. However, the Planning Board shall not authorize expansion of impermeable surfaces for existing uses if the total coverage of all lot areas located in the Wellhead Overlay Protection District is greater than fifty percent (50%) in Zone 1 or greater than sixty-five percent (65%) in Zone 2.

M. Application Requirements

The Planning Board may modify or waive any of the following submission requirements if it determines that, because of the size or nature of the project or circumstances of the site such requirement(s) would not be applicable or would be an unnecessary burden upon the applicant and would not affect or conflict with the purposes of this Ordinance.

1. All applications shall contain the following information.
   (a) Written information:
      1) Name of development; municipality; tax map and lot numbers.
      2) Owner and applicant’s names and addresses; name and addresses of person who prepared the application and/or plan.
      3) Name and address to which correspondence should be sent.
      4) If applicant is a corporation, state whether the corporation is licensed to do business in Maine and attach a copy of Secretary of State’s Registration.
      5) Copy of recorded deed for property; verification of ownership or legal interest.
6) Interest the applicant has in any property abutting the parcel to be developed.

7) State whether the development covers the entire or contiguous holdings of applicant.

8) On-site sewage disposal report from licensed site evaluator or information from Waldoboro Utility District indicating capacity.

9) Special reports:
   a) Necessary State and/or federal permits and date of application and approval (please list).
   b) List of construction items, cost estimates.
   c) Construction schedules.
   e) Restrictions, conditions, covenants and easements.

(b) Plan information:

1) Existing and proposed streets.

2) Outline of development and remaining portion of property; written and graphic scale; date; north point.

3) Perimeter survey (bearings and distances; surveyor’s seal; number of acres; existing and proposed monuments; names of abutters).

4) Lot lines, numbers and sizes; building setback lines.

5) Existing water bodies, watercourses, wetlands, and other significant natural features.

6) Public and private rights-of-way and easements.

7) Land use district boundaries.

8) Location of test pits keyed to site evaluator’s or soil scientist’s report.

9) Base flood elevation, if applicable.

10) Written request for waivers or variances.

11) Contours of 5 feet or other interval; refer to USGS bench mark elevation if within 500 feet.

12) Location and design of culverts, drains and other storm water control structures, existing and proposed.

13) Location and design of proposed sewers and water lines.
14) Typical engineering plan, profiles, and cross-sections.
15) Medium intensity or high intensity soils maps.
16) Location of parking, open space, conservation and/or recreation areas.
17) Landscaping plan and details.
18) Surface drainage plan.
19) Soil erosion and sedimentation control features.
20) Locations, dimensions and profiles of underground utilities.
21) Profile and typical cross-sections of streets and other public works.
22) Location/identification of buffers, lots or areas to be restricted or dedicated for common or public use.

2. Additional Application Requirements for Planning Board Review for Certain Activities within the Wellhead Overlay Protection District

More than one of the categories listed below may apply to a particular use. Applicants should request assistance from the Planning Board should there be questions as to which categories apply.

a. Non-agricultural chemical use, storage and handling, (including petroleum products).
   The application shall include all of the following information that is applicable:
   1) Type and volume of chemical compounds handled and/or stored.
   2) Site plan showing all storage, handling and use areas for raw materials and wastes.
   3) For outside areas, details to contain spills including:
      a) Drainage and contour information to prevent the flow of runoff from entering the storage area and keep leaks or spills from flowing off site;
      b) Provisions to collect chemicals should they enter the drainage system;
      c) Provisions to segregate underground systems to ensure that there are no cross connections;
      d) Provisions to prevent accidental containment breach by collisions;
      e) Statement of emergency measures that can be implemented for surface drainage systems.
   4) For inside areas, details to contain spill including the:
      a) Design of dikes around rooms;
b) The location of floor drains and floor drains outlets;
c) The location of separators, holding tanks and/or drain outlets;
d) The specific location and design of underground storage structures;
e) The location and design of piping systems for wash discharge showing that wastes are discharged to appropriate sewers or treatment systems.

5) A spill prevention and control and countermeasure (SPCC) plan detailing:
   a) Materials and equipment to be available;
   b) A training plan and schedule;
   c) A list of contacts (Environmental Protection Agency (EPA) / Department of Environmental Protection (DEP) / local fire officials) with phone numbers;
   d) An inspection schedule.

6) A report by an industrial engineer or other competent professional detailing:
   a) Steps that have been taken to reduce the use of hazardous material;
   b) Actions that have been taken to control the amount of wastes generated;
   c) Any reports to provide information on the design theory or methodology for the above features.

b. Agricultural chemical use, storage and handling
   1) Type and volume of chemical compounds handled and/or stored.
   2) Intended use.
   4) An on-site soils evaluation to assess nutrient holding capacity and leachability of the soils.
   5) Plans for control of surface water run-off and erosion in areas where chemicals will be applied.
   6) Detailed report on type of chemical applied and rate of application.
   7) Site plan showing all storage, handling and use areas for raw materials and wastes.
   8) For outside storage, details to contain spills including:
a) Drainage and contour information to prevent the flow of runoff from entering the storage area and which keep leaks or spills from flowing off site;
b) Provisions to collect chemicals should they enter the drainage system;
c) Provisions to segregate underground systems to ensure that there are no cross connections;
d) Provisions to prevent accidental containment breach by collisions;
e) Statement of emergency measures that can be implemented for surface drainage systems.

9) For inside storage, details to contain spill including the:
   a) Design of dikes around rooms;
   b) The location of floor drains and floor drains outlets;
   c) The location of separators, holding tanks and/or drain outlets;
   d) The specific location and design of underground storage structures;
   e) The location and design of piping systems for wash discharge showing that wastes are discharged to appropriate sewers or treatment systems.

10) A spill prevention and control and countermeasure (SPCC) plan detailing:
    a) Materials and equipment to be available;
    b) A training plan and schedule;
    c) A list of contacts (EPA/DEP/local fire officials) with phone numbers;
    d) An inspection schedule.

11) A report by an industrial engineer or other competent professional detailing:
    a) Steps which have been taken to reduce the use of hazardous material;
    b) Actions which have been taken to control the amount of wastes generated;
    c) Any reports to provide information on the design theory or methodology for the above features.

c. Vehicular use and storage

1) A site plan, drawn to scale, showing locations and designs of secondary
containment for fuel and storage and refueling pads.

d. Sand and gravel mining – (borrow pits)
   1) A location map and site plan, drawn to scale, showing property boundaries, stockpile areas, existing reclaimed and unreclaimed lands, proposed maximum acreage of all affected lands, erosion and sedimentation control, all applicable private drinking water supplies or public drinking water sources and all existing or proposed solid waste disposal areas.
   2) A detailed report by a licensed hydrogeologist attesting to the depth of the seasonal water table, and plan showing benchmarked elevations for depth of excavation.

e. Subsurface waste disposal
   1) Subsurface wastewater disposal
      a) Soil evaluator's report and septic system design.
      b) For sites/uses producing > 1,000 gallons of sewage per day, a hydrogeologic analysis of nitrate concentrations at the property line.
   2) Sewage disposal
      a) Evaluation of public/private sewer system capacity and integrity of sewer lines serving the development by a Registered Engineer or the sewer system superintendent.
   3) Subsurface waste disposal
      a) Provisions and designs for all floor drains, grease traps, and holding tanks.

f. Stormwater management
   1) Engineering calculations and plans which provide:
      a) Design of dry wells, storage, retention or detention facilities and other surface water impoundments;
      b) Stormwater system outlets;
      c) Delineation of post development drainage areas;
      d) Plans for ice control, use of road salt, and snow removal.

g. Commercial water production wells
   1) Location and construction specifications.
   2) A report from a licensed hydrogeologist on the safe yield and impact upon adjacent public water supply wells.

h. Utility corridors
1) Type and volume of chemical compounds handled and/or stored.

2) Site plan showing all storage, handling and use areas for raw materials and wastes.

3) For outside areas, details to contain spills including:
   a) Drainage and contour information to prevent the flow of runoff from entering the storage area and keep leaks or spills from flowing off site;
   b) Provisions to collect chemicals should they enter the drainage system;
   c) Provisions to segregate underground systems to ensure that there are no cross connections;
   d) Provisions to prevent accidental containment breach by collisions;
   e) Statement of emergency measures that can be implemented for surface drainage systems.

4) For inside areas, details to contain spill including the:
   a) Design of dikes around rooms;
   b) The location of floor drains and floor drain outlets;
   c) The location of separators, holding tanks and/or drain outlets;
   d) The specific location and design of underground storage structures;
   e) The location and design of piping systems for wash discharge showing that wastes are discharged to appropriate sewers or treatment systems.

5) A spill prevention and control and countermeasure (SPCC) plan detailing:
   a) Materials and equipment to be available;
   b) A training plan and schedule;
   c) A list of contacts (EPA/DEP/local fire officials) with phone numbers;
   d) An inspection schedule.

6) A report by an industrial engineer or other competent professional detailing:
   a) Steps that have been taken to reduce the use of hazardous material;
   b) Actions that have been taken to control the amount of wastes generated;
   c) Any reports to provide information on the design theory or
methodology for the above features.

N. Reserved

O. Performance Standards

   a. All development located within the Wellhead Overlay Protection District shall comply with the Performance Standards established in this Section to protect the quality and quantity of the public water supply.

2. Performance Standards for non-agricultural chemical use, storage and handling (including petroleum products)
   (a) New installation of underground storage tanks is prohibited within the Wellhead Overlay Protection District.
   (b) All chemicals must be stored under cover and on an impervious surface, without floor drains.
   (c) Secondary containment of liquid chemicals equaling 110% of the stored product must be provided.
   (d) Tanks for liquid chemical storage must be equipped with automatic shut-off valves and high level alarms.
   (e) Any above-ground piping must be designed to prevent line breakage due to collision.
   (f) All containers and piping must be constructed of corrosion resistant materials.
   (g) All containers must be clearly labeled with the chemical name and date of purchase.
   (h) A Spill Prevention, Containment and Countermeasures Plan (SPCC) must be submitted to the Code Enforcement Officer, Fire Department and the Water Department.

3. Performance Standards for agricultural chemical use, storage and handling
   a. The use of chemicals or residuals shall not cause or contribute to the cumulative, calculated or actual levels of any contaminants in the groundwater at the Water Department’s property line to exceed 50% of the allowable Primary Public Drinking Water Standards as defined by the Federal Safe Drinking Water Act, as amended.
   b. Only fertilizers containing predominantly slow release nitrogen and manure may be land-applied. Fertilizers shall be applied at an agronomic rate based on annual soil test results. Permit applications must be on an annual basis. Permit applications shall include application materials and rates.
   c. Only land application of pesticides with low leachability by Maine licensed applicators is allowed. Provisions shall be made for control of surface run-off and erosion in areas where pesticides are being applied. Permit applications shall be submitted on an annual basis and shall include copies of the pesticide labels and materials safety data sheets and the proposed rate of application, in addition to a comprehensive
Integrated Pesticide Management Plan certified by a groundwater hydrologist as having no unreasonable adverse effects on groundwater. Annual reports detailing the type and amount of substance used as well as date and specific location of application shall be submitted to the Code Enforcement Officer annually.

4. Performance Standards for vehicular use and storage

a. When draining oils or fluids from vehicles, precautionary measures, such as portable drip pans, must be taken to contain any spills.

b. All fuel oil, waste oil, lubricants, antifreeze, or other potential contaminants must have secondary containment equal to 110% of the liquid volume stored.

c. All commercial vehicle washing shall conform with Best Management Practices.

d. Refueling vehicles must be equipped with a shovel, an impermeable container with a volume of no less than 35 gallons and a tight fitting lid, and at least two absorbent pads or pillows. An absorbent pad or portable drip catch must be in place beneath the fill tube at all times during the refueling operation.

e. Refueling must occur on a concrete pad or other impermeable surface.

5. Performance Standards for small borrow pits (sand and gravel mining)

a. No part of any extraction operation may be permitted within 150 feet of any property line or street line, except that drainage ways to reduce run-off into or from the extraction area may be allowed up to 100 feet from such line. No part of the extraction operation, including drainage and runoff control features, may be permitted within 100 feet of the normal high-water line of a water body or upland edge of a wetland. Natural vegetation must be left and maintained on the undisturbed land. Excavation may not occur below the level of the traveled surface of any street, road, or right-of-way within 150 feet of that street, road, or right-of-way, except that excavation below the traveled surface level may occur within 150 feet of a private road or right-of-way with the written permission of the owner of that road or right-of-way. A natural buffer strip at least 150 feet wide must be maintained between any excavation and a property boundary, including a street right-of-way. This distance may be reduced to not less than 10 feet with the written permission of the affected abutting property owner or owners, except that the distance may not be reduced to less than 25 feet from the boundary of a cemetery or burial ground. The distance between excavations owned by abutting owners may be reduced to not less than 75 feet with the abutter's written permission.

b. Separation must be maintained between any excavation and any public drinking water source as follows: (1) For systems serving a population of 500 persons or less, the minimum separation must be 300 feet; (2) For systems serving a population of 501 persons up to 1,000 persons, the separation must be 500 feet; (3) For systems serving a population of more than 1,000 persons, the separation must be 1,000 feet; and (4) For any system that holds a valid filtration waiver in accordance with the federal Safe Drinking Water Act, the separation must be 1,000 feet.

c. If any standing water accumulates, the site must be fenced in a manner adequate to keep out children. Measures must be taken to prevent or stop the breeding of insects.
Wellhead Overlay Protection

d. No slopes steeper than three (3) feet horizontal to one (1) foot vertical are permitted at any extraction site unless a fence at least six (6) feet high is erected to limit access to such locations.

e. Before commencing removal of any earth materials, the owner or operator of the extraction site must present evidence to the Planning Board of adequate insurance against liability arising from the proposed extraction operations, and such insurance must be maintained throughout the period of operation.

f. Any topsoil and subsoil suitable for purposes of revegetation must, to the extent required for restoration, be stripped from the location of extraction operations and stockpiled for use in restoring the location after extraction operations have ceased. Such stockpiles must be protected from erosion, according to the erosion prevention performance standards of this Section.

g. Sediment must be trapped by diversions, silting basins, terraces or other measures designed by a professional engineer.

h. The sides and bottom of cuts, fills, channels, and artificial watercourses must be constructed and stabilized to prevent erosion or failure.

i. The hours of operation at any extraction site must be limited as the Planning Board deems advisable to operational compatibility with nearby residences.

j. Excavation may not extend below five (5) feet above the seasonal high water table without the submission of detailed findings of the depth of the water table. The Board may, upon verified determination of the depth of the seasonal high water table, permit excavation within two (2) feet above the water table.

k. Loaded vehicles must be suitably covered to prevent dust and contents from spilling or blowing from the load, and all trucking routes and methods are subject to approval by the Road Commissioner and the Planning Board. No mud, soil, sand, or other materials may be allowed to accumulate on a public road from loading or hauling vehicles.

l. All access and/or egress roads leading to or from the extraction site to public roads must be treated with suitable materials to reduce dust and mud for a distance of at least one hundred (100) feet from such public roads.

m. No equipment debris, junk, or other material is permitted on an extraction site. Any temporary shelters or buildings erected for such operations and equipment used in connection therewith must be removed within thirty (30) days following completion of active extraction operations.

n. Within six (6) months of the completion of extraction operations at any extraction site or any one or more locations within any extraction site, ground levels and grades must be established in accordance with the approved plans filed with the Planning Board. These plans must provide for the following:

1) All debris, stumps, boulders, and similar materials must be removed or disposed of in an approved location or buried and covered with a minimum of two feet of soil.

2) The extent and type of fill must be appropriate to the use intended. The applicant must specify the type and amount of fill to be used.
3) Storm drainage and watercourses must leave the location at the original natural drainage points and in a manner such that the amount of drainage at any point is not significantly increased.

4) At least four (4) inches of topsoil or loam must be retained or obtained to cover all disturbed areas, which must be reseeded and properly restored to a stable condition adequate to meet the provisions of the “Erosion and Sediment Control, Best Management Practices,” published by the Maine Department of Environmental Protection.

5) No slope greater than three (3) feet horizontal to one (1) foot vertical is permitted.

o. Disused gravel pits within the Wellhead Overlay Protection District shall be reclaimed according to plans submitted to the Municipality.

p. Gravel mining activities in the Wellhead Overlay Protection District must have emergency spill response plans.

6. Performance Standards for septic systems

a. All new and replacement subsurface wastewater disposal systems shall submit evidence of site suitability prepared by a Maine licensed site evaluator in full compliance with the requirements of the State of Maine Subsurface Waste Water Disposal Rules and for systems producing > 1,000 gallons per day of sewage, a hydrogeologic analysis or nitrate/nitrite impact study, with nitrate/nitrite concentrations limited to 5 mg/L at the property line.

7. Performance Standards for stormwater management

a. If a project includes less than one acre of impervious area the stormwater management system must detain or retain stormwater from 24-hour storms of 2-, 10- and 25-year frequencies such that the peak flow of stormwater from the site does not exceed the peak flow of stormwater from the site prior to the undertaking of the project. The peak flow of the receiving waters may not be increased as the result of the stormwater runoff from the site for 24-hour storms of 2-, 10-, and 25-year frequencies. In municipalities with designated 100-year flood elevations, the site runoff may not adversely affect the designated 100-year flood elevations.

b. The Planning Board may waive this requirement if the system is designed to discharge stormwater flow into a stormwater system of a municipality or public utility, when the applicant has permission to discharge stormwater into that system, and demonstrates that the municipality or public utility has determined that it has adequate capacity to accommodate the change in flow.

c. Stormwater from impervious areas greater than 20,000 square feet shall not be infiltrated, and any detention or retention structures shall be designed and constructed in such a manner that excludes groundwater interaction.

8. Performance Standards for utility corridors

a. Pesticide use shall conform to the Standards listed in Article 12 Section O. 2. of this Ordinance, “Non-agricultural chemical use, storage and handling”.

12-15
Control of Existing Threats

1. Inspection

   a. The Code Enforcement Officer (CEO) shall have the right to inspect any property located in a Wellhead Protection Zone, except building interiors, at reasonable hours, without landowner permission, as provided in 30-A M.R.S.A. § 4452, for the purpose of determining compliance with this Ordinance or any permit issued hereunder. The Code Enforcement Officer may be accompanied by a representative of the Water Department. In the event the landowner denies or prevents access for this purpose, the CEO shall be authorized to apply for an administrative site inspection warrant pursuant to Rule 80E, Maine Rules of Civil Procedure.

2. Monitoring

   a. Whenever the CEO finds that a use existing as of the date of adoption of this Ordinance, including but not limited to uses of the types identified in Article 12, Section K of this Ordinance, is located within the Wellhead Overlay Protection District designated by this Ordinance and poses an actual or potential threat to the safety or quality of a public groundwater supply, the Planning Board may order the property owner to grant permission for installation, or to install, groundwater monitoring wells and to conduct testing as provided in subsection (1) above. Installation of monitoring wells and testing and monitoring of groundwater in such cases shall be at the sole cost of the municipality or the Water Department, provided that if such testing indicates that the use is found to cause or contribute to a reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water Standards at the Water Department property line, the property owner shall reimburse the municipality or Water Department for all expenses incurred for installation, testing and monitoring.

3. Enforcement

   a. If any use causes or contributes to a reduction of eighty percent (80%) or more of the State Primary or Secondary Drinking Water Standards at the Water Department property line, the Code Enforcement Officer may require the owner of the property on which the contaminating use occurs to cease activity, install or construct mechanisms, or enact appropriate procedures to reduce the contamination.

Q. Definitions

1. In addition to definitions presented in Article 16, the following additional definitions apply to the provisions of Article 12.

   **Best Management Practice:** Procedures designed to minimize the impact of certain activities or land uses on groundwater quality and quantity, and shall include best management practices relating to groundwater quality as developed by the State of Maine Departments of Agriculture, Forestry, Transportation and Development pursuant to 38 M.R.S.A. § 410-J.

   **Chemical Bulk Storage:** Storage of a chemical or chemicals in a container or containers larger than those intended for normal homeowner or retailer purposes. Proper, non-commercial, homeowner use of chemicals is not included.

   **Construction and Commercial Equipment and Vehicle Storage:** Storage of construction
equipment or other commercial vehicles in excess of thirty (30) consecutive days in which the equipment is not used.

**Construction/Demolition:** Construction or demolition of facilities, buildings, etc. associated with the land uses or activities.

**Drinking Water Standards:** Primary and Secondary: Standards for drinking water as stated in the State of Maine Rules Relating to Drinking Water, Maine Department of Human Services.

**Dump:** (see Landfill)

**Floor Drain:** An opening in the floor that leads to the ground and/or is not permitted under other State, federal, or local regulations. Work sinks that lead to such drains are included.

**Fuel Oil Distributor, Fuel Oil Storage:** The storage of fuel for distribution or sale. Storage of fuel oil not for domestic use, i.e., not in tanks directly connected to burners.

**Gas Station, Service Station:** Any place of business at which gasoline, other motor fuels, motor oil or vehicle maintenance services are sold to the public for use in a motor vehicle, regardless of any other business on the premises.

**Horticulture:** The cultivation of soil, producing or raising crops, including gardening, horticulture and silviculture as commercial operations. The term shall also include greenhouses, orchards, nurseries, and versions thereof, but shall not include home gardens.

**Industrial Waste:** Wastes resulting from the processes employed in industrial manufacturing, trade, or business establishments.

**Inert Fill:** Material placed on or into the ground as fill that will not react chemically with soil, geologic material, or groundwater.

**Integrated Pest Management (IPM) Plan:** Integrated Pest Management (IPM) is the coordinated use of physical, biological and cultural controls and least-toxic pest control products and techniques to prevent unacceptable levels of pest damage by the most economical means with the least possible hazard to people, property and the environment. Integrated Pest Management involves the monitoring of pest populations, establishment of injury levels, modification of habitats (to eliminate sources of food, water, harborage and entry), utilization of least-toxic controls, and keeping of records and evaluation of performance on an ongoing basis.

**Intensive Open Space Uses:** Uses of open space that have the potential, because of their duration, frequency, or nature, to significantly impact the environment, particularly groundwater quality and quantity. Examples of intensive open space uses include: automobile or all-terrain vehicle racetracks or ranges, etc.

**Landfill:** An area used for the placement of solid waste, liquid waste or other discarded material on or in the ground.

**Nursery:** (see Agriculture, in Article 16)

**Open Space:** Land that is free of buildings and other permanent structures.

**Paving:** (see Construction)
**Pesticide/Herbicide Bulk Storage:** Storage of herbicides or pesticides intended for sale or intended for application on commercial premises or intended for application on cash crops. Homeowner storage or storage by non-commercial gardeners is not included.

**Salt or Sand/Salt Piles (uncovered):** Storage of any amount of salt or sand/salt mix, for any purpose, without a roof or other structure capable of preventing precipitation from reaching the salt or sand/salt.

**Silviculture:** The care and cultivation of forest trees; forestry.

**Sludge:** Residual material produced by water treatment or sewage treatment processes, industrial processes, or domestic septic tanks.

**Sludge Utilization:** The spreading of sludge on the ground or other use of sludge that might expose surface water or groundwater to the sludge.

**Snow Dump:** A location to which snow is transported and dumped by commercial, municipal, or State snowplowing operations.

**Solid Waste:** Discarded solid material with insufficient liquid content to be free flowing. This includes but is not limited to rubbish, garbage, scrap materials, junk, refuse, inert fill materials and landscape refuse.

**SPCC Plan:** Spill Prevention Control and Countermeasure Plan as described in 40CFR, Part 112 of Federal Oil Pollution Prevention Regulations.

**Stormwater Drainage:** A sewer or other system for conveying surface runoff due to storm events and unpolluted ground or surface water, including that collected by cellar drains, but excluding sanitary sewage and industrial waste.

**Stormwater Impoundment:** Any structure designed and constructed to contain stormwater runoff.

**Subsurface Injection:** (see Subsurface Sewage Disposal System in Article 16).

**Transfer Station; Recycling Facility:** Facility designed for temporary storage of discarded material intended for transfer to another location for disposal, re-use, and/or processing.

**Utility Corridor:** Right-of-way, easement, or other corridor for transmission wires, pipes or other facilities, for conveying energy, communication signals, fuel, water, wastewater, etc.

**Underground Storage Tank:** As defined by State of Maine regulations published by the Maine Department of Environmental Protection.

**Waste Disposal, Industrial/Commercial:** (See Industrial Waste)

**Wastewater:** Any combination of water-carried wastes from institutional, commercial and industrial establishments, and residences, together with any storm, surface or groundwater as may be present.

**Wastewater Treatment Plant:** Any arrangement of devices and structures used for treating wastewater.
Watershed: Land lying adjacent to water courses and surface water bodies which creates the catchment or drainage area of such water courses and bodies; the watershed boundary is determined by connecting topographic high points surrounding such catchment or drainage areas.

Well, Abandoned: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for the extraction or monitoring of groundwater, that has not been used for a period of two consecutive years.

Well, Existing or New: A shaft, casing, tile, hole, or pipe placed, drilled, or dug in the ground for extraction or monitoring of groundwater.

Wellhead: The specific location of a well (a hole or shaft dug or drilled to obtain water) and/or any structure built over or extending from a well.

Wellhead Overlay Protection District: A district, consisting of two zones, delineated according to Article 12.J of this Ordinance.

Zone of Contribution: The area from which groundwater flows to a pumping well.
Wellhead Overlay Protection

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ARTICLE 16. DEFINITIONS

A. Construction of Language

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

The word “person” includes firm, association, organization, partnership, trust, company, or corporation, as well as an individual or any other legal entity.

The word “lot” includes the words “plot”, “parcel”, “apartment”, “condominium unit”, “store”, “leased or rented area”, as well as land.

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

The words “Town” or “municipality” mean the Town of Waldoboro, Maine.

The words “governing authority” mean the legislative body of the municipality, which are the voters of the town meeting at a town meeting.

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

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

B. Definitions

The following terms shall have the following meanings:

100-year Flood: (see Base Flood)

Abutter: One whose property abuts, is contiguous, or joins at a border or boundary, including the property across the street, road, public way or private way.

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. Accessory structures, except those that require direct access to the water, must also meet all setback requirements. A guest house without kitchen facilities is an accessory structure. With kitchen, sleeping, bathing and sanitary facilities, it is a dwelling unit.

Active Recreation: Recreation activities which necessitate some degree of structural or mechanical components for participation in the activity.

Adjacent: Having a common border, more than a point.
Definitions

**Adjacent Grade:** The natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Administrative Appeal:** An appeal to the Board of Appeals from a determination made by the Code Enforcement Officer or Planning Board in enforcing this Ordinance. Such determinations may have involved an interpretation of the provisions of this Ordinance or a finding of fact.

**Adult Business Establishment/Adult Entertainment:** Any retail business whether conducted from a fixed or mobile location or vehicle, including, but not limited to, any bookstore, newsstand, novelty store, nightclub, bar, cabaret, amusement arcade or theater, which:

1. Keeps for public patronage or permits or allows the operation or use of any adult amusement device containing sexually explicit material; or

2. Permits any person on the premises, including an employee, entertainer or patron, to expose that person’s genitals, pubic hair, buttocks or perineum, or the areola of a female breast, to a patron or member of the general public; or

3. Exhibits or displays motion pictures or other visual representation described or advertised as being “X-rated” or “for adults only”, or which customarily excludes persons from any portion of the premises by reason of immaturity of age by the use of such or similar phrases; or

4. Offers as a substantial portion of its stock-in-trade books, magazines, or other periodicals, video recordings, or “marital aids” and devices characterized by emphasis on sexual activities.

**Affordable Housing:** Housing units which meet the sales price and/or rental targets established by the Waldoboro Comprehensive Plan.

**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 a permit or variance.

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

**Amusement Center:** Any private, commercial premises which are maintained or operated primarily for the amusement, patronage, or recreation of the public, containing four (4) or more table sports, pinball machines, video games, or similar mechanical or electronic games, whether activated by coins, tokens, or discs, or whether activated through remote control by the management.

**Animal Hospital:** (see Veterinary Hospital or Clinic).

**Animal Husbandry:** The keeping of any domesticated animals other than customary household pets.

**Antenna:** Any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio or electromagnetic frequency signals.
Antenna Height: The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure, even if said highest point is an antenna or tower. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the facility site. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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

Aquifer: Geologic deposits or structures from which useable quantities of ground water are available for households, municipalities or industries.

Archaeological Site: A site of potential archaeological importance, including sites identified by the Maine Historic Preservation Commission.

Area of Special Flood Hazard: The land in the floodplain having a one percent (1%) or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article 8 of this Ordinance.

Auction Barn: A building or facility in which periodic or regular public sales of property to the highest bidder are held.

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

Automobile Body Shop: A business establishment engaged in rebuilding or reconditioning of motor vehicles, or body, frame or fender straightening and repair, or painting and undercoating, but not the sale of gasoline, other motor fuels, or motor oil.

Automobile Graveyard: A yard, field or other area used as a place of storage of three (3) or more unregistered or un-inspected motor vehicles or parts thereof other than temporary storage by an establishment or place of business which is engaged primarily in doing auto repair work for the purpose of making repairs to render a motor vehicle serviceable.

Automobile Sales: Automobile sales consists of any of the following activities: purchasing of vehicles for the purpose of resale; selling more than five vehicles in any 12-month period; or advertising in any form three or more vehicles for sale or displaying three or more vehicles for sale within a 30-day period.

Barber, Beauty Shop: A commercial establishment whose business is cutting and dressing hair, shaving and performing related services.

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

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year, commonly called the 100-year flood.

Basement: Any portion of a structure with a floor-to-ceiling height of six (6) feet or more and having more than fifty percent (50%) of its volume below the existing ground level. For floodplain management purposes, basement means any area of the building having its floor sub grade (below ground level) on all sides.
Definitions

**Bed & Breakfast:** A single-family, owner occupied, dwelling in which lodging or lodging and meals are offered to guests for compensation, of no more than five (5) bedrooms for lodging purposes.

**Billboard:** A sign, structure or surface larger than four (4) square feet which is available for advertising goods or services rendered off the premises.

**Boardinghouse:** Any residential structure where lodging or lodging and meals are provided for compensation for a period of at least two (2) weeks, and where a family residing in the building acts as proprietor or owner and where there are no provisions for cooking in any individual room other than the main kitchen.

**Boathouse:** A non-residential structure designed for the purpose of protecting or storing boats and boating equipment for non-commercial purposes.

**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.

**Body of Water:** Shall include the following:

1. **Pond or Lake** - any inland impoundment, natural or manmade, which collects and stores surface water.

2. **Stream or River** - a free flowing drainage outlet, with a defined channel lacking terrestrial vegetation, and with flowing water for more than three (3) months during the year.

3. **Tidal** - any area upon which tidal action occurs.

**Borrow Pit:** An area which is excavated for earthen materials that are used off the premises.

**Bottle Club:** An establishment where no alcoholic beverages are sold, but where members, guests or customers provide their own alcoholic beverages, paying a fee or other consideration for admission or membership to the bottle club and/or for set-ups.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Brook:** A channel between defined banks including the floodway and associated floodplain wetlands where the channel is created by the action of the surface water and characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing water-borne deposits on exposed soil, parent material or bedrock.

**Buffer Area:** A part of a property or an entire property, which is not built upon and is specifically designed to separate and thus minimize the effects of a land use activity (e.g. noise, dust, visibility, glare, etc.) on adjacent properties or on sensitive natural resources.

**Building:** (see Structure).

**Building Height:** (See Height of a Structure).

**Building Supply Outlet:** A place where lumber and other building construction materials are sold.

**Business Sign:** An attached or freestanding structure which directs attention to a business or profession conducted on the premises.
Definitions

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

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

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

Catering: A business involving the preparation of food for consumption off the premises.

CEO: (See Code Enforcement Officer).

Certificate of Compliance: For floodplain management purposes, a document signed by the Code Enforcement Officer stating that a structure is in compliance with all of the provisions of this Ordinance for floodplain management purposes.

Certificate of Occupancy: Document certifying that premises comply with provisions of land use and/or building ordinances.

Child Care Facility: A building or buildings in which a person or persons maintains or otherwise carries out a program, for any part of the day, providing care and protection of children. Child Care Facilities, with or without consideration for the services rendered, may be operated as a service business or within a church or community building.

Child Care Minor: A home or establishment providing day care for up to 12 children under the age of 16 years.

Church: A building or structure, or group of buildings and structures, designed and used for the conduct of religious services, excluding schools.

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

Civic Service Facility: (See Community Service Organization).

Club: Any association of persons organized for sport, recreation, social, religious, benevolent, or academic purposes, whose facilities are open to members and guests, including fraternities, sororities, and social organizations.

Cluster Development: A development designed to promote the creation of open space by a reduction of dimensional and area requirements.

Cluster Housing: A housing development designed to create open space by a reduction of dimensional and area requirements.

Coastal High Hazard Area: The area subject to high velocity waters, including but not limited to hurricane wave wash or tsunamis. The area is designated on a Flood Insurance Rate Map as Zone VI-30, VE, or V.

Coastal Wetland: (See Wetland, Coastal).
**Code Enforcement Officer:** A person whose duty it is to administer and enforce this Ordinance. Reference to the Code Enforcement Officer may be construed to include Building Inspector, Plumbing Inspector, Electrical Inspector, and the like, where applicable.

**Collocation:** The use of a wireless telecommunications facility by more than one (1) wireless telecommunications provider.

**Commercial Recreation:** Any commercial enterprise which receives a fee in return for the provision of some recreational activity including, but not limited to: racquet clubs, health facilities, and amusement parks, but not including amusement centers.

**Commercial Use:** The use of lands, buildings, or structures, other than a “home occupation,” defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**Common Open Space:** Land within or related to a development, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development or the general public. It may include complementary structures and improvements, typically used for maintenance and operation of the open space, such as for outdoor recreation.

**Communication Tower:** (See Wireless Telecommunications Facility).

**Community Living Facility:** A housing facility for eight (8) or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living facility may include a group home, foster home or intermediate care facility.

**Community Service Organization:** A non-profit charitable institution, not to include private clubs, the primary function of which is serving the public health or social welfare of the community.

**Complete Application:** An application form, including the required fee, and all information required by this Ordinance, or the submission of an application form which has been approved by a vote of the Planning Board.

**Comprehensive Plan:** A document or interrelated documents adopted by the Town of Waldoboro containing an inventory and analysis of existing conditions, a compilation of goals for the development of the community, an expression of policies for achieving these goals, and strategies for implementation of the policies.

**Congregate Housing:** Residential housing consisting of private apartments and central dining facilities and within which a congregate housing supportive services program serves functionally impaired elderly occupants.

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

**Construction Services:** Commercial activities involved in the building or construction trades, including but not limited to earth moving, road construction, and building construction.

**Convenience Store:** A store of less than 2,000 square feet of floor space intended to serve the convenience of a residential neighborhood with items such as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items. A convenience store may include the sale of motor fuels. (See also Neighborhood Convenience Store).
Cottage Industry: A small scale light industrial operation consisting of less than 2,000 square feet of floor area.

DBH: (See Diameter at Breast Height).

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

Density: The number of dwelling units per acre of land.

DEP: The Maine Department of Environmental Protection.

Development: Any change caused by individuals or entities to improved or unimproved real estate, including but not limited to the construction of buildings or other structures; the construction of additions or substantial improvements to buildings or other structures; mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials; and the storage, deposition, or extraction of materials, public or private sewage disposal systems or water supply facilities. 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.

Diameter at Breast Height: The diameter of a standing tree measured 4.5 feet from ground level.

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.

District: A specified portion of the Town, delineated on the Land Use Map, upon which are imposed certain regulations in accordance with the requirements of this Ordinance.

Driveway: A vehicular access way serving two single-family dwellings or one two-family dwelling or a commercial use, which may serve up to two (2) lots plus the lot over which the access way is provided.

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

1. Single-Family Dwelling: Any building containing only one (1) dwelling unit for occupation by not more than one (1) family.

2. Two-Family Dwelling (Duplex): A building containing two (2) dwelling units which share a structural common wall. Occupancy is limited to not more than two (2) families.

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

**Dwelling Unit:** A room or suite of rooms designed and equipped exclusively for use by one (1) family as a habitation and which contains independent living, cooking, sleeping, bathing and sanitary facilities. The term includes manufactured homes and modular homes, but not recreational vehicles or motel units.

**Elevated Building:** A non-basement building

1. Built, in the case of a building in Zones A1-30 or A, to have the top of the elevated floor elevated above the ground level by means of pilings, columns, posts, piers, or “stilts;” and

2. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to two (2) feet above the magnitude of the base flood.

In the case of Zones A1-30 or A, Elevated Building also includes a building elevated by means of fill or solid foundation perimeter walls with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article 8.

**Elevation Certificate:** An official form (FEMA Form 81-31, 08/99, as amended) that:

1. Is used to verify compliance with the floodplain management regulations of the National Flood Insurance Program; and,

2. Is required for purchasing flood insurance.

**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.

**Engine:** A motor in which a fuel such as gasoline or diesel is burned by internal combustion.

**EPA:** The United States Environmental Protection Agency, a federal agency.

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

**Excavation:** Removal or recovery by any means of soil, rock, minerals, mineral substances or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

**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 a Use:** The addition of weeks or months to the operating season of a business, the addition of hours to a business day, the use of more floor area or ground area devoted to a particular use, or the provision of additional seats or seating capacity or the addition of antennas, towers, or other devices to an existing structure.

**FAA:** The Federal Aviation Administration, or its lawful successor.
Factory Farms: An establishment engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog farms, poultry/egg farms, and cattle feedlots.

Family: One (1) or more persons occupying a premise and living as a single housekeeping unit.

Farm, Commercial: Land qualified to be accepted in the State of Maine’s Farmland current-use property taxation program. The minimum size is five acres, and the land must yield a minimum of $2,000 in gross farm income per year, which can include the value of farm products consumed by the farm family.

Farmer’s Market: A public or private structure or area in which stalls or sales areas are set aside or rented and which are intended for use by its members to sell produce and farm products.

Farm Operation, Small Scale: The keeping of animals such as poultry, fowl, goats, sheep, pigs, cows, or horses and similar animals for immediate household use and not for commercial purposes. It also includes the growing of crops primarily for household use but may include the incidental sale of produce or food products.

Farm Stand: A booth, stall, stand, or temporary structure from which produce, farm products, and other food related items are sold to the public.

FCC: The Federal Communications Commission, or its lawful successor.

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

Financial Institution: A bank, savings and loan institution, or credit union.

Firewood Processing Facility: A place where firewood is delivered, cut and split, and from which it is sold for commercial purposes.

Flea Market: The sale of used merchandise, customarily involving tables or space leased or rented to vendors.

Floating Slab: A reinforced concrete slab which is designed to withstand pressures both from below and above.

Flood or Flooding:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
   a. The overflow of inland or tidal waters.
   b. The unusual and rapid accumulation or runoff of surface waters from any source.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph 1.a. of this definition.
**Flood Elevation Study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

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

**Flood Insurance Study:** (See Flood Elevation Study).

**Floodplain or Flood-Prone Area:** Any land area susceptible to being inundated by water from any source (see definition of flooding).

**Floodplain Management:** The operation of an overall program of corrective and preventive measures for floodplain management and regulation.

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

**Flood Proofing:** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway:** (See Regulatory Floodway).

**Floodway Encroachment Lines:** The lines marking the limits of floodways on federal, State, and local floodplain maps.

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

**Forest Management Activities:** Timber cruising and other forest resource evaluation activities, pesticide or fertilizer applications, 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.

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

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

**Frontage, Road:** The length of a lot bordering on a road measured in a straight line between the intersections of the lot lines and a road right-of-way to which the lot has legal access.

**Frost Wall:** A masonry foundation wall extending below the ground surface, supported by footings located below the frost-line to protect structures from frost heaves.
**Functionally Water-Dependent Uses:** Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that can not be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities (excluding recreational boat storage buildings), finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, retaining walls, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that can not reasonably be located or operated at an inland site, and uses that primarily provide general public access to coastal or inland waters.

**Garage Sale:** (See Yard Sale).

**Grade Beam:** That part of a foundation system (usually in a building without a basement) which supports the exterior wall of the superstructure, commonly designed as a beam which bears directly on the column footings, or may be self-supporting. The grade beam is located at the ground surface and is well-drained below.

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

**Great Pond Classified GPA:** GPA is the highest category with respect to water quality. All Great Ponds in Waldoboro are classified GPA as of 2007.

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

**Ground Water:** The water present in the saturated zone of the ground.

**Guest House, Commercial:** (See Inn).

**Hazardous Material:** A substance regulated by the U.S. Environmental Protection Agency or the Maine Department of Environmental Protection which is ignitable, corrosive, reactive and/or toxic. It includes “radioactive material” which is defined as any solid, liquid, or gas containing nuclides that spontaneously disintegrate or exhibit ionizing radiation.

**Hazardous Materials Use, Storage or Disposal Permit:** A certificate issued by the Waldoboro Planning Board authorizing the use, storage or disposal of hazardous materials for a specific use site by a specific person or firm and specifying such other requirements which the Planning Board finds to be necessary for the protection of the health, safety and welfare of the citizens of Waldoboro.

**Hazardous Waste:** A waste substance which is ignitable, corrosive, reactive and/or toxic. It includes 1) all wastes determined to be hazardous by the Resource and Recovery Act, Section 3001 and regulations promulgated pursuant to said section, including 40 CFR 261; 2) wastes determined to be hazardous by the State Board of Environmental Protection, pursuant to 38 M.R.S.A. § 1303 and 1303-A; 3) “Radioactive Waste” which is defined as any solid, liquid or gas residue, including spent fuel assemblies prior to reprocessing, remaining after the primary usefulness of the radioactive material has been exhausted and containing nuclides that spontaneously disintegrate or exhibit ionizing radiation.

**Height of a Structure:** The vertical distance between the mean original (prior to construction)
Definitions

grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennae, and similar appurtenances which have no floor area.

**Historic or Archaeological Resources:** Resources that are:

1. Listed individually in the National Register of Historic Places or eligible for listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior;
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by the Secretary of the Interior through the Maine Historic Preservation Commission; or
5. Areas identified by a governmental agency such as the Maine Historic Preservation Commission as having significant value as an historic or archaeological resource and any areas identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

**Historic District:** A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development and identified in the municipality's comprehensive plan, which is listed or is eligible to be listed on the National Register of Historic Places. Such historic districts may also comprise individual elements separated geographically, but linked by association or history.

**Historic Landmark:** Any improvement, building or structure of particular historic or architectural significance to the Town relating to its heritage, cultural, social, economic or political history, or which exemplifies historic personages or important events in local, state or national history identified in the municipality's comprehensive plan, which have been listed or are eligible to be listed on the National Register of Historic Places.

**Historic Structure:** (See Historic or Archeological Resources).

**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.

**Horse Operation Commercial:** Buildings, structures, and grounds used for the care, feeding, breeding, boarding, training, and raising of horses, including riding areas and the associated services related to these activities.

**Hospital:** A building or structure which is used for the housing and care of sick, hurt, or incapacitated human beings. It may also include accessory uses which are directly associated with the housing and care of sick, hurt, or incapacitated human beings such as kitchen facilities, solariums, dormitories, physicians' offices, etc.

**Hotel:** A building in which lodging or meals and lodging are offered to the general public for compensation and in which ingress and egress to and from the rooms are made primarily through
an inside lobby or office. The hotel may contain such accessory services and facilities as newsstands, personal grooming facilities and restaurants.

**Household Waste:** Any waste material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels).

**Illuminated, Interior:** Lighting provided by means other than a light shining on the object.

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

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

**Industrial:** The use of real estate, buildings or structures, or any portion thereof, for assembling, fabricating, finishing, manufacturing, packaging or processing operations, including the processing of raw materials, or the large scale storage of flammable or explosive materials. The following uses are not permitted: commercial tannery, explosive manufacturing, rendering, petroleum refinery, slaughterhouse, storage of hazardous, biomedical, or radioactive waste, except as permitted in Article 9, and nuclear power.

**Industrial, Light:** For definition, see specific performance standards for light industry in Article 5 section O Light Industry, subsection 1 Specific Performance Standards.

**Inn:** A building, which contains a dwelling unit occupied by an owner or resident manager, in which up to ten (10) lodging rooms or lodging rooms and meals are offered to the general public for compensation, and in which entrance to bedrooms is made through a lobby or other common room. Inn includes such terms as guest house, lodging house and tourist house, but not bed and breakfast, hotel or motel.

**Institutional:** Devoted to some public, governmental, educational, charitable, religious, medical or similar purpose.

**Junkyard:** A yard, field or other area used as a place of storage, for:
1. Discarded, worn-out or junked plumbing, heating supplies, household appliances and furniture;
2. Discarded, scrap and junked lumber;
3. Old or scrap copper, brass, ropes, rags, batteries, motor vehicle parts, paper trash, rubber or plastic debris, waste and all scrap iron, steel and other scrap ferrous or non-ferrous material;
4. Garbage dumps, waste dumps, and private sanitary landfills; and

5. Automobile graveyards.

Kennel, Commercial: Any place, building, tract of land, abode, enclosure, or vehicle where dogs or other pets are kept, bred or trained for their owners in return for a fee.

Kiosk: A small detached building not more than 144 square feet in area used to sell goods or services including food.

Laundromat: An establishment providing washing, drying or dry cleaning machines on the premises for rental use to the general public for family laundering or dry cleaning purposes.

Level of Service: A description of operating conditions a driver will experience while traveling on a particular street or highway calculated in accordance with the provisions of the Highway Capacity Manual, 1991 edition, published by the National Academy of Sciences, Transportation Research Board. There are six (6) levels of service ranging from Level of Service A, with free traffic flows and no delays, to Level of Service F, with forced flow and congestion resulting in complete failure of the roadway.

Light Manufacturing: A use engaged in the manufacture of finished products or parts, predominately from previously prepared materials, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing.

Line of Sight: The direct view of the object from the designated scenic resource.

Livestock Operations: Agriculture operations where the principal activity is the boarding or raising or keeping of animals or fowl for commercial purposes.

Locally Established Datum: An elevation established for a specific site to which all other elevations at the site are referenced. This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD) or any other established datum and is used in areas where Mean Sea Level data is too far from a specific site to be practically used.

Lodging House: (See Inn).

Lot: A parcel of land occupied or capable of being occupied by one (1) building and the accessory buildings or uses customarily incidental to it, including such open spaces as are required by ordinances, and having the required frontage upon a public street, right-of-way or private way. A substandard lot cannot be made conforming by adding a parcel of land across a public road. See Back Lot, below.

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 road rights-of-way serving more than two (2) additional lots.

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

Lot Coverage: The percentage of the lot covered by all buildings, structures, parking areas, and outside storage and processing.

Lot, Interior: Any lot other than a corner lot or back lot.
Definitions

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

1. **Front Lot Line:** On an interior lot, the line separating the lot from the street right-of-way. On a corner or through lot, the line separating the lot from either the street or right-of-way, which provides legal access to the lot.

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

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

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

**Lowest Floor:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements in Article 8, Section C.12 of this Ordinance.

**Manufactured Home:** A structural unit or units designed for occupancy and constructed in a manufacturing facility and transported, by the use of its own chassis, or placed on an independent chassis, to a building site. The term includes any type of building that is constructed at a manufacturing facility and transported to a building site where it is used for housing and may be purchased or sold by a dealer in the interim. For purposes of this definition, three types of manufactured housing are included. These three types are:

1. Those units constructed after June 15, 1976, commonly called “newer manufactured home,” that the manufacturer certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures transportable in one (1) or more sections, that in the traveling mode are fourteen (14) body feet or more in width and are 750 or more square feet, and that are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air conditioning or electrical systems contained in the unit. This term also includes any structure that meets all the requirements of this subparagraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, Title 42, Section 5401, et. seq.,

2. Those units commonly called “modular homes,” that the manufacturer certifies are constructed in compliance with Title 10, Chapter 951, and rules adopted under that chapter, meaning structures, transportable in one (1) or more sections, that are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical system contained in the unit (not included as manufactured homes are those units commonly called park trailers, travel trailers, and other similar vehicles placed on a site more than 180 consecutive days), and

3. Those units constructed prior to June 15, 1976, meaning structures, transportable in one or more sections, which are eight (8) body feet or more in width and are thirty-two (32) body
feet in length, and which are built on a permanent chassis and designed to be used as dwellings, with or without permanent foundations, when connected to the required utilities, including the plumbing, heating, air-conditioning, or electrical systems contained therein.

**Manufactured Home Park Lot:** The area of land on which an individual home is situated within a manufactured home park and which is reserved for use by the occupants of that home.

**Manufactured Home Park or Subdivision:** A parcel, or contiguous parcels, of land divided into two (2) or more manufactured home lots for rent or sale.

**Manufacturing:** (See Industrial).

**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, boat 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.

**Masonry-Type Skirting:** Concrete, concrete blocks, brick, stone or similar materials which are arranged to resemble a foundation.

**Mass Gathering:** The gathering of more than 100 people for an event other than a birthday party, wedding, or similar family gathering at a location not already approved for such a gathering.

**Mean Sea Level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate map are referenced.

**Mechanized Recreation:** Recreation activities which require the use of motors or engines for the operation of equipment or participation in the activity.

**Medical Marijuana:** All parts of the genus Cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient’s debilitating medical condition or symptoms associated with the patient’s debilitating medical condition.

**Medical Office:** An establishment where patients are admitted for examination and treatment by one (1) or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

**Methadone:** A potent synthetic drug that is less addictive than morphine or heroin and is used as a substitute for those drugs in addiction treatment programs.

**Methadone Clinic:** A licensed facility for the counseling and treatment with methadone of persons with opiate addictions on an outpatient basis.

**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 100 cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its
natural location and transports the product removed, away from the extraction site.

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

**Minor Commercial Additions:** Additions to commercial structures which range in size between 500 square feet and 1,500 square feet.

**Minor Development:** For floodplain management purposes, all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty percent (50%) of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article 8 Section C.10, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

**Mixed Use:** A combination of residential and nonresidential use as indicated as a permitted use on the Schedule of Uses Matrix contained in this Ordinance, exclusive of home occupations, on a single lot, but not necessarily in the same structure.

**Mobile Home:** (See Manufactured Home).

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

**Multi-Family Dwelling:** (see Dwelling: Multi-Family Dwelling)

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

**Native:** Indigenous to the local forests.

**Neighborhood Convenience Store:** A store of less than 600 square feet of floor space intended to service the convenience of a residential neighborhood with such items as, but not limited to, basic foods, newspapers, emergency home repair articles, and other household items and having no fuel pumps. (See also Convenience Store).

**Net Developable Acreage:** The acreage available for development, excluding the area for streets or access except a driveway right-of-way for one (1) or two (2) additional lots and the areas which are unsuitable for development as provided for in Article 4, Section H.

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

**New Construction:** For the purpose of Article 8, structures for which the “start of construction” commenced on or after the effective date of the initial floodplain management regulations adopted by a community and includes any subsequent improvements to such structures. See also Start of Construction.

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

**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 Structure:** A structure which does not meet any one (1) 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 permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**Normal High-Water Line:** That line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between 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 than 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.

**Normal High-Water Line (adjacent to tidal waters):** Setbacks are measured from the upland edge of the "coastal wetland."

**Nursing Home:** Any facility which provides meals, lodging and nursing care for compensation.

**Office:** A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

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

**Opioid Treatment Facility:** is any treatment facility certified by federal Substance Abuse and Mental Health Services Administration (SAMHSA) in conformance with 42 Code of Federal Regulations (C.F.R), Part 8, to provide supervised assessment and MAT (Medication Assisted Treatment) for clients who are opioid addicted.

**Parabolic Antenna (also known as a satellite dish antenna):** An antenna which is bowl-shaped, designed for the reception and/or transmission of radio frequency communication signals in a specific directional pattern.

**Parking Lot:** A premises used primarily for the parking or storage of vehicles.

**Parking Space:** An area for the parking of a vehicle, exclusive of drives or aisles.

**Parks and Recreation Facilities:** Non-commercially operated recreation facilities open to the general public including, but not limited to, playgrounds, parks, monuments, green strips, open space, mini-parks, athletic fields, boat launching ramps, piers and docks, picnic grounds, swimming pools, and wildlife and nature preserves, along with any necessary accessory facilities, rest rooms, bath houses, and the maintenance of such land and facilities, but not including campgrounds, commercial recreation, and amusement centers as defined elsewhere in this Ordinance.

**Passive Recreation:** Parkland or open space devoted or intended exclusively for undeveloped and noncompetitive leisure activities. Examples of such activities are hiking, jogging, hunting, fishing, wilderness camping, bird-watching, and nature study. Passive recreation may be either commercial
or noncommercial and may be open to the general public or restricted.

**Performance Guarantee:** (See Article 6 Section G).

**Person:** An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

**Personal Property:** Property which is owned, utilized and maintained by an individual or members of his or her household and acquired in the normal course of living in or maintaining a residence and is not attached to or affixed to the ground or a structure. It does not include merchandise which was purchased for resale or obtained on consignment.

**Personal Services:** A business which provides services but not goods, such as hairdressers, shoe repair, etc.

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

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

**Planning Board:** The Planning Board of the Town of Waldoboro.

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

**Pond:** (See Body of Water).

**Porch Sale:** (See Yard Sale).

**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.

**Private Road:** Same as Private Street. (See also Street Classification).

**Professional Offices:** The place of business for doctors, lawyers, accountants, architects, surveyors, psychiatrists, psychologists, counselors, but not including financial institutions or personal services.

**Public Building, Use:** Any building or land held, used or controlled exclusively for public purposes by any department or branch of government, federal, State, county or municipal, without reference to ownership of building or the real estate upon which it is situated.

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

**Recent Flood Plain Soils - The following soil series as described and identified by the**
Definitions

**National Cooperative Soil Survey:**

<table>
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<tr>
<th>Map Symbol</th>
<th>Soil Map Unit Name</th>
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<tr>
<td>Be</td>
<td>Beaches</td>
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<td>Ch</td>
<td>Charles silt loam</td>
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<tr>
<td>Le</td>
<td>Lovewell very fine sandy loam</td>
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<td>My</td>
<td>Medomak silt loam</td>
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<tr>
<td>Su</td>
<td>Sulfihemists and sulfaquents, frequently flooded</td>
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**Recreational Facility:** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual low-impact recreational activities.

**Recreational Vehicle:** A vehicle or an attachment to a vehicle designed to be towed or self-propelled, 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 and meet the following:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection, not including slide outs;
3. Designed to be self-propelled or permanently towable by a motor vehicle; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

**Recycling Center:** A facility which handles recyclable solid materials that have been separated from the municipal waste prior to their receipt at the recycling facility, and are free from and will not produce putrescible or other solid wastes, liquid wastes, or any special or hazardous wastes. A recycling facility shall not include any facility which requires a permit for the operation of an automobile graveyard/junkyard. A recycling center may include a redemption center as an ancillary and subsidiary use.

**Redemption Center:** A stand-alone facility licensed by the Maine Department of Agriculture which collects beverage containers and refunds the statutory deposit pursuant to 32 M.R.S.A. § 1861. The facility shall also store the beverage containers on-site for a period of time not to exceed thirty (30) days for ultimate collection by the beverage distributor.

Registered Cultivation Facility: A location at which marijuana is cultivated pursuant to 22 M.R.S.A §2428. The location is considered to be and must abide by, all ordinance provisions regarding a Registered Cultivation Facility whether it be is at the same location as its associated Registered Dispensary or at a different location pursuant to 22 M.R.S.A §2428(2)(A)(3). A Registered Cultivation Facility is not considered an accessory use.

Registered Dispensary: A registered dispensary as defined by 22 M.R.S.A §2422; “registered dispensary” or “dispensary” means a not-for-profit entity registered under section 2428 that acquires, possesses, cultivates, manufactures, delivers, or dispenses marijuana or related supplies and educational materials to registered patients and the registered primary caregivers of those patients.

**Regulatory Floodway:**

1. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water
surface elevation more than one (1) foot, and

2. When not designated on the community's Flood Insurance Rate Map or Flood Boundary and Floodway Map, it is considered to be the channel of a river or other water course and the adjacent land areas to a distance of one-half the width of the floodplain, as measured from the normal high water mark to the upland limit of the floodplain.

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

Research Lab / Facility: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but are not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

Residential Appearance: Siding materials such as clapboards, shingles and shakes, including synthetic or metal siding manufactured to closely resemble clapboards, shingles and shakes. This term shall also include masonry, brick, stucco, and wood board-and-batten.

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 (1) family and containing cooking, sleeping, bathing and toilet facilities. The term shall include guest houses with kitchen facilities for preparing, cooking and storing food, manufactured homes, but not recreational vehicles.

Residual Basal Area: The sum of the basal area of trees remaining on a harvested site.

Resource Extraction: Any operation within a 12-month period which removes more than 100-cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and which transports the product removed away from the extraction site.

Restaurant: An establishment where meals are prepared and served to the public for consumption for compensation.

1. Standard Restaurant: A business involving the preparation and serving of meals for consumption on the premises, requiring moderate amounts of time between the period of ordering and serving the meal.

2. Fast Food Restaurant: A business involving the preparation and serving of meals for consumption on the premises or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal, which is served in disposable containers.

3. Drive-In Restaurant: A business involving the preparation and serving of meals for consumption on the premises in a motor vehicle or off the premises, normally requiring short amounts of time between the period of ordering and serving of the meal, which is served in disposable containers.

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

Retail: Connected with the sale of goods to the ultimate consumer for direct use and consumption and not for trade.

Right-of-Way: The area or strip of land over which the public has a right of passage in the case of
Definitions

a public way or street, or over which a private individual has the right of passage in the case of a private way, or over which the Town of Waldoboro or a utility has the right of passage for the installation, maintenance and repair of utility infrastructure.

**Rip-Rap:** 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 floodplain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

**Riverine:** Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**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.

**Salt Marsh:** An area along coastal waters (most often along coastal bays) which supports salt tolerant species, and where at average high tide during the growing season, the soil is regularly inundated by tidal waters. The predominant species is salt marsh cord grass (*Spartina alterniflora*). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

**Salt Meadow:** An area which supports salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cord grass (*Spartina patens*) and black rush; common threesquare occurs in fresher areas.

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

**Sawmill:** A mill or machine for sawing logs for commercial purposes.

**School:**

1. **Public and Private - including Parochial School:** An institution for education or instruction where any branch or branches of knowledge is imparted and which satisfies either of the following requirements:
   a. The school is not operated for a profit or a gainful business; or
   b. The school teaches courses of study which are sufficient to qualify attendance thereby in compliance with State compulsory education requirements.

2. **Commercial School:** An institution which is commercial or profit-oriented. Examples thereof are dancing, music, riding, correspondence, aquatic schools, driving or business.

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

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

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

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

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

**Shipping Container:** A roofed or unroofed container placed outdoors and used for the storage of goods, materials or merchandise, which are utilized in connection with a lawful principal or accessory use of the lot. The term “shipping container” includes, but is not limited to, containers such as boxcars, semi-trailers, roll-off containers, slide-off containers, railroad cars and “piggy-back” containers.

**Shopping Center:** A group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit related in its location, size and type of shops to one trade area that the unit serves. The unit provides on-site parking in definite relationship to the types and total size of the stores.

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

**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, river, or saltwater body; within two hundred and fifty (250) feet of the upland edge of a coastal or freshwater wetland; or within seventy-five (75) feet of the normal high-water line of a stream.

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

**Sight Distance:** The length of an unobstructed view from a particular access point to the farthest visible point of reference on a roadway.

**Sign:** A display surface, fabric or device containing organized and related elements (letters, pictures, products, or sculptures) composed to form a single unit, designed to convey information visually and which is exposed to the public view. In cases where matter is displayed in a random or unconnected manner without an organized relationship, each such component shall constitute a sign.

**Skid trail:** A route repeatedly used by forwarding machinery or animals to haul or drag forest products from the stump to the yard or landing, the construction of which requires minimal excavation.

**Slash:** The residue, e.g., treetops and branches, left on the ground after a timber harvest.

**Social, Fraternal Organization:** A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal membership requirements.

**Special Flood Hazard Area:** (see Area of Special Flood Hazard)
Definitions

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

**Stream:** A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial free-flowing bodies of water as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river, or flows to another water body or wetland within the shoreland area.

**Street:** An existing State, County, or Town way or a road available for public or private use and shown upon a plan duly approved.

**Street Classification:**

1. **Arterial:** A major continuous route serving substantial statewide and interstate travel, linking cities, larger towns, and other major traffic generators, as classified by the Maine Department of Transportation (MDOT) under the provisions of 23 M.R.S.A. § 53 as amended. MDOT has classified U.S. Route 1 as a major arterial and Winslows Mills Road (Route 32) as a minor arterial.

2. **Collector:** A road that carries traffic between residential areas and arterials, and roads between smaller communities, as classified by the Maine Department of Transportation, as cited above. Major collectors in Waldoboro are Route 220 and Bremen Rd. (Route 32). Minor collectors in Waldoboro are State Route 235 between U.S. Route 1 and the Warren town line, and Old Route 1 between the village center north to where it intersects with Route 1 in East Waldoboro.

3. **Industrial or Commercial:** A street servicing industrial or commercial uses.

4. **Minor:** A street providing access to adjacent land and primarily serving local traffic.

5. **Private:** A vehicular access way serving more than two (2) dwelling units, which is not proposed to be dedicated to the Town.

**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 and satellite dishes.

**Structure:** For floodplain management purposes, a walled and roofed building. A gas or liquid storage tank that is principally above ground is also a structure.
**Subdivider:** An individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity, or agent thereof, that proposes to build a subdivision. The term “subdivider” may include “developer” and “builder”.

**Subdivision:** The division of a contiguous tract or parcel of land in the same ownership into three (3) or more lots within any five-year (5) period, which period begins after September 22, 1971, whether accomplished by sale, lease, development, buildings or otherwise, provided that a division accomplished by devise, condemnation, order of court, gift to a person related to the donor by blood, marriage or adoption, unless the intent of such gift is to avoid the objectives of this section, or by transfer of any interest in land to the owner of land abutting thereon, shall not be considered to create a lot or lots for the purpose of this section.

In determining whether a tract, parcel of land or structure is divided into three or more lots, the first dividing of such tract or parcel, unless otherwise exempted herein, shall be considered to create the first two (2) lots and the next dividing of either of said first two (2) lots, by whomever accomplished, unless otherwise exempted herein, shall be considered to create a third lot, unless both such dividings are accomplished by a subdivider who shall have retained one of such lots for his own use as a single-family residence or dwelling unit for a period of at least five (5) years prior to such second dividing. Each dwelling unit shall be considered to be a lot except for an accessory apartment physically attached to the primary dwelling unit.

**Substantial Alteration:** Any change in shape, size or design of a structure that involves expanding the floor area or volume.

**Substantial Damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

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

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

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

**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 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. §414, any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.
Definitions

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

**Targeted Market Coverage Area:** The area which is targeted to be served by a proposed telecommunications facility.

**Temporary Building/Structure:** (See Structure)

**Tent:** A portable shelter of canvas or other fabric, flexible plastic, etc., supported by poles or a metal frame, used for the purpose of temporary living quarters.

**Tenting and Camper Trailer Park:** (See Campground).

**Theater:** A facility devoted to showing motion pictures, or for dramatic, musical, or other live performances.

**Tidal waters:** All waters affected by tidal action during the maximum spring tide.

**Timber Harvesting:** The cutting and removal of timber for the primary purpose of selling or processing forest products. The cutting or removal of trees in the shoreland zone on a lot that has less than two (2) acres within the shoreland zone shall not be considered timber harvesting. Such cutting or removal of trees shall be regulated pursuant to Article 7. K. 17, Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting.

**Tract or Parcel of Land:** All contiguous land in the same ownership, provided that lands on the 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.

**Traveled Way:** That portion of the roadway for the movement of vehicles, exclusive of shoulders.

**Tributary Stream:** A channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing water-borne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. “Tributary stream” does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity.

This definition does not include the term “stream” as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

**Trucking Terminals:** Structures and parking areas for truck cabs and trailers used as a place to load and unload products, temporary storage of materials, and to dispatch vehicles for delivery. May also include vehicle repair and service, truck cleaning / washing, and related services.

**Undue Hardship:** The criteria for a finding of undue hardship are that the land in question cannot yield a reasonable return unless a variance is granted; that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; that the granting of a variance will not alter the essential character of the locality; and that the hardship is not the result of action taken by the applicant or a prior owner.

**Unreasonable Adverse Impact:** The criteria for a finding of unreasonable adverse impact are that the proposed project would produce an end result which is:
Definitions

1. Excessively out-of-character with the designated scenic or other resources affected, including existing buildings, structures and features within a designated resource; and
2. Would significantly diminish the value of the designated resource.

Upland Edge: The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the maximum spring tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for a duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are six (6) meters (approximately twenty (20) foot) tall or taller.

Used Merchandise Sales: The outdoor sale of used articles, conducted for more than five (5) calendar days or for more than two (2) weekends per year. Used merchandise sales include flea markets.

Variance: A relaxation of the terms of this Ordinance where such variance would not be contrary to the public interest where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. A financial hardship shall not constitute grounds for granting a variance. The crucial points of variance are undue hardship and unique circumstances applying to the property. Variances are granted by the Board of Appeals.

Vegetation: All live trees, shrubs, ground cover, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and a half (4.5) feet above ground level.

Vehicle Sales: Any business which involves a parking or display area for the sale of new or used cars, trucks, motorcycles, campers, farm equipment, recreational vehicles, mobile homes, boats, automobile sales, ATV’s, snowmobiles, land and garden tractors, or similar products.

Vehicle Service: A place where, with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body frame or fender straightening and repair, automobile body shop, overall painting and undercoating of automobiles, and vehicle washing, cleaning, and reconditioning.

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.

Vernal Pool / Spring Pool: A shallow depression that usually contains water for only part of the year.

Veterinary Hospital or Clinic: A building used for the diagnosis, care and treatment of ailing or injured animals, which may include overnight accommodations. The overnight boarding of healthy animals shall be considered a kennel.

View point: That location which is identified either in the municipally adopted comprehensive plan or by a federal or State agency, and which serves as the basis for the location and determination of a particular designated scenic resource.

Violation: The failure of a structure or other development to fully comply with a community’s regulations or ordinance.
**Definitions**

**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.

**Waiver:** A Planning Board decision not to require a normally-required element of an application, for cause.

**Warehousing:** The storage, deposit or stocking of merchandise or commodities in a structure or room.

**Water Body:** (See “Body of Water”).

**Water Crossing:** Any project extending from one bank to the opposite bank of a river or stream, whether under, through, or over the water course. 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.

**Water-Oriented Business:** A commercial or industrial facility which by its nature of operation requires a shorefront location, such as, but not limited to, boatyards, marinas, boathouses, and commercial fisheries facilities.

**Wetlands Associated with Great Ponds and Rivers:** Wetlands associated with great ponds or rivers are considered to be part of that great pond or river when they are contiguous with or adjacent to the great pond or river and during normal high water are connected by surface water to the great pond or river or are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river.

**Wetland, Coastal:** All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat or other contiguous low land that is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

**Wetland, Forested:** Freshwater wetland dominated by woody vegetation that is approximately 20 feet tall, or taller.

**Wetland, Freshwater:** 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;

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

3. Not considered part of a great pond, coastal wetland, river, stream, or brook.

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

**Wetland, Inland:** Land, including submerged land, which consists of any of the soil types designated as poorly drained, or very poorly drained, and alluvial soils by the National Cooperative
Soil Survey.

**Wholesale:** Selling to retailers or jobbers rather than to consumers.

**Wireless Telecommunications Facility:** Any structure, antenna, tower, or other device which provides radio/television transmission, commercial mobile wireless services, unlicensed wireless services, cellular phone services, specialized mobile radio communications (SMR), common carrier wireless exchange phone services, and personal communications service (PCS) or pager services.

**Wood Working:** A commercial activity involved in constructing, processing, cutting, and assembling wood products, furniture, and similar wood products.

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

**Yard:** The cleared developed area around a structure.

**Yard Sale:** All general sales open to the public, conducted from or on residential premises for the purpose of disposing of personal property. Yard sale includes garage sales, porch sales, tag sales, and the like. Unless they occur on more than five (5) calendar days or for more than three (3) weekends a year, they shall not be considered to be “used merchandise sales” as defined in this Ordinance and shall not require a permit from the Code Enforcement Officer.
Appendix A. Maps